

1 Arturo N. Fierro (SBN 141091)
2 GUTIERREZ, FIERRO & ERICKSON, A.P.C.
3 12616 Central Avenue
4 Chino, California 91710
5 Telephone: (909) 591-6336
6 Facsimile: (909) 628-9803

7 Attorneys for Defendant City of Chino

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN BERNARDINO, RANCHO CUCAMONGA DISTRICT**

10
11 CHINO BASIN MUNICIPAL WATER)
12 DISTRICT,)

13 Plaintiff,

14 v.)

15 CITY OF CHINO, et al.,)

16 Defendants.)
17
18

CASE NUMBER: RCV 51010

[Assigned for all Purposes to the Honorable
Stanford E. Reichert]

**CITY OF CHINO'S RESPONSE AND
OPPOSITION TO NOTICE OF
RELATED CASE**

[Fee-exempt pursuant to Govt. Code §6103.]

19
20 Pursuant to California Rules of Court, Rule 3.300(g), Defendant City of Chino files its
21 response and opposition to the Notice of Related Case filed herein by Defendant Monte Vista
22 Water District ("MVWD"). A similar response and opposition is being filed in the allegedly
23 related City of Chino v. Monte Vista Water District case.

24 The cases that Defendant MVWD seeks to relate are the instant case (hereafter "this
25 case" or "the CBMWD case"), and the case of City of Chino v. Monte Vista Water District,
26 San Bernardino County Superior Court case no. CIVDS1518055 (hereafter the "MVWD
27 case").
28

1 I.

2 INTRODUCTION

3 The cases are not “related” for the following reasons.

4 1. The cases do not “[i]nvolve the same parties and [are not] based on the same or
5 similar claims.” Rules of Court, Rule 3.300(a)(1). The MVWD case involves only the City
6 of Chino and the Monte Vista Water District, while this case involves more than a dozen
7 parties, most of which have nothing to do with the matter involved in the MVWD case.

8 2. The cases do not “[a]rise from the same or substantially identical transactions,
9 incidents, or events requiring the determination of the same or substantially identical
10 questions of fact or law.” Rules of Court, Rule 3.300(a)(2). This case is about the
11 adjudication of the Chino Basin, it has been ongoing since the 1970’s, and it involves water
12 issues primarily. On the other hand, the MVWD case is simply about a violation of the
13 Brown Act by MVWD. The violation happens to involve an agreement that is about water,
14 but that case is about the procedure that MVWD used to approve the agreement, not about the
15 substance of the agreement itself.

16 3. The cases do not “[i]nvolve claims against, title to, possession of, or damages to
17 the same property.” Rules of Court, Rule 3.300(a)(3). This is because this case does not
18 involve any claims to property, title to property, possession of property, or damage to
19 property. The MVWD case is simply about the procedure that MVWD used to approve an
20 agreement, and nothing more.

21 4. The cases are not “likely for other reasons to require substantial duplication of
22 judicial resources if heard by different judges.” Rules of Court, Rule 3.300(a)(4). This is
23 because, as shown above, the cases involve different issues. This case has been going on for
24 decades and is not likely to end any time soon, as it involves adjudication of a groundwater
25 basin, while the MVWD case is about a discrete issue, a violation by MVWD of the Brown
26 Act, plain and simple.

27 MVWD’s Notice of Related Case has nothing to do with actually related cases or with
28 seeking efficiency and economy for the Court and the parties. Instead, it has everything to do

1 with delaying the progress of the MVWD case by entangling it with this case. Moreover,
2 MVWD may be doing a bit of judge-shopping, perhaps because it believes it will get a more
3 favorable result in the MVWD case from the judge handling this case.

4 II.

5 APPLICABLE LAW

6 The procedure for a Notice of Related Case is set forth in Rules of Court, Rule 3.300.
7 Under CRC, Rule 3.300(c)(3), a Notice of Related Case must “describe the manner in which
8 the cases are related” and be filed in all pending cases and served on all parties in those cases.
9 MVWD’s Notice of Related Case, however, fails to satisfy that requirement.

