

# FEE EXEMPT

1 TRACY J. EGOSCUE (SBN 190842)  
2 TARREN A. TORRES (SBN 275991)  
3 EGOSCUE LAW GROUP, INC.  
4 3834 Pine Ave.  
5 Long Beach, CA 90807  
6 Tel/Facsimile: (562) 988-5978  
7 [tracy@egoscuelaw.com](mailto:tracy@egoscuelaw.com)  
8 [tarren@egoscuelaw.com](mailto:tarren@egoscuelaw.com)

9 Attorneys for OVERLYING  
10 (AGRICULTURAL) POOL

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

13 CHINO BASIN MUNICIPAL WATER  
14 DISTRICT,

15 Plaintiff,

16 v.

17 CITY OF CHINO et al.,

18 Defendants.

Case No. RCV 51010

Assigned for All Purposes to the  
Honorable Stanford E. Reichert

DECLARATION OF TRACY J.  
EGOSCUE IN SUPPORT OF  
AGRICULTURAL POOL'S STATUS  
REPORT REGARDING MEDIATION

19 1. I, Tracy J. Egoscue, am an attorney licensed to practice in the State of California. Based  
20 upon my own knowledge and experience, I can competently attest to the following facts.

21 2. I am counsel for the Overlying (Agricultural) Pool Committee (hereafter "Agricultural  
22 Pool") and this Declaration is made in support of the Agricultural Pool's Status Report Regarding  
23 Mediation.

24 3. The list of available dates provided for the mediation by Hon. Peter D. Lichtman were  
25 January 13, January 18, February 15, March 15-16, March 19, March 22-23, and March 25, 2021.

26 A true and correct copy of the email from Signature Resolution providing available dates is  
27 attached hereto as **Exhibit A**.

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4. The parties to the mediation have agreed to a mediation date of March 22, 2021. A true and correct copy of the email exchange confirming the agreement of a mediation date is attached hereto as **Exhibit B**.

5. As conveyed to Ms. Gina Nicholls and Mr. John Schatz by email on January 11, 2021, the Agricultural Pool’s preference was to schedule either of the two blocks of two consecutive dates offered for mediation—specifically March 15-16 and March 22-23—in the event that two days are needed given the complexity of the issues that are the subject of the mediation.

6. As memorialized in the email exchange dated January 13, 2021, attached hereto as **Exhibit B**, the Appropriate Pool Member Agencies declined the Agricultural Pool’s proposal to reserve two days with the mediator out of concern for the possibility that a refund for the costs of the second day would not be made should one day not be productive enough for an additional day of mediation.


7. Given the Appropriate Pool Member Agencies’ concern regarding their cost for the second day, the parties have agreed to schedule mediation for March 22, 2021, as proposed by counsel for the City of Ontario, and to request more time from the Court if necessary should it turn out that one day is not sufficient. See **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of January 2021 in the City of Long Beach and County of Los Angeles, State of California.

By: Tracy J. Egoscue  
TRACY J. EGOSCUE

# Exhibit A

Signature Resolution E-Mail Re:  
Mediation Availability

**From:** Tracy J. Egoscue tracy@egoscuelaw.com   
**Subject:** Fwd: Chino Basin Municipal Water District vs. City of Chino, et al. - San Bernardino Superior Court Case No. RCVRS 51010  
-- Availability for a Mediation  
**Date:** January 19, 2021 at 12:19 PM  
**To:** Tarren Alicia Torres tarren@egoscuelaw.com

---

Tracy J. Egoscue  
Egoscue Law Group, Inc.  
562-988-5978 office  
562-981-4866 cell

Sent from my iPhone

Begin forwarded message:

**From:** Jesse Centeno <jcenteno@signatureresolution.com>  
**Date:** January 8, 2021 at 3:48:06 PM PST  
**To:** "Nicholls, Gina R." <gnicholls@nossaman.com>  
**Cc:** Steve Anderson <Steve.Anderson@bbklaw.com>, Elizabeth Calciano <ecalciano@hensleylawgroup.com>, thmcp@aol.com, jschatz13@cox.net, agagen@kidmanlaw.com, tombunn@lagerlof.com, sgrady@eslawfirm.com, "Fudacz, Fred A." <ffudacz@nossaman.com>, Gene Tanaka <Gene.Tanaka@bbklaw.com>, red@eslawfirm.com, akidman@kidmanlaw.com, Jeff Ferre <Jeff.Ferre@bbklaw.com>, jimmy@city-attorney.com, "Tracy J. Egoscue" <Tracy@egoscuelaw.com>  
**Subject:** Re: Chino Basin Municipal Water District vs. City of Chino, et al. - San Bernardino Superior Court Case No. RCVRS 51010 -- Availability for a Mediation

Counsel,

Thank you for your interest in Signature Resolution and Hon. Peter D. Lichtman.

