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Fee Exempt Per Gov't Code 6103

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5 ANDREW B. GAGEN, CAL. BAR NO. 212257
6 STEVEN R. GUESS, CAL. BAR NO. 272136

6 Attorneys for Defendant Monte Vista Water District

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT,

12 Plaintiff,

13 vs.

14 CITY OF CHINO, et al.

15 Defendants.
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Case No. RCV RS 51010

(Related to Case No. CIV DS1518055)

Judge: Stanford E. Reichert
Dept: R6

**DECLARATION OF STEVEN R. GUESS
IN SUPPORT OF [PROPOSED] ORDER
ON JANUARY 22, 2016 NOTICE OF
RELATED CASE HEARING**

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Exhibit “A”

Steven Guess

From: Arturo Fierro <Arturo@city-attorney.com>
Sent: Wednesday, January 27, 2016 11:10 AM
To: Steven Guess
Cc: Arthur Kidman; Andrew Gagen; Lisa Ruggio
Subject: RE: Proposed Order in City of Chino v. Monte Vista Water District - Related Case

Steven:

This looks fine. Please submit it to the court.

Arturo N. Fierro
Assistant City Attorney
City of Chino
12616 Central Avenue
Chino, CA 91710
(909) 591-6336
(909) 628-9803
arturo@city-attorney.com

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From: Steven Guess [<mailto:sguess@kidmanlaw.com>]
Sent: Tuesday, January 26, 2016 5:09 PM
To: Arturo Fierro
Cc: Arthur Kidman; Andrew Gagen
Subject: Proposed Order in City of Chino v. Monte Vista Water District - Related Case

Dear Mr. Fierro,

Per the order of the court, please review this proposed order on the Court's 1/22/2016 notice of related case herein. The order incorporates by reference the Minute Order on the Notice of Related Case hearing, a copy of which is also attached for your convenience. Please let us know if you have any comments.

Thank you.

Best regards,

Steven R. Guess
Attorney
714-755-3100
sguess@kidmanlaw.com

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6 Attorneys for Defendant Monte Vista Water District

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9 COUNTY OF SAN BERNARDINO

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT,

12 Plaintiff,

13 vs.

14 CITY OF CHINO, et al.

15 Defendants.

Case No. RCV RS 51010

(Related to Case No. CIV DS1518055)

Judge: Stanford E. Reichert

Dept: R6

**[PROPOSED] ORDER GRANTING
DEFENDANT MONTE VISTA WATER
DISTRICT'S REQUEST TO RELATE
CASES**

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19 Defendant Monte Vista Water District's request to deem the matter entitled *Chino Basin*
20 *Municipal Water District v. City of Chino, et al.*, Case No. RCV RS 51010 related to another
21 pending case, *City of Chino v. Monte Vista Water District, et al.*, Case No. CIV DS1518055
22 came on regularly for a hearing on January 22, 2016. The following persons appeared in
23 connection with this proceeding: Bradley J. Herrema as counsel for Chino Basin Watermaster,
24 Steven R. Guess as counsel for Defendant Monte Vista Water District, Tracie J. Egoscue as
25 counsel for the Agricultural Pool, Arturo Fierro as counsel for City of Chino, John J. Schatz as
26 counsel for Chino Basin Watermaster Appropriative Pool, Steven M. Kennedy as counsel for
27 Three Valleys Municipal Water District. There were no other appearances by counsel.

1 The Court, having read and considered Defendant Monte Vista Water District's request,
2 the opposition filed by Defendant City of Chino, the oral argument of the parties, and upon
3 good cause showing, hereby GRANTS Defendant Monte Vista Water District's request as
4 follows:

5 (1) The Court deems that the case entitled *Chino Basin Municipal Water District v. City of*
6 *Chino, et al.*, Case No. RCV RS51010 (the "Watermaster Case") is related to the action
7 entitled *City of Chino v. Monte Vista Water District, et al.*, Case No. CIV DS1518055
8 (the "Brown Act Case"). The Brown Act Case (CIV DS1518055) is hereby transferred
9 for all purposes to Department R6 of San Bernardino County Superior Court, before the
10 Honorable Stanford E. Reichert forthwith. All current dates in the Brown Act Case
11 (CIV DS 1518055) are vacated. The pending status hearing on the Brown Act Case
12 Petition currently scheduled for February 11, 2016 shall, at the convenience of the
13 Court, be continued until _____ in Department R6.