10 While MVWD asserts as a conclusion that the two cases are related, it fails to support
11 its conclusion by describing *how* the cases are related. MVWD states the conclusion that the
12 MVWD case “arises out of the same Safe Yield Reset Agreement that is the subject of the
13 pending motion before Judge Reichert on February 26, 2016.” MVWD also asserts that the
14 fact that the letter from Chino to MVWD demanding compliance with the Brown Act showed
15 a reference to the CBMWD case is enough to make the cases related. These are nothing but
16 conclusions without any support whatsoever. The MVWD case is about a violation of the
17 Brown Act by MVWD; it is mere happenstance that the agreement that was approved in
18 violation of the Brown Act had to do with water. But it could have been any agreement and
19 the violation would have been the same. Also, the letter notifying MVWD of the violation of
20 the Brown Act had to include a reference to the agreement, or there would have been no way
21 to give notice to MVWD of how or why it had violated the Brown Act.

22 Unlike the MVWD case, the CBMWD case (this case) has been in the courts for more
23 than 40 years. The original judgment was entered in 1978! Every once in a while an issue
24 arises that requires judicial attention, and the case is temporarily revived to deal with the
25 specific issue that has arisen. There are more than a dozen parties, including public and
26 private entities, and even individuals who have been amalgamated into “pools” for purposes
27 of the litigation. A ruling in the MVWD case, involving the violation of the Brown Act,
28 would have absolutely no effect on the CBMWD case because it would not invalidate the

1 agreement or the actions that are contemplated herein. A ruling in the MVWD case would
2 simply order MVWD to follow the correct legal procedure in presenting the agreement for
3 consideration by its Board of Directors. Conversely, any ruling on the pending motion in this
4 case would not affect the procedure by which MVWD is required to consider an agreement.

5 **III.**

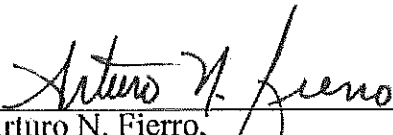
6 **CONCLUSION**

7 For the reasons stated above, the two cases alleged by MVWD to be related really are
8 not related, and in fact have nothing to do with each other. Defendant City of Chino
9 respectfully requests that the Court find that the two cases are not related and should not be so
10 designated.

11
12 Dated: January 5, 2015

GUTIERREZ, FIERRO & ERICKSON, A.P.C.

13
14 By:



Arturo N. Fierro,
Attorneys for Defendant City of Chino

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 January 6, 2016 I served the following:

1. CITY OF CHINO'S RESPONSE AND OPPOSITION TO NOTICE OF RELATED CASE

☒ 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 January 6, 2016 in Rancho Cucamonga, California.



By: Janine Wilson
Chino Basin Watermaster

BRIAN GEYE
AUTO CLUB SPEEDWAY
9300 CHERRY AVE
FONTANA, CA 92335

BOB KUHN
669 HUNTERS TRAIL
GLENDDORA, CA 91740

ROBERT BOWCOCK
INTEGRATED RESOURCES MGMNT
405 N. INDIAN HILL BLVD
CLAREMONT, CA 91711-4724

STEVE ELIE
IEUA
3674 WHIRLAWAY LANE
CHINO HILLS, CA 91709

GEOFFREY VANDEN HEUVEL
CBWM BOARD MEMBER
8315 MERRILL AVENUE
CHINO, CA 91710

PAUL HOFER
11248 S TURNER AVE
ONTARIO, CA 91761

DON GALLEANO
4220 WINEVILLE ROAD
MIRA LOMA, CA 91752

JIM BOWMAN
COUNCIL MEMBER, CITY OF ONTARIO
303 EAST B STREET
ONTARIO, CA 91764

J. ARNOLD RODRIGUEZ
SANTA ANA RIVER WATER COMPANY
10530 54th ST
MIRA LOMA, CA 91752-2331

JEFF PIERSON
PO BOX 1440
LONG BEACH, CA 90801-1440

BOB FEENSTRA
2720 SPRINGFIELD ST,
ORANGE, CA 92867

ALLEN HUBSCH
HOGAN LOVELLS US LLP
1999 AVENUE OF THE STARS
SUITE 100
LOS ANGELES, CA 90067

Members:

