

FEE EXEMPT

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER DISTRICT,	}	CASE NO. RCV 51010
Plaintiff,		ORDERS RE MODIFICATION OF
vs.		DECEMBER 2, 2015 ORDERS AND
CITY OF CHINO, et al.,		BRIEFING SCHEDULE
Defendants		

The court having received responses and objections from the City of Chino, Cucamonga Valley Water District, Jurupa Community Services District (JCSD), Monte Vista Water District, the City of Pomona, and Watermaster, the court reconsiders its order filed December 2, 2015.

The court notes that the City of Pomona, Monte Vista Water District, and Cucamonga Valley Water District have suggested the court adopt the briefing schedule set forth in the response of Watermaster to the court's order continuing the 12/18/15 hearing and confirmation of filings through Chino Basin Watermaster.

The court also notes that the Jurupa Community Services District (JCSD) objects to

1 the briefing schedule proposed by Watermaster on the following grounds: 1)
2 Watermaster's proposed schedule limits the time for opponents of the proposed
3 reset agreement to prepare briefs explaining the grounds for opposing Watermaster's
4 motion; 2) the briefing schedule does not comply with the Code of Civil Procedure;
5 3) the noncompliance with the Code of Civil Procedure prejudices JCSD.

6
7 The court also notes that the City of Chino objects to the briefing schedule on the
8 following grounds: 1) it "compress[es] the time in which Chino may file its
9 opposition to the Watermaster motion and expand the time in which Watermaster
10 may file its reply to said opposition" (Page 2, lines 14-16); and 2) it has no legal
11 support.

12
13 There is also a dispute with respect to the procedure for filing motions, oppositions
14 and replies.

15
16 Therefore, in order for the parties to have sufficient time to prepare and file any
17 oppositions and replies, and for the court to have sufficient time to analyze all
18 motions, oppositions, and replies in preparation for a hearing, the court sets the
19 following briefing schedule:

- 20
21 1) Any currently unfiled motions to be heard on January 22, 2016, must be filed
22 simultaneously with the court and Watermaster by 12:00 noon on December 24,
23 2015.
- 24 a) This date allows an additional one week plus from the filing and service of the
25 court's order to file and serve any additional motions for the currently
26 scheduled January 22 hearing date (modified as set forth in paragraph 4
27 below).
- 28 b) The court concludes that any party should have been now diligently preparing

1 any additional unfiled motion.

2 c) The court concludes that the additional time from the order filed today will
3 allow any party to complete and file any such additional unfiled motion.

4 d) "Filled simultaneously" means lodged with the court and submitted to
5 Watermaster for service on all parties and filing with the court.

6 2) Oppositions to any motion filed by the December 24, 2015 deadline set forth in
7 paragraph 1 above, as well as any oppositions to Watermaster's Safe Yield Reset
8 Motion, must be filed simultaneously with the court and Watermaster no later
9 than 4:00 PM on Monday, January 18, 2016.

10 a) This date allows 4 weeks for parties to file any oppositions to new motions, as
11 well as any oppositions to Watermaster's Safe Yield Reset Motion.

12 b) The court concludes that this allows more than sufficient time for parties such
13 as JCSD and the City of Chino to prepare and file any oppositions and also
14 allows for any attorney or staff reductions due to the intervening holidays.

15 c) The court also concludes that this schedule resolves any claim of prejudice
16 based on the court's not following the procedure for motions, oppositions,
17 and replies set forth in the CCP.

18 3) Replies to any oppositions for any motion filed by the December 24, 2015
19 deadline set forth in paragraph 1 above, as well as any replies to oppositions to
20 Watermaster's Safe Yield Reset Motion, must be filed simultaneously with the
21 court and Watermaster no later than 4:00 PM on February 1, 2015.

22 a) This date allows 2 weeks for parties to file any replies. The court concludes
23 that this allows more than sufficient time for any party to prepare its reply.

24 4) The January 22, 2016 hearing date is continued on the court's own motion to
25 February 26, 2016, at 1:30 PM in Department R6 of the Rancho Superior Court.

26 a) This date allows the court sufficient time to prepare its analysis for the hearing
27 now scheduled for February 26. The court also takes in consideration that the
28 court will not be in session the week of February 1 because the court is

1 currently scheduled to be involved in matters for the state judiciary that week.

2 b) Also, the court agrees with the argument of JCSD that delay of approximately
3 an additional month will not prejudice the rights of any parties for the
4 following reasons: 1) there has been a delay of a number of years with respect
5 to the preparation of the reset yield report; 2) negotiations of the parties are
6 ongoing according to JCSD; and 3) the complexity and significance of the
7 issues for the court's determination.

8 5) No party is deemed to have waived any rights or oppositions by the court's
9 ordering this briefing schedule.

10 a) The parties might note that this schedule is a modification of the proposed
11 schedule set forth in Watermaster's response to the court's order continuing
12 12/18/15 hearing and confirmation of filings through Chino Basin
13 Watermaster.

14 b) The court concludes that this modification meets the objectives of those
15 parties who agreed with Watermaster's response, as well as the objections of
16 JCSD and the City of Chino, and should avoid the necessity of parties' filing
17 ex parte applications to seek modifications of the briefing schedule.

18
19 There has been also been a question raised with respect to the proper procedure for
20 filing motions, etc., with the court.

21 1) After an extensive examination of the file, the court notes that its only order
22 relating to this procedure is from April 2, 2010, the minute order for which states
23 "all original papers are to be filed directly in Department C1 [the then department
24 for the court/Judge Reichert] and a duplicate filed with the Watermaster office by
25 way of PDF file via e-mail or by way of hardcopy. Wateraster office will be
26 responsible for serving all papers on all relevant parties."

27 a) However, the court interprets the April 2, 2010 order as applying to the
28 Paragraph 31 motion that was under consideration at that time.

- 1 2) At this time, the court is adopting the following procedure with simultaneous
2 filings (again, defined as lodged with the court and submitted to Watermaster for
3 service on all parties and filing with the court) until further discussion with the
4 parties and orders of the court.
- 5 3) Watermaster is ordered to file its proof of service with the court no later than 3
6 court days after receipt of the documents by Watermaster.
- 7 a) The court notes that any documents requiring service on the parties must be
8 submitted to Watermaster because Watermaster serves all other parties.
- 9 4) Watermaster is ordered to serve this order on all parties forthwith.

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11
12
13 Dated: December 16, 2015



Stanford E. Reichert

Stanford E. Reichert, Judge

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 December 16, 2015 I served the following:

1. ORDERS RE MODIFICATION OF DECEMBER 2, 2015 ORDERS AND BRIEFING SCHEDULE

/ X / 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

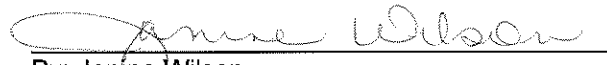
/ / BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

/ / 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.

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

Executed on December 16, 2015 in Rancho Cucamonga, California.


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