14 (2) In support of this Order, the Court makes the findings set forth in the minute order
15 attached hereto as Exhibit "A" and incorporated by reference.

16 (3) Defendant Monte Vista Water District shall file and serve on all parties in both actions
17 notice of entry of this Order.

18 **IT IS SO ORDERED.**

19 Dated: _____
20

Judge of the Superior Court of California

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5 STEVEN R. GUESS, CAL. BAR NO. 272136

6 Attorneys for Defendant Monte Vista Water District

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT,

12 Plaintiff,

13 vs.

14 CITY OF CHINO, et al.

15 Defendants.
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Case No. RCV RS 51010

(Related to Case No. CIV DS1518055)

Judge: Stanford E. Reichert

Dept: R6

**[PROPOSED] ORDER GRANTING
DEFENDANT MONTE VISTA WATER
DISTRICT'S REQUEST TO RELATE
CASES**

19 Defendant Monte Vista Water District's request to deem the matter entitled *Chino Basin*
20 *Municipal Water District v. City of Chino, et al.*, Case No. RCV RS 51010 related to another
21 pending case, *City of Chino v. Monte Vista Water District, et al.*, Case No. CIV DS1518055
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27 Three Valleys Municipal Water District. There were no other appearances by counsel.
28

1 The Court, having read and considered Defendant Monte Vista Water District's request,
2 the opposition filed by Defendant City of Chino, the oral argument of the parties, and upon
3 good cause showing, hereby GRANTS Defendant Monte Vista Water District's request as
4 follows:

5 (1) The Court deems that the case entitled *Chino Basin Municipal Water District v. City of*
6 *Chino, et al.*, Case No. RCV RS51010 (the "Watermaster Case") is related to the action
7 entitled *City of Chino v. Monte Vista Water District, et al.*, Case No. CIV DS1518055
8 (the "Brown Act Case"). The Brown Act Case (CIV DS1518055) is hereby transferred
9 for all purposes to Department R6 of San Bernardino County Superior Court, before the
10 Honorable Stanford E. Reichert forthwith. All current dates in the Brown Act Case
11 (CIV DS 1518055) are vacated. The pending status hearing on the Brown Act Case
12 Petition currently scheduled for February 11, 2016 shall, at the convenience of the
13 Court, be continued until _____ in Department R6.

14 (2) In support of this Order, the Court makes the findings set forth in the minute order
15 attached hereto as Exhibit "A" and incorporated by reference.

16 (3) Defendant Monte Vista Water District shall file and serve on all parties in both actions
17 notice of entry of this Order.

18 **IT IS SO ORDERED.**

19 Dated: _____
20

21 Judge of the Superior Court of California
22
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Exhibit “A”

Minute Orders

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Case Type:

Case Number:

Search

Case RCVRS51010 - CHINO BASIN MUNI WATER DIST -V- CITY OF CHINO

Action: (Choose)

HEARING RE: NOTICE OF RELATED CASE

01/22/2016 - 1:30 PM DEPT. R6C

STANFORD E. REICHERT, JUDGE

CLERK: VIRGINIA KONITZER

COURT REPORTER LAURA SANDERS 12273

BAILIFF: A. KENNEDY

-

APPEARANCES:

ATTORNEY BRADLEY J. HERREMA PRESENT FOR CHINO BASIN WATERMASTER.

ATTORNEY STEVEN R. GUESS PRESENT FOR MONTE VISTA WATER DISTRICT.

ATTORNEY TRACY J. EGOSCUE PRESENT FOR AGRICULTURAL (OVERLYING) POOL.

ATTORNEY ARTURO FIERRO PRESENT FOR CITY OF CHINO.

ATTORNEY JOHN J. SCHATZ PRESENT FOR CHINO BASIN WATERMASTER APPROPRIATE POOL.

ATTORNEY STEVEN M. KENNEDY PRESENT FOR THREE VALLEYS MUNICIPAL WATER DISTRICT.

