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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO
10 RANCHO CUCAMONGA

11 CHINO BASIN MUNICIPAL WATER
12 DISTRICT

13 Plaintiff,

14 vs.

15 CITY OF CHINO, ET AL.

16 Defendant.

Case No. RCV 51010

[Assigned for All Purposes to the
Honorable Keith Davis]

**JOINDER IN PROPOSED ORDER RE
STAY OF SELECTED PROCEEDINGS**

Hearing Date: August 14, 2008
Time: 8:30 A.M.
Dept: R6

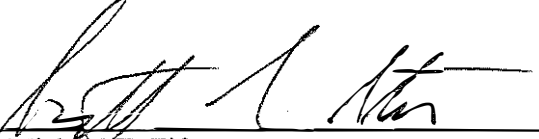
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21 On August 12, 2008 Monte Vista Water District, City of Chino, and City of Chino Hills filed a Joint
22 Application for an Ex Parte Order staying selected pleadings in this case until the Honorable J.
23 Michael Gunn returns to the bench or until a new judge is permanently assigned to the matter for all
24 purposes.

25
26 Attached to this pleading as Exhibit "A" is a Proposed Order. CHINO BASIN WATERMASTER
27 has discussed this Proposed Order with the moving parties and they are in agreement with this
28 Proposed Order. Watermaster knows of no opposition to the Proposed Order.

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Dated: August 13, 2008

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SB 477000 v1:008350.0001

EXHIBIT A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO, RANCHO CUCAMONGA DIVISION

CHINO BASIN MUNICIPAL WATER DISTRICT,

Plaintiff,

vs.

THE CITY OF CHINO, et al.,

Defendants.

CASE NO. RCV 51010

Assigned for All Purposes to:
Honorable KEITH DAVIS
Department R6

**[PROPOSED] ORDER STAYING
CONTESTED MATTERS AND JUDICIAL
DETERMINATIONS ON WATERMASTER
FILINGS**

Date: August 14, 2008
Time: 8:30 A.M.
Dept.: R6

ORDER

On August 14, 2008, at 8:30 a.m. in Department R6, before the Honorable Keith D. Davis, Monte Vista Water District ("MVWD"), the City of Chino ("Chino") and the City of Chino Hills ("Chino Hills") (collectively "Moving Parties") applied ex parte for an Order to stay determination of contested motions and Watermaster filings until Judge Michael Gunn is re-assigned to the case for all purposes, or in the alternative, until Judge Keith Davis or another Judge is appointed permanently for all-purposes.

Without admitting or denying the truth of any matter asserted in the moving papers, Watermaster joined in the request for the requested relief and this [Proposed] Order.

After reviewing the moving papers, all other papers filed in response to the ex parte application, and pertinent portions of the Court's file in this matter, and after extending an opportunity

1 for oral argument to all counsel present at the hearing, the Court, for good cause shown, hereby finds
2 and orders as follows.

- 3 1. This Court has the inherent authority to manage Its docket in the interests of justice and
4 judicial economy. The above-captioned matter is a complex proceeding with numerous
5 parties and technical substantive elements. Continuity of judicial administration is critical
6 to promoting the interests of justice and judicial economy. Moving Parties have
7 established good cause for the requested stay by showing that the status of the removal of
8 this case from Judge Gunn's docket, and of the assignment for all purposes to Judge Davis,
9 may not be permanent.
- 10 2. Contested matters and judicial determinations on Watermaster filings would be best
11 accomplished either by Judge Michael Gunn, to whom this case has been assigned for all
12 purposes for over ten years, or by another Judge assigned permanently to this case for all
13 purposes. This includes, but is not limited to, the pending Motion to Discontinue the
14 Appointment of the Special Referee filed by Cucamonga Valley Water District (the
15 "CVWD Motion") and Watermaster's filings in response to the conditions set forth in the
16 Court's December 21, 2007, Order.
- 17 3. The requested stay for up to two months will cause no substantial prejudice to the Court,
18 Watermaster, any Party to the Judgment, or the Chino Basin at large. The CVWD Motion
19 and Watermaster's filings are important to the management of the Chino Basin, but do not
20 urgently require judicial determination. Management will continue under the prior orders
21 of this Court during the stay.
- 22 4. In light of the foregoing, the Court hereby Orders all contested matters (including but not
23 limited to the CVWD Motion) and any Judicial determination on Watermaster filings
24 (including but not limited to any filings, completed or upcoming, in response to the Court's
25 Order of December 21, 2007) **STAYED** pending further order of this Court. Uncontested
26 matters and filings may still come on regularly for hearing in Department R6 of this Court,
27 including, but not limited to, requests for intervention.

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5. The Court hereby sets an Order to Show Cause re: Stay of Proceedings to be held on _____, _____, at _____ in Department R6 of the above-captioned Court. Watermaster and any interested Party to the Judgment may file and serve, pursuant to Watermaster's standard procedures, a Status Report re: Stay of Proceedings on or before _____, _____.
6. The Court hereby vacates the hearing on the CVWD Motion, previously set for August 21, 2008, at 8:30 a.m. and continues that hearing to coincide with the Order to Show Cause set in Paragraph 5, above.
7. Prior to the date of the Order to Show Cause set in Paragraph 5, above, any party or Watermaster may apply to this Court in a regularly-noticed motion or ex parte application supported by good cause for an Order partially or wholly removing the stay in order to have an urgent, contested matter heard in this Department.

IT IS SO ORDERED.

Dated: August _____, 2008

By: _____
Judge of the Superior Court

CHINO BASIN WATERMASTER

Case No. RCV 51010

Chino Basin Municipal Water District v. The City of Chino

PROOF OF SERVICE

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the within action. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On August 13, 2008 I served the following:

1) **JOINDER IN PROPOSED ORDER RE STAY OF SELECTED PROCEEDINGS**

BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:

See attached service list: Mailing List 1

BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 13, 2008 in Rancho Cucamonga, California.



Alex Perez
Chino Basin Watermaster

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