Allen W. Hubsch	allen.hubsch@hoganlovells.com
Andrew Gagen	agagen@kidmanlaw.com
Andrew Lazenby	lazenbyag@bv.com
Arthur Kidman	akidman@kidmanlaw.com
Catharine Irvine	cirvine@DowneyBrand.com
Chris Swanberg	chris.swanberg@corr.ca.gov
Dan McKinney	dmckinney@douglascountylaw.com
David Aladjem	daladjem@downeybrand.com
Eddy Beltran	ebeltran@kidmanlaw.com
Fred Fudacz	ffudacz@nossaman.com
Jean Cihigoyenetché	Jean_CGC@hotmail.com
Jerry Eagans	geagans@redwineandsherrill.com
Jill Willis	jnwillis@bbklaw.com
Jim Markman	jmarkman@rwglaw.com
jimmy@city-attorney.com	jimmy@city-attorney.com
Joel Kuperberg	jkuperberg@rutan.com
John Harper	jrharper@harperburns.com
John Schatz	jschatz13@cox.net
Joseph S. Aklufi	AandWLaw@aol.com
Kimberly Hall Barlow	khb@jones-mayer.com
Mark D. Hensley	mhensley@hensleylawgroup.com
Martin Cihigoyenetché	martinc@cgclaw.com
Michelle Staples	mstaples@jdtplaw.com
Nick Jacobs	njacobs@somachlaw.com
Paeter E. Garcia	paeter.garcia@bbklaw.com
Paige H. Gosney	pgosney@jdtplaw.com
Randy Visser	RVisser@sheppardmullin.com
Robert E. Donlan	red@eslawfirm.com
Rodney Baker	rodbaker03@yahoo.com
Steve Kennedy	skennedy@bmklawplc.com
Tarquin Preziosi	tp@jones-mayer.com
Timothy Ryan	tjryan@sgwater.com
Tom Bunn	TomBunn@Lagerlof.com
Tom McPeters	THMcP@aol.com
Tracy J. Egoscue	tracy@egoscuelaw.com
Trish Geren	tgeren@sheppardmullin.com
William J Brunick	bbrunick@bmblawoffice.com

Members:

Al Lopez	lopezsixto@netzero.net
Andy Campbell	acampbell@ieua.org
Andy Malone	amalone@weiwater.com
Anna Truong	ATruong@cbwm.org
Annette Gonzales	agonzales@ci.ontario.ca.us
Anthony Beckham	beckham@waterexchange.com
April Robitaille	arobitaille@bhfs.com
April Woodruff	awoodruff@ieua.org
Arnold "AJ" Gerber	agerber@parks.sbcounty.gov
Arnold Rodriguez	jarodriguez@sarwc.com
Art Bennett	citycouncil@chinohills.org
Ashok Dhingra	ash@akdconsulting.com
Ben Lewis	benjamin.lewis@gswater.com
Ben Peralta	bperalta@tvmwd.com
Bill Leever	WLeever@ieua.org
Bill Thompson	bthompson@ci.norco.ca.us
Bob Bowcock	bbowcock@irmwater.com
Bob Feenstra	bobfeenstra@gmail.com
Bob Kuhn	bgkuhn@aol.com
Bob Kuhn	bkuhn@tvmwd.com
Bob Page	bpage@cao.sbcounty.gov
Brad Herrema	bherrema@bhfs.com
Brandon Howard	brahoward@niagarawater.com
Brenda Fowler	balee@fontanawater.com
Brenda Trujillo	brendatrujillo@chinohills.org
Brent Yamasaki	byamasaki@mw2dh.com
Brian Geye	bgeye@autoclubspeedway.com
Brian Hess	bhess@niagarawater.com
Camille Gregory	cgregory@cbwm.org
Carol Bennett	cbennett@tkeengineering.com
Carol Boyd	Carol.Boyd@doj.ca.gov
Carolina Sanchez	csanchez@weiwater.com
Casey Costa	ccosta@chinodesalter.org
Charles Field	cdfield@att.net
Charles Linder	Charles.Linder@nrgenergy.com
Charles Moorrees	cmoorrees@sawaterco.com
Chino Hills City Council	citycouncil@chinohills.org
Chris Berch	CBerch@ieua.org
Chuck Hays	chays@fontana.org
Cindy Cisneros	cindyc@cvwdwater.com
Cindy LaCamera	clacamera@mw2dh.com
Cindy Li	Cindy.li@waterboards.ca.gov
Craig Miller	CMiller@wmwd.com
Craig Stewart	Craig.Stewart@amec.com
Cris Fealy	cifealy@fontanawater.com
Curtis Paxton	cpaxton@chinodesalter.org
Curtis Stubbings	Curtis_Stubbings@praxair.com
Dan Arrighi	darrighi@sgvwater.com
Danielle Soto	danielle_soto@CI.POMONA.CA.US
Danni Maurizio	DMaurizio@cbwm.org
Darron Poulsen	darron_poulsen@ci.pomona.ca.us
Daryl Grigsby	daryl_grigsby@ci.pomona.ca.us
Dave Argo	argodg@bv.com
Dave Crosley	DCrosley@cityofchino.org
David D DeJesus	tvmwddiv2rep@gmail.com
David De Jesus	ddejesus@tvmwd.com
David Huskey	David.Huskey@cdcr.ca.gov
David Lovell	dlovell@dpw.sbcounty.gov
David Penrice	dpenrice@acmwater.com
David Ringel	david.j.ringel@us.mwhglobal.com
David Starnes	david.starnes@mcmnet.net
Dennis Dooley	ddooley@angelica.com

