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ELECTRONICALLY FILED BY  
Superior Court of California,  
County of Monterey  
On 07/01/2025  
By Deputy: Nazarian, Agnes

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MONTEREY**

RICHARDS J. HEUER III, an individual,  
on behalf of himself and all others similarly  
situated,

Plaintiff,

v.

MONTEREY PENINSULA WATER  
MANAGEMENT DISTRICT, a California  
public agency; and DOES through 10,

Defendants.

**CASE NO. 24 CV002642**

*Unlimited Jurisdiction*

**CLASS ACTION**

(Case assigned to Hon. Carrie M. Panetta)  
Dept 14)

~~PROPOSED~~ **ORDER GRANTING  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Date: July 1, 2025

Time: 10:00 a.m.

Dept. 14

Complaint Filed: June 25, 2024

~~PROPOSED~~ ORDER FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

1 This matter came before the Court as Plaintiff’s Motion for Preliminary Approval of a Class  
2 Action Settlement (“Motion”) on July 1, 2025 at 10:00 a.m. in Department 14 of the Superior Court of  
3 California for the County of Monterey, the Honorable Carrie M. Panetta presiding.

4 Appearing for Plaintiff Richards J. Heuer III (“Plaintiff”) were Prescott W. Littlefield of Kearney  
5 Littlefield, LLP and Eric J. Benink of Benink & Slavens, LLP.

6 Appearing for Defendant, the Monterey Peninsula Water Management District (“District”), was  
7 Matthew C. Slentz of Colantuono, Highsmith & Whatley, PC.

8 Plaintiff and the District are referred herein together as “Parties.” Upon reviewing the Motion,  
9 the Class Settlement Agreement and Stipulation and exhibits attached thereto (“Settlement Agreement”  
10 or “Settlement”) (attached as Exhibit 1 to the Declaration of Prescott Littlefield in Support of Motion  
11 for Preliminary Approval of Class Action Settlement filed concurrently with the Motion), and  
12 accompanying supporting declaration and pleadings, and good cause appearing thereon, IT IS HEREBY  
13 ORDERED that the Motion is granted, on the following terms and conditions:

14 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the  
15 Settlement Agreement.

16 2. The Court preliminarily finds the Settlement to be fair, just, reasonable, and adequate,  
17 and therefore preliminarily approves the Settlement, subject to further consideration by the Court at the  
18 time of the Fairness Hearing.

19 3. The Court, for purposes of this Settlement only, pursuant to California Code of Civil  
20 Procedure section 382 and Rule 3.769(c) and (d) of the California Rules of Court, finds that the  
21 requirements for provisional certification of the Settlement Class have been satisfied, and conditionally  
22 certifies the following Settlement Class:

23 All County of Monterey property owners who paid the Water Supply Charge  
24 authorized and established by Monterey Peninsula Water Management  
District Ordinance No. 152 during the Class Period.

25 4. The Class Period is December 1, 2022 through July 1, 2025. (*Date of Order*)

26 5. Expressly excluded from the Settlement Class are (a) all persons who timely elect to  
27 be excluded from the Settlement Class, and (b) the judge(s) to whom this case is assigned and any  
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1 immediate family members thereof.

2 6. Plaintiff Richards J. Heuer III is hereby appointed Class Representative for the  
3 Settlement Class.

4 7. Prescott W. Littlefield of Kearney Littlefield, LLP and Eric J. Benink of Benink &  
5 Slavens, LLP are hereby appointed Class Counsel for the Settlement Class.

6 8. The Court approves the District to administer the settlement, and the District shall  
7 comply with the terms and conditions of the Settlement Agreement in carrying out its administrative  
8 duties pursuant to the Settlement. The Court preliminarily approves the District's administrative  
9 expenses in the amount of \$147,077 as set forth in the Declaration of Nishil Bali, filed in support of the  
10 Motion.