PETER KAVOUNAS FROM CHINO BASIN WATERMASTER PRESENT.

TERI LAYTON FROM SAN ANTONIO WATER COMPANY PRESENT.

-

PROCEEDINGS:

POST-DISPOSITION HEARING HELD

MOTION

MONTE VISTA WATER DISTRICT'S MOTION / NOTICE OF RELATED CASE IS HEARD.

THE COURT GIVES ITS TENTATIVE RULING.

ORAL ARGUMENT PRESENTED BY CITY OF CHINO .

ORAL ARGUMENT PRESENTED BY MONTE VISTA WATER DISTRICT .

REBUTTAL BY CITY OF CHINO

-

COURT FINDS:

THE COURT FINDS THAT THE CITY OF MONTE VISTAS APPROVAL OF THE SAFE YIELD RESET AGREEMENT IN CASE RCVRS51010, CHINO BASIN MUNICIPAL WATER DISTRICT V. CITY OF CHINO, ET AL. (THE "WATERMASTER" CASE), WHICH IS PENDING BEFORE THIS COURT, IS INSEPARABLY ENTANGLED WITH THE PROCEDURE FOR APPROVAL FOR WHICH THE CITY OF CHINO CLAIMS A BROWN ACT VIOLATION IN CASE CIVDS1518055. THAT INSEPARABLE ENTANGLEMENT MAKES THESE CASES SUFFICIENTLY RELATED FOR THIS

COURT TO TAKE JURISDICTION OF CASE CIVDS1518055.

-
THE COURT IS CONCERNED THAT ANOTHER JUDGES BECOMING INVOLVED IN THIS INSEPARABLE ENTANGLEMENT CREATES A PROBLEM WITH RESPECT TO INCONSISTENT RULINGS IN ONE CASE THAT WOULD AFFECT THE RULINGS IN THE OTHER CASE. ADDITIONALLY, INCONSISTENT RULINGS CAN INTERFERE WITH THE PROMPT DISPOSITION OF BOTH THE PETITION AND COMPLAINT IN CIVDS1518055 AND THE MOTION FOR SAFE YIELD RESET IN THE WATERMASTER CASE SCHEDULED FOR HEARING ON FEBRUARY 26, 2016.

-
THE COURT ALSO FINDS THAT FOR ECONOMY OF JUDICIAL RESOURCES THE CASES SHOULD BE RELATED. THE WATERMASTER CASE IS OF EXCEPTIONAL COMPLEXITY. THE JUDGMENT WAS FILED IN 1978, AND NUMEROUS MOTIONS HAVE BEEN FILED OVER THE YEARS, INCLUDING COMPLEX MOTIONS IN WHICH THIS COURT HAS MADE RULINGS. IT WOULD BE DIFFICULT AND DUPLICATIVE FOR ANOTHER JUDGE TO DIGEST THE PREVIOUS PROCEEDINGS AND OBTAIN AN UNDERSTANDING OF THE BREADTH, SCOPE, AND NATURE OF THE UNDERLYING ISSUES.

-
FOR THE FOREGOING REASONS, THE CASES ARE DEEMED RELATED PURSUANT TO CALIFORNIA RULES OF COURT, RULE 3.300, AND THIS COURT WILL TAKE JURISDICTION OF CIVDS1518055, BECAUSE RCVRS51010 IS THE LOWER NUMBERED CASE.

-
COUNSEL FOR MONTE VISTA WATER DISTRICT IS ORDERED TO PREPARE THE ORDER, PRESENT IT TO COUNSEL FOR THE CITY OF CHINO FOR APPROVAL AND FILING WITH THE COURT.
ACTION - COMPLETE
=== MINUTE ORDER END ===

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 28, 2016 I served the following:

1. DECLARATION OF STEVEN R. GUESS IN SUPPORT OF [PROPOSED] ORDER ON JANUARY 22, 2016 NOTICE OF RELATED CASE HEARING
2. [PROPOSED] ORDER GRANTING DEFENDANT MONTE VISTA WATER DISTRICT'S REQUEST TO RELATE CASES

/ 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.

/ X / 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 28, 2016 in Rancho Cucamonga, California.



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Chino Basin Watermaster

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