Dennis Mejia
Dennis Poulsen
Dennis Williams
Don Cutler
Don Galleano
Earl Elrod
Ed Diggs
Eric Fordham
Eric Garner
Eric Leuze
Erika Clement (Erika.clement@sce.com)

Eunice Ulloa
Frank Brommenschenkel
Frank LoGuidice
Frank Yoo
Gabby Garcia
Gailyn Watson
Gene Koopman
Geoffrey Kamansky
Geoffrey Vanden Heuvel
Gerald Yahr
Giannina Espinoza
Gloria Rivera
Grace Cabrera
Greg Woodside
Gregory H. Morrison
Helen Arens
Henry DeHaan
James Curatalo
James Jenkins
James McKenzie
Jane Anderson
Janine Wilson
Jasmin A. Hall
Jason Marseilles
Jason Pivovarov
Jean Perry
Jeanina M. Romero
Jeffrey Bruny (jeffrey.bruny@NOV.com)

Jeffrey L. Pierson
Jesse White (jesse.white@gerdau.com)
Jill Willis
Jim Bowman
Jim Taylor
Jo Lynne Russo-Pereyra
Joe Graziano
Joe Grindstaff
Joe Joswiak
Joe P LeClaire
John Bosler
John Huitsing
John Lopez and Nathan Cole
John V. Rossi
Jon Lambeck
Jose Galindo
Josh Swift
Julie Cavender
Julie Saba
Justin Brokaw
Justin Nakano
Justin Scott Coe
Karen Johnson

dmejia@ci.ontario.ca.us
dpoulsen@californiasteel.com
dwilliams@geoscience-water.com
dcutler@jcsd.us
donald@galleanowinery.com
earl.elrod@verizon.net
edd@cvwdwater.com
eric_fordham@geopentech.com
eric.garner@bbklaw.com
Eric.Leuze@nrgenergy.com