Judge Lichtman serves at a rate of \$16,000/day and \$9,000/half-day. He is currently available as follows:

**January 13, 18**

**February 15**

**March 15-16, 19, 22-23, 25**

For your reference, I have attached Judge Lichtman's rate and fee schedule.

Feel free to email me if you have any questions or concerns.

Thank you,

Jesse

Jesse Centeno  
Director of Operations

**SIGNATURE**

RESOLUTION

## Signature Resolution - Downtown LA

633 West 5th Street, Suite 1000 | Los Angeles, CA 90071 | Tel: 213-622-1002

## Signature Resolution - Century City

2049 Century Park East, Suite 620 | Los Angeles, CA 90067 | Tel: 310-455-8160

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---

**From:** "Nicholls, Gina R." <gnicholls@nossaman.com>  
**Date:** Friday, January 8, 2021 at 3:39 PM  
**To:** Jesse Centeno <jcenteno@signatureresolution.com>  
**Cc:** 'Steve Anderson' <Steve.Anderson@bbklaw.com>, 'Elizabeth Calciano' <ecalciano@hensleylawgroup.com>, "thmcp@aol.com" <thmcp@aol.com>, "jschatz13@cox.net" <jschatz13@cox.net>, "agagen@kidmanlaw.com" <agagen@kidmanlaw.com>, "tombunn@lagerlof.com" <tombunn@lagerlof.com>, "sgrady@eslawfirm.com" <sgrady@eslawfirm.com>, "Fudacz, Fred A." <ffudacz@nossaman.com>, 'Gene Tanaka' <Gene.Tanaka@bbklaw.com>, "red@eslawfirm.com" <red@eslawfirm.com>, "akidman@kidmanlaw.com" <akidman@kidmanlaw.com>, 'Jeff Ferre' <Jeff.Ferre@bbklaw.com>, "jimmy@city-attorney.com" <jimmy@city-attorney.com>, "Tracy J. Egoscue" <tracy@egoscuelaw.com>  
**Subject:** Chino Basin Municipal Water District vs. City of Chino, et al. - San Bernardino Superior Court Case No. RCVRS 51010 -- Availability for a Mediation

Jesse:

Thanks for talking with me a few minutes ago. Would you please circulate Judge Lichtman's current availability through March 25 to all the attorneys on this email? I understand that it may have changed from what my office obtained on Wednesday. Thanks very much.

Gina

**Gina R. Nicholls**  
Attorney at Law  
NOSSAMAN LLP  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017  
[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)  
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D 213.612.7815

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## **SIGNATURE**

RESOLUTION

### **Hon. Peter D. Lichtman (Ret.) Rate and Fee Schedule For Mediations**

<b><u>PROFESSIONAL FEE</u></b>	<b>\$16,000/day (Monday – Friday)</b> <b>\$9,000/half-day (Monday – Friday)</b> <b>\$19,000/day (Saturday and Sunday)</b>
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The professional fee applies to mediation proceedings within Los Angeles County. For information on travel rates, please contact the Case Administrator. The half-day fee includes up to four (4) hours of hearing time and up to one (1) hour of preparation time. The day fee includes up to eight (8) hours of hearing time and up to two (2) hours of preparation time. Please note that the parties are responsible for time reserved. Unused hearing time is non-refundable.

<b><u>ADMINISTRATIVE FEE</u></b>	<b>\$450/party</b>
----------------------------------	--------------------

The administrative fee is a one-time, non-recurring and non-refundable charge that is applied to all new cases. It will be billed and due as part of the initial invoice.

<b><u>CONTINUANCE AND CANCELLATION POLICY</u></b>	<b>14 or more calendar days prior to hearing date</b>
---	---

Please note that the Continuance and Cancellation Policy is set by each neutral. All notices of continuances and cancellations must be submitted in writing to the Case Administrator, with a copy to the opposing side/counsel.

If notice of continuance or cancellation exceeds the period specified above, all professional fees will be refunded. The administrative fee is non-refundable.

If notice is less than the period specified above, the party requesting the continuance or cancellation shall be responsible for 100% of the fees. Our office will try to rebook the time in efforts to mitigate these fees.

#### **ADDITIONAL INFORMATION**

Signature Resolution LLC and Judge Lichtman's agreement to render services is with counsel, carriers, and any other representative of each party.

Professional fees will be billed in advance of each hearing and are due by the dates specified on the invoices. Signature Resolution LLC and Judge Lichtman reserve the right to cancel any proceeding due to non-payment or untimely payment of professional and administrative fees.

Signature Resolution LLC and Judge Lichtman reserve the right to make fee adjustments on matters that are scheduled more than twelve (12) months from date of initiation.

