

1 RICHARDS, WATSON & GERSHON
A Professional Corporation
2 GINETTA L. GIOVINCO (BAR NO. 227140)
ggiovinco@rwglaw.com
3 350 South Grand Avenue, 37th Floor
Los Angeles, California 90071
4 Telephone: 213.626.8484
Facsimile: 213.626.0078

5 Klein, DeNatale, Goldner
6 Cooper, Rosenlieb & Kimball, LLP
JOSEPH D. HUGHES (BAR NO. 169375)
7 4550 California Avenue, 2nd Floor
Bakersfield, CA 93309
8 Telephone: 661.395.1000
Facsimile: 661.326.0418
9 E-mail: jhughes@kleinlaw.com

10 Attorneys for Respondent
CITY OF TEHACHAPI

FILED
SUPERIOR COURT OF CA, COUNTY OF KERN
APR 6 2022
BY *[Signature]*, DEPUTY

RICHARDS WATSON GERSHON
ATTORNEYS AT LAW - A PROFESSIONAL CORPORATION

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF KERN
14

15 TEHACHAPI-CUMMINGS COUNTY
WATER DISTRICT, a California water
16 district,

17 Petitioner,

18 v.

19 CITY OF TEHACHAPI, a California
municipal corporation; and DOES 1 through
20 20, inclusive,

21 Respondents.

22 GREENBRIAR CAPITAL
CORPORATION, a British Columbia
23 corporation; GREENBRIAR CAPITAL
HOLDCO, INC., a Delaware corporation;
24 GREENBRIAR CAPITAL (U.S.), LLC, a
Delaware limited liability company;
25 JEFFREY CIACHURSKI, an individual;
and DOES 21 through 40, inclusive,

26 Real Parties in Interest.
27
28

Case No. BCV-21-102184

**JOINT STIPULATION TO TRANSFER
VENUE TO SACRAMENTO COUNTY
SUPERIOR COURT; [~~PROPOSED~~]
ORDER**

Action Filed: September 16, 2021

Assigned for All Purposes to the
Hon. Kenneth C. Twisselman II

[Exempt from filing fees pursuant to Govt. Code § 6103]

STIPULATION

1
2 The parties in the above-referenced action, specifically, petitioner Tehachapi-
3 Cummings County Water District (“TCCWD”), respondent City of Tehachapi
4 (“Tehachapi”), and real parties in interest Greenbriar Capital Corporation, Greenbriar
5 Holdco, Inc., Greenbriar Capital (U.S.) LLC, and Jeffrey Ciachurski (collectively, “Real
6 Parties”), through their respective undersigned counsel of record, hereby stipulate as
7 follows:

8 WHEREAS, on or about September 16, 2021, TCCWD filed the above-captioned
9 lawsuit (the “Action”), by way of a Petition for Writ of Mandate and Complaint for
10 Declaratory and Injunctive Relief; and

11 WHEREAS, Tehachapi and the Real Parties have been served with the Action; and

12 WHEREAS, the Action was filed in Kern County Superior Court because the
13 residential development project that is the subject of the Action is located in Kern County,
14 and both TCCWD and Tehachapi are located wholly within Kern County; and

15 WHEREAS, Code of Civil Procedure section 394(a) provides, in relevant part, that
16 “an action...against...a city...may be tried in the county...in which the city...is situated,
17 unless the action or proceeding is brought by...a local agency...in which case it may be
18 tried in any county, or city and county, not a party thereto and in which the city...is not
19 situated”; and

20 WHEREAS, Code of Civil Procedure section 394(a) “establishes a mandatory right
21 to transfer to a neutral county” when the action is brought against a local agency in a county
22 in which the petitioner is situated (*Golden Gate Bridge, Highway & Transp. Dist. v.*
23 *Superior Court* (2004) 125 Cal.App.4th 177, 182); and

24 WHEREAS, in actions between two local agencies, such as TCCWD and Tehachapi,
25 Code of Civil Procedure section 394(a) provides a right to transfer the case to a “neutral”
26 county (*County of San Bernardino v. Superior Court* (1994) 30 Cal.App.4th 378, 387-388);
27 and

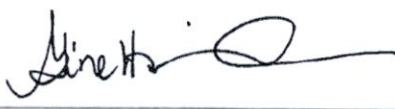
28 ///

1 WHEREAS, Tehachapi has requested that TCCWD stipulate to a transfer of venue;
2 now, therefore:

3 IT IS HEREBY STIPULATED that in order to avoid the need for a noticed motion
4 and the associated expenditure of judicial and party resources, the parties to this Action
5 agree that venue shall be transferred to neutral Sacramento County Superior Court.

6
7 DATE: April 4, 2022

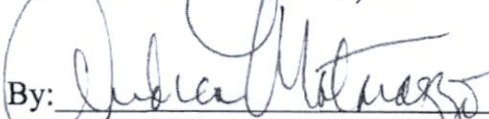
RICHARDS, WATSON & GERSHON
A Professional Corporation
GINETTA L. GIOVINCO

8
9
10 By: 

11 GINETTA L. GIOVINCO
12 Attorneys for Respondent
13 CITY OF TEHACHAPI

14 DATE: April 4, 2022

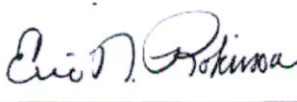
PIONEER LAW GROUP, LLP

15
16 By: 

17 ANDREA A. MATARAZZO
18 DANIEL A. KING
19 KATHRYN L. PATTERSON
20 Attorneys for Petitioner
21 TEHACHAPI-CUMMINGS COUNTY
22 WATER DISTRICT

23
24
25 DATE: April 4, 2022

KRONICK MOSKOVITZ TIEDEMANN &
GIRARD

26
27 By: 

28 ERIC ROBINSON
Attorneys for Real Parties in Interest
GREENBRIAR CAPITAL CORPORATION
GREENBRIAR CAPITAL HOLDCO, INC.
GREENBRIAR CAPITAL (U.S.), LLC
JEFFREY CIACHURSKI

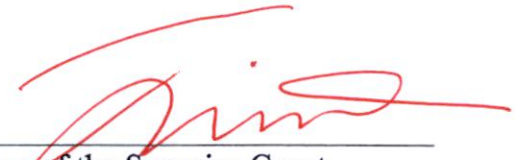
[PROPOSED] ORDER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Pursuant to Code of Civil Procedure section 394(a) and the stipulation of the parties to the above entitled action, and for good cause shown, venue shall be transferred to neutral Sacramento County Superior Court.

IT IS SO ORDERED.

Dated: 4/6/22

By: 
Judge of the Superior Court

 RICHARDS WATSON GERSHON
ATTORNEYS AT LAW - A PROFESSIONAL CORPORATION