Erika.clement@sce.com
eulloa@cbwcd.org
frank.brommen@verizon.net
faloguidice@sgvwater.com
FrankY@cbwm.org
ggarcia@mvwd.org
gwatson@airports.sbcounty.gov
GTKoopman@aol.com
gkamansky@niagarawater.com
GeoffreyVH@juno.com
yahrj@koll.com
gia.espinoza@gerdau.com
gloriar@cvwdwater.com
grace_cabrera@ci.pomona.ca.us
gwoodside@ocwd.com
gmorrison@bhfs.com
Helen.Arens@doj.ca.gov
hpdehaan@verizon.net
jamesc@cvwdwater.com
cnomgr@airports.sbcounty.gov
jmckenzie@dpw.sbcounty.gov
janderson@jcsd.us
JWilson@cbwm.org
jhall@ieua.org
jmarseilles@ieua.org
jpivovarov@ieua.org
JPerry@wmwd.com
jromero@ci.ontario.ca.us

jeffrey.bruny@NOV.com
jpierson@intexcorp.com
jesse.white@gerdau.com
jnwillis@bbklaw.com
jbowman@ci.ontario.ca.us
jim_taylor@ci.pomona.ca.us
jolynner@cvwdwater.com
jgraz4077@aol.com
jgrindstaff@ieua.org
JJoswiak@cbwm.org
leclairj@cdmsmith.com
JohnBo@cvwdwater.com
johnhuitsing@gmail.com
customerservice@sarwc.com
jrossi@wmwd.com
jlambeck@mwdh2o.com
jose_a_galindo@praxair.com
jmswift@fontanawater.com
julie.cavender@cdcr.ca.gov
jsaba@jcsd.us
jbrokaw@hughes.net
JNakano@cbwm.org
jscottcoe@mvwd.org
kejwater@aol.com

Kathleen Brundage	kathleen.brundage@californiasteel.com
Kathy Kunysz	kkunysz@mw2dh.com
Kathy Tiegs	Kathyt@cvwdwater.com
Keith Person	keith.person@waterboards.ca.gov
Ken Jeske	kjeske1@gmail.com
Ken Waring	kwarling@jcsd.us
Kevin Blakeslee	kblakeslee@dpw.sbcounty.gov
Kevin Sage	Ksage@IRMwater.com
Kurt Berchtold	kberchtold@waterboards.ca.gov
Kyle Snay	kylesnay@gswater.com
Laura Mantilla	lmantilla@ieua.org
Lawrence Dimock	lawrence.dimock@cdcr.ca.gov
Lee Moore	Lee.Moore@nrgenergy.com
Linda Jadeski	ljadeski@wwwd.org
Linda Minky	LMinky@BHFS.com
Lisa Hamilton	lisa.hamilton@amecfw.com
Lisa Lemoine	LLemoine@wmwd.com
Maribel Sosa	Maribel_Sosa@ci.pomona.ca.us
Mark Wiley	mwiley@chinohills.org
Marsha Westropp	MWestropp@ocwd.com
Martin Zvirbulis	martinz@cvwdwater.com
Mathew C. Ballantyne	mballantyne@cityofchino.org
Michael Sigsbee	msigsbee@ci.ontario.ca.us
Michelle Lauffer	mlauffer@jcsd.us
Mike Maestas	mikem@cvwdwater.com
Mindy Temblador	mtemblador@ieua.org

Members:

