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December 5, 2018

VIA ELECTRONIC FILING

Court of Appeal Fourth District, Division Two Settlement Conference Administrator 3389 Twelfth Street Riverside, CA 92501

Re: Chino Basin Municipal Water District v. City of Chino, et al.

Court of Appeal Case No. E068640 (Superior Court, Case No.

RCVRS 51010) – Joint Status re Temporary Remand and Superior Court

Progress re Motion

Dear Settlement Conference Administrator:

Pursuant to the Court's Order dated November 6, 2018 ("Order"), attached hereto, this letter shall serve as a joint status report by Appellants Cucamonga Valley Water District, Monte Vista Water District, and the City of Pomona regarding the superior court's progress in deciding a motion that if granted, will allow the Appellants to dismiss their appeal.

Appellants and Respondents City of Chino, Jurupa Community Services District, and City of Ontario (collectively "Parties") sought ex parte relief in the superior court on December 5, 2018 for the superior court to specially set a hearing and briefing schedule on a Motion to Approve Amendments to Appropriative Pool Pooling Plan and Court-Approved Management Agreements ("Motion").

The superior court granted the Parties' requested relief and specially set a hearing for the Motion on March 15, 2019, at 1:30 p.m., in Department S35 of the San Bernardino County Superior Court. The superior court further ordered a briefing schedule for the Motion as follows:

- Motion and all supporting papers shall be served through Watermaster and filed by noon, January 15, 2019;
- All opposition papers shall be served through Watermaster and filed by noon, February 13, 2019;
- All reply papers shall be served through Watermaster and filed by noon, February 28, 2019.



Settlement Conference Administrator December 5, 2018 Page 2

As directed in the Order, the Appellants will provide a further update to the settlement conference administrator after the hearing on the Motion. If the Motion is granted, Appellants will file a request for dismissal. If the Motion is denied, the Parties will confer with the settlement conference administrator to "determine how the appeal should proceed." See Order, ¶ 4.

Sincerely,

/s/Sarah Christopher Foley

Gene Tanaka Steve Anderson Sarah Christopher Foley BEST BEST & KRIEGER, LLP Attorney for Appellant Cucamonga Valley Water District

/s/ with permission
Arthur G. Kidman
Andrew B. Gagen
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Attorney for Appellant
Monte Vista Water District

/s/ with permission
Thomas Bunn III
LAGERLOF, SENECAL, GOSNEY &
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Attorney for Appellant
City of Pomona

Attachment

COURT OF APPEAL -- STATE OF CALIFORNIA FOURTH DISTRICT DIVISION TWO

ORDER

CHINO BASIN MUNICIPAL WATER

E068640

DISTRICT.

Plaintiff,

 \mathbf{v}

CITY OF CHINO et al.,

(Super. Ct. No. RCVRS51010)

Defendants, Objectors and Respondents;

CUCAMONGA VALLEY WATER

DISTRICT et al.,

Defendants, Movants and Appellants.

The County of San Bernardino

THE COURT

On the court's own motion, the appeal is ACCEPTED for this court's settlement conference program, and all other proceedings in the appeal are STAYED pending further order of the court, extending the stay ordered January 3, 2018. (Ct. App., Fourth Dist., Local Rules of Ct., rule 4(c)(3).)

Pursuant to the parties' Joint Stipulation and Application for Limited Remand to the Superior Court" (capitalization changed) filed July 16, 2018, (Joint Stipulation) and while the appeal is still pending in this court, Superior Court Case No. RCVRS51010 is TEMPORARILY REMANDED to the superior court for the limited purpose of, and for the limited time necessary for, the consideration and decision of the parties' motion to approve the "2018 Amendments" to the "Restated Judgment" and "Court Approved Management Agreements," to which amendments the parties have agreed as a result of the settlement negotiations ongoing since the filing of the notice of appeal. (Joint Stip., pp. 2-5.)

The superior court is DIRECTED to decide the parties' motion as soon as possible by a written order signed by the judge. Appellants are DIRECTED to serve and file with this court's settlement conference administrator a letter on or before 30 days after the date of this order informing this court of the superior court's progress in deciding the motion.

Upon the filing of the signed order, the superior court clerk is DIRECTED to transmit to this court's settlement conference administrator a file-stamped copy of the order. To effectuate the Joint Stipulation within a reasonable time: if the superior court grants the motion, appellants are DIRECTED to serve and file with the settlement conference administrator, on or before 20 days after the date the signed order is filed in

the superior court, a request for dismissal of the appeal; however, if the superior court denies the motion, this court through its settlement conference administrator will confer with the parties and determine how the appeal should proceed. (See Joint Stip., pp. 8-9 ["Appellants will dismiss their appeal"; "Parties will ask this court to lift the stay . . . and will proceed"]. See: *In re Amber S.* (1993) 15 Cal.App.4th 1260, 1264-1265 [constitutionally-based, inherent judicial powers entitle courts to adopt any procedure suitable to achieve justice in a particular case even though unauthorized by statute or rule]. See, e.g., *People v. Awad* (2015) 238 Cal.App.4th 215, 218 ["stay[ed] pending appeal for a short period of time to allow the trial court to conduct a Proposition 47 postconviction hearing"].)

RAMIREZ
Presiding Justice

cc: See attached list

MAILING LIST FOR CASE: E068640

Chino Basin Municipal Water District v. City of Chino et al.; Cucamonga Valley Water District et al.

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