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Water Replenishment District of Southern California v. City of Cerritos

Court of Appeal, Second District, Division 1, California - October 30, 2013 - Cal.Rptr.3d - 13 Cal. Daily Op. Serv. 12, 037

Trial court made a non-final interim order that the provisions of article XIII D of the California Constitution invalidated a replenishment assessment imposed on the City of Cerritos by the Water Replenishment District of Southern California. Subsequent to the interim order, the City stopped paying the assessment but continued to produce groundwater.

Water district brought action against City for declaratory, injunctive, and writ relief challenging City's production of groundwater while failing to pay replenishment assessment.

The Court of Appeal held that:

- "Pay first, litigate later" principle required city to pay assessment until a final judgment invalidated it, and
- Trial court was required to grant preliminary injunction against city's production of water without paying assessment.