Maria Flores	mflores@ieua.org
Maria Mendoza-Tellez	MMendoza@weewater.com
Marilyn Levin	marilyn.levin@doj.ca.gov
Mario Garcia	mgarcia@tvmwd.com
Mark Kinsey	mkkinsey@mvwd.org
Mark Wildermuth, PE	mwildermuth@weewater.com
Marla Doyle	marla_doyle@ci.pomona.ca.us
Martha Davis	mdavis@ieua.org
Martin Rauch	martin@rauchcc.com
Meg McWade	meg_mcwade@ci.pomona.ca.us
Melanie Otero	melanie_otero@ci.pomona.ca.us
Melissa L. Walker	mwalker@dpw.sbcounty.gov
Michael Camacho	MCamacho@pacificaservices.com
Michael P. Thornton	mthornton@tkeengineering.com
Michael T Fife	MFife@bhfs.com
Mike Sigsbee	msigsbee@ci.ontario.ca.us
Monica Heredia	mheredia@chinohills.org
Moore, Toby	TobyMoore@gswater.com
Nadeem Majaj	nmajaj@chinohills.org
Nathan deBoom	n8deboom@gmail.com
Pam Sharp	PSharp@chinohills.org
Pam Wilson	pwilson@bhfs.com
Patty Jett	pjett@spacecenterinc.com
Paul Deutsch	paul.deutsch@amec.com
Paul Hofer	farmwatchtoo@aol.com
Paul Hofer	farmerhofer@aol.com
Paul Leon	pleon@ci.ontario.ca.us
Paula Lantz	paula_lantz@ci.pomona.ca.us
Peggy Asche	peggy@wvwd.org
Penny Alexander-Kelley	Palexander-kelley@cc.sbcounty.gov
Pete Hall	rpetehall@gmail.com
Peter Hettinga	peterhettinga@yahoo.com
Peter Kavounas	PKavounas@cbwm.org
Peter Rogers	progers@chinohills.org
Rachel Avila	R.Avila@MPGLAW.com
Ramsey Haddad	ramsey.haddad@californiasteel.com
Raul Garibay	raul_garibay@ci.pomona.ca.us
Ray Wilkings	rwilkins@autoclubspeedway.com
Rene Salas	Rene_Salas@ci.pomona.ca.us
Rick Darnell	Richard.Darnell@nrgenergy.com
Rick Hansen	rhansen@tvmwd.com
Rick Rees	Richard.Rees@amec.com
Rick Zapien	rzapien@cbwm.org
Rita Pro	rpro@cityofchino.org
Rob Vanden Heuvel	robert.t.van@gmail.com
Robert C. Hawkins	RHawkins@earthlink.net
Robert Craig	rcraig@jcsd.us
Robert DeLoach	robertadeloach1@gmail.com
Robert F. Messinger	rmessinger@cc.sbcounty.gov
Robert Neufeld	robneu1@yahoo.com
Robert Tock	rtock@jcsd.us
Robert Wagner	rwagner@wbecorp.com
Rogelio Matta	rmatta@fontana.org
Roger Florio	roger.florio@ge.com
Roger Han	roger_han@praxair.com
Ron Craig	ronc@mbakerintl.com
Rosemary Hoerning	rhoerning@ci.upland.ca.us
Ryan Shaw	rshaw@ci.ontario.ca.us
Sandra S. Rose	directorrose@mvwd.org
Sarah Kerr	skerr@ci.ontario.ca.us
Sarah Schneider	sarah.schneider@amec.com
Scott Burton	sburton@ci.ontario.ca.us

Scott Runyan
Scott Slater
Shaun Stone
Sheri Rojo
Sonya Barber
Sonya Bloodworth
Sophie Akins
Stella Gasca
Stephanie Riley
Steve Nix
Steve Riboli
Steven J. Elie
Steven J. Elie
Suki Chhokar
Sylvie Lee
Tara Rolfe, PG
Taya Victorino
Teri Layton
Terry Catlin
Todd Corbin
Todd Minten
Tom Crowley
Tom Cruikshank
Tom Harder
Tom Haughey
Tom O'Neill
Toni Medel
Tracy Tracy
Van Jew
Vicki Hahn
Vicky Rodriguez
W. C. "Bill" Kruger

srunyan@cc.sbcounty.gov
sslater@bhfs.com
sstone@ieua.org
smrojo@aol.com
sbarber@ci.upland.ca.us
sbloodworth@wmwd.com
Sophie.Akins@cc.sbcounty.gov
sgasca@ci.ontario.ca.us
sriley@ieua.org
snix@chinohills.org
steve.riboli@sanantoniowinery.com
selie@ieua.org
s.elie@mpglaw.com
schhokar@sdca.org
slee@ieua.org
TRolfe@weiwater.com
tayav@cvwdwater.com
tlayton@sawaterco.com
tlcatlin@wfajpa.org
tcorbin@jcsd.us
tminten@chinodesalter.org
torowley@wwwd.org
tcruikshank@spacecenterinc.com
tharder@thomashardercompany.com
tom@haugheyinsurance.com
toneill@ci.ontario.ca.us
mmedel@rbf.com
ttracy@mvwd.org
vjew@mvwd.org
vhahn@tvmwd.com
vrodrigu@ci.ontario.ca.us
citycouncil@chinohills.org