11 9. A Fairness Hearing shall be held before this Court on December 19, 2025 at  
12 8:30 a.m. ~~4 p.m.~~ before the Honorable Carrie M. Panetta in Department 14 of the Superior Court for  
13 the County of Monterey, Monterey Courthouse, 2nd Floor, 1200 Aguajito Road, Monterey, CA 93940,  
14 to determine: (a) whether the proposed settlement of this action on the terms and conditions provided  
15 for in the Settlement Agreement should be given final approval as fair, just, reasonable; (b) whether a  
16 Final Order and Final Judgment should be entered; and (c) whether Class Counsel's application for  
17 Attorney's Fees and Expenses and Class Representatives' request for a Service Award to be paid from  
18 the Common Fund, should be approved. The Fairness Hearing may be postponed, adjourned or  
19 continued by further order of the Court, without further notice to the Parties or the Settlement Class  
20 Members.

21 10. The form, manner, and content of the Class Notice, attached to the Settlement  
22 Agreement as Exhibits A and B will provide the best notice practicable to the Settlement Class under  
23 the circumstances, constitutes valid, due, and sufficient notice to all Settlement Class Members, and  
24 fully complies with California Code of Civil Procedure section 382, the Constitution of the State of  
25 California, the Constitution of the United States, and other applicable law.

26 11. The Parties shall, through the District, disseminate Class Notice as provided in the  
27 Settlement Agreement. The "Notice Date" means the first date upon which the Settlement Class  
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1 Notice is disseminated. The District shall complete the notice no later than forty-five (45) days after the  
2 date of the issuance of this Preliminary Approval Order (“Preliminary Approval Date”).

3 12. Any Settlement Class Member who wishes to be excluded from the Settlement Class  
4 must do one of the following: (1) mail a written request for exclusion to Class Counsel at the address  
5 provided in the Notice, postmarked no more than sixty (60) calendar days from the Notice Date,  
6 which is to be extended by seven (7) calendar days if a second Notice was sent to a forwarding  
7 address (the “Exclusion Deadline”); or (2) send a written request for exclusion to Class Counsel by  
8 e-mail, at the address provided in the Notice, on or before 11:59 Pacific Time on the Exclusion  
9 Deadline. The request must (a) state the class member’s name and address; (b) reference *Heuer v.*  
10 *Monterey Peninsula Water Management District*; and (c) clearly state that class member wants to  
11 be excluded from the Settlement Class. A list reflecting all requests for exclusion shall be filed with  
12 the Court by Class Counsel, *via* declaration, no later than sixteen (16) court days before the Fairness  
13 Hearing. If a potential Settlement Class Member files a request for exclusion, they may not file an  
14 objection to the Settlement. If any Class Member files a timely request for exclusion, they will not  
15 be a member of the Settlement Class, will not release any Released Claims pursuant to this  
16 Settlement or be subject to the Release, and will reserve all Released Claims they may have. All  
17 Settlement Class Members will be bound by the Final Order and Final Judgment unless such Settlement  
18 Class Members timely file valid written requests for exclusion or opt out in accordance with this Order.

19 13. Any Settlement Class Member who has not filed a timely written request for  
20 exclusion and who wishes to object to the fairness, reasonableness, or adequacy of this Agreement  
21 or the proposed Settlement, or to the award of Attorneys’ Fees and Expenses, or to the Service  
22 Awards to the Class Representative, must do one of the following: (1) mail a written statement,  
23 describing the Class Member’s objections in the specific manner set forth in this Section, to Class  
24 Counsel at the address provided in the Notice, postmarked no later than sixty (60) calendar days  
25 after the Notice Date, which is to be extended by seven (7) calendar days if a second Notice was  
26 sent to a forwarding address (the “Objection Deadline”); or (2) send a written statement, describing  
27 the Class Member’s objections in the specific manner set forth in this section, to Class Counsel by  
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1 e-mail, at the address provided in the Notice, on or before 11:59 Pacific Time on the Objection  
2 Deadline. Any such objection shall include: (1) the full name of Objector; (2) the current address of  
3 Objector; (3) the property address that was subject to the Water Supply Charge; (4) the specific  
4 reason(s), if any, for the objection, including any legal support the Class Member wishes to bring to  
5 the Court's attention; (5) copies of any evidence or other information the Class Member wishes to  
6 introduce in support of the objections; (6) a statement of whether the Class Member intends to  
7 appear and argue at the Fairness Hearing; (7) the individual Class Member's written signature, with  
8 date; and (8) a reference to *Heuer v. Monterey Peninsula Water Management District* on the  
9 envelope and written objection or in the subject line of the e-mail. Settlement Class Members may  
10 personally object or object through an attorney retained at their own expense, however, each  
11 individual Settlement Class Member objecting to the Settlement, in whole or part, shall personally  
12 sign the objection. The objection must also include an explanation of why the objector falls within  
13 the definition of the Settlement Class. In addition, any Settlement Class Member objecting to the  
14 Settlement shall provide a list of all other objections submitted by the objector, or the objector's  
15 counsel, to any class action settlements submitted in any state or federal court in the United States  
16 in the previous five years. If the Settlement Class Member, or their counsel, has not objected to any  
17 other class action settlement in the United States in the previous five years, they shall affirmatively  
18 so state in the objection. Settlement Class Members who submit an objection may be subject to  
19 discovery, including written discovery and depositions, on whether they are a Settlement Class  
20 Member, and any other topic that the Court deems appropriate. All objections received shall be filed  
21 with the Court by Class Counsel, via declaration, no later than sixteen (16) court days before the  
22 Fairness Hearing.

23           14. Any Settlement Class Member who files and serves a written objection, as described in  
24 paragraph 13, may appear at the Fairness Hearing, either in person or through personal counsel hired at  
25 the Settlement Class Member's own expense, to object to the fairness, reasonableness, or adequacy of  
26 the Settlement Agreement or the proposed Settlement, or to the award of Attorneys' Fees and Expenses,  
27 or Service Awards to the Class Representative.

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1           15.     Plaintiff shall file and serve papers in support of final approval of the Settlement and/or  
2 Class Counsel’s application for an award of Attorneys’ Fees and reimbursement of expenses, and Class  
3 Representative’s Service Award on or before sixteen (16) court days prior to the date of the Fairness  
4 Hearing. Class counsel shall file two (2) memoranda of law, with the first addressing arguments in favor  
5 of final approval of the Settlement and certification of the Settlement Class; and the second  
6 memorandum of law addressing Class Counsel’s application for an award of Attorneys’ Fees and  
7 reimbursement of expenses, and Service Award. Each memorandum shall not exceed twenty-five (25)  
8 pages in length.

9           16.     The Parties may file replies/responses to objections on or before sixteen (16) court days  
10 before the Fairness Hearing.

11           17.     The District shall file its declaration affirming that notice was given in accordance with  
12 this Order and the Settlement Agreement on or before seven (7) court days before the Fairness Hearing.

13           18.     If the proposed Settlement is finally approved, the Court shall enter a separate order  
14 finally approving the Settlement and entering judgment.

15           19.     The Parties are hereby ordered, pursuant to the terms and conditions of this Settlement  
16 Agreement, to take all necessary and appropriate steps to establish the means necessary to implement  
17 the Settlement.

18           20.     Pending the Fairness Hearing, all proceedings in this Action, other than proceedings  
19 necessary to carry out or enforce the terms and conditions of this Settlement Agreement and this Order  
20 are hereby stayed.

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1           21. Pending the Fairness Hearing, a preliminary injunction is hereby issued enjoining  
2 Settlement Class Members who did not seek exclusion from the Class, pending the Court's  
3 determination of whether the Settlement should be given final approval, from challenging in any action  
4 or proceeding any matter covered by this Settlement, except for proceedings in this Court to determine  
5 whether the Settlement of the Action will be given final approval.

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8 IT IS SO ORDERED.

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10 DATED: 7/1/2025

  
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Judge of the Superior Court  
CARRIE M. PANETTA

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