---

633 W. 5th Street, Suite 1000, Los Angeles, CA 90071  
Tel: 213-622-1002 | [SignatureResolution.com](http://SignatureResolution.com)

# Exhibit B

January 13, 2021 E-Mail Exchange Re:  
Mediation Availability



**From:** "Nicholls, Gina R." <gnicholls@nossaman.com>  
**Date:** January 13, 2021 at 2:34:30 PM PST  
**To:** "Tracy J. Egoscue" <Tracy@egoscuelaw.com>  
**Cc:** "Fudacz, Fred A." <ffudacz@nossaman.com>, "John Schatz (jschatz13@cox.net)" <jschatz13@cox.net>  
**Subject:** RE: [External] Fwd: Chino Basin Municipal Water District vs. City of Chino, et al. - San Bernardino Superior Court Case No. RCVRS 51010 – Availability for a Mediation

Tracy,

Thanks for the follow up. Your email below accurately reflects our conversation.

I did not mean to cause concern by summarizing our discussion as “may be willing” to ask Judge Reichert for more time if the mediation is productive. The sense of our AP group is that there’s a willingness to ask for more time if the mediation is productive. There is no appetite, however, to reserve a second day of mediation that the parties would have to pay for regardless of how the mediation goes on March 22.

I would like to continue to communicate by telephone when appropriate. Emails, like telephone calls, can be an imperfect and inefficient method of communication.

Best regards,  
Gina

**Gina R. Nicholls**  
Attorney at Law  
NOSSAMAN LLP  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017  
[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)  
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D 213.612.7815

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**From:** Tracy J. Egoscue <tracy@egoscuelaw.com>

**Sent:** Wednesday, January 13, 2021 2:04 PM

**To:** Nicholls, Gina R. <gnicholls@nossaman.com>

**Cc:** Fudacz, Fred A. <ffudacz@nossaman.com>; John Schatz (jschatz13@cox.net) <jschatz13@cox.net>; Tracy J. Egoscue <tracy@egoscuelaw.com>

**Subject:** Re: [External] Fwd: Chino Basin Municipal Water District vs. City of Chino, et al. - San Bernardino Superior Court Case No. RCVRS 51010 -- Availability for a Mediation

I agree that this confirms the majority of our agreement with one significant exception.

The Ag Pool's preference as previously stated in an email was to book two consecutive dates. During our call, you stated that the AP members expressed concern about not being able to have their share of the monies refunded if one day turned out to be sufficient for whatever reason and we had booked two. I agreed that this seemed like a reasonable concern and that we could request more time from the Judge if we needed more time.

Your characterization of "may be willing" to ask for more time does not quite capture the essence of our meeting of the minds so to speak. I was of the understanding that it was a mutually reasonable expectation that we would go to the Judge if we needed more time.

In the future, to avoid these types of misunderstandings and the subsequent unnecessary waste of time going back and forth with confirming emails, perhaps you should just email me at the outset. Calls seem to breed misunderstandings.

Thank you.

Tracy J. Egoscue, Esq.  
Egoscue Law Group, Inc.  
562.988.5978 office  
562.981.4866 cell

[tracy@egoscuelaw.com](mailto:tracy@egoscuelaw.com)

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On Jan 13, 2021, at 1:54 PM, Nicholls, Gina R. <[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)> wrote:

Tracy,

Thanks very much for the call. I'm following up to confirm that we agreed to a mediation date of March 22, and that I will follow up with the case manager by email (copying all counsel including you) to reserve the date and ask about next steps.

We also discussed that if the mediation is productive, the parties may be willing to ask Judge Reichert for more time. We both expressed interest arranging a pre-mediation conference with the mediator and the attorneys.

Best regards,  
Gina

**Gina R. Nicholls**  
Attorney at Law  
NOSSAMAN LLP  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017  
[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)  
T 213.612.7800 F 213.612.7801  
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**From:** Tracy J. Egoscue <[tracy@egoscuelaw.com](mailto:tracy@egoscuelaw.com)>  
**Sent:** Wednesday, January 13, 2021 1:14 PM  
**To:** Nicholls, Gina R. <[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)>  
**Cc:** Fudacz, Fred A. <[ffudacz@nossaman.com](mailto:ffudacz@nossaman.com)>; John Schatz (<[jschatz13@cox.net](mailto:jschatz13@cox.net)>  
<[jschatz13@cox.net](mailto:jschatz13@cox.net)>  
**Subject:** Re: [External] Fwd: Chino Basin Municipal Water District vs. City of Chino, et al. - San Bernardino Superior Court Case No. RCVRS 51010 -- Availability for a Mediation

I just tried your cell.

I have a window right now and then I am on zoom starting at 2 until after 5.  
Perhaps you can email me with the issue.

Thanks.

Tracy J. Egoscue, Esq.  
Egoscue Law Group, Inc.  
562.988.5978 office  
562.981.4866 cell

[tracy@egoscuelaw.com](mailto:tracy@egoscuelaw.com)

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On Jan 13, 2021, at 12:52 PM, Nicholls, Gina R.  
<[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)> wrote:

Hi Tracy,

I called your office this morning and left a voice mail on your cell phone. Please give me a call back to discuss. I'm available this afternoon in my office or by cell, 213-330-6499. Thanks.

Gina

**Gina R. Nicholls**  
Attorney at Law  
NOSSAMAN LLP  
777 South Figueroa Street, 34th Floor

Los Angeles, CA 90017  
[gnicholls@nossaman.com](mailto:g nicholls@nossaman.com)  
T 213.612.7800 F 213.612.7801  
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**From:** Tracy J. Egoscue <[Tracy@egoscuelaw.com](mailto:Tracy@egoscuelaw.com)>  
**Sent:** Wednesday, January 13, 2021 10:37 AM  
**To:** Nicholls, Gina R. <[gnicholls@nossaman.com](mailto:g nicholls@nossaman.com)>  
**Cc:** Fudacz, Fred A. <[ffudacz@nossaman.com](mailto:ffudacz@nossaman.com)>; John Schatz ([jschatz13@cox.net](mailto:jschatz13@cox.net)) <[jschatz13@cox.net](mailto:jschatz13@cox.net)>; Tracy Egoscue <[tracy@egoscuelaw.com](mailto:tracy@egoscuelaw.com)>  
**Subject:** Re: [External] Fwd: Chino Basin Municipal Water District vs. City of Chino, et al. - San Bernardino Superior Court Case No. RCVRS 51010 -- Availability for a Mediation

What is the status of your group availability. Perhaps we should try to book the dates as soon as possible.

Tracy J. Egoscue  
Egoscue Law Group, Inc.  
562-988-5978 office  
562-981-4866 cell

Sent from my iPhone

On Jan 11, 2021, at 3:53 PM, Nicholls, Gina R.  
<[gnicholls@nossaman.com](mailto:g nicholls@nossaman.com)> wrote:

Tracy,

We reached out to our group regarding availability and are waiting on a couple responses. I'll get back to you as soon as I can.

Gina

**Gina R. Nicholls**

Attorney at Law  
NOSSAMAN LLP  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017  
[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)  
T 213.612.7800 F 213.612.7801  
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**From:** Tracy J. Egoscue <[tracy@egoscuelaw.com](mailto:tracy@egoscuelaw.com)>  
**Sent:** Monday, January 11, 2021 2:59 PM  
**To:** Nicholls, Gina R. <[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)>; Fudacz, Fred A. <[ffudacz@nossaman.com](mailto:ffudacz@nossaman.com)>; John Schatz ([jschatz13@cox.net](mailto:jschatz13@cox.net)) <[jschatz13@cox.net](mailto:jschatz13@cox.net)>  
**Cc:** Tracy J. Egoscue <[tracy@egoscuelaw.com](mailto:tracy@egoscuelaw.com)>  
**Subject:** [External] Fwd: Chino Basin Municipal Water District vs. City of Chino, et al. - San Bernardino Superior Court Case No. RCVRS 51010 -- Availability for a Mediation

The Ag Pool Chair and Vice Chair of the Ag Pool would like to schedule either of the blocks of two consecutive dates offered for mediation copied below, and they are hopeful these dates work for your team as well. The thought is that two days should be booked just in case and not necessarily because the Pool thinks that two days are required.

**March 15-16, or 22-23.**

Tracy J. Egoscue, Esq.  
Egoscue Law Group, Inc.  
562.988.5978 office  
562.981.4866 cell

[tracy@egoscuelaw.com](mailto:tracy@egoscuelaw.com)

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Begin forwarded message:

**From:** Jesse Centeno  
<[jcenteno@signatureresolution.com](mailto:jcenteno@signatureresolution.com)>  
>  
**Subject:** Re: Chino Basin  
Municipal Water District vs. City of  
Chino, et al. - San Bernardino  
Superior Court Case No. RCVRS  
51010 -- Availability for a  
Mediation  
**Date:** January 8, 2021 at 3:47:53 PM  
PST  
**To:** "Nicholls, Gina R."  
<[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)>  
**Cc:** 'Steve Anderson'  
<[Steve.Anderson@bbklaw.com](mailto:Steve.Anderson@bbklaw.com)>, 'Elizabeth Calciano'  
<[ecalciano@hensleylawgroup.com](mailto:ecalciano@hensleylawgroup.com)>, "[thmcp@aol.com](mailto:thmcp@aol.com)"  
<[thmcn@aol.com](mailto:thmcn@aol.com)>

~~<jschatz13@cox.net>~~,  
"jschatz13@cox.net"  
<jschatz13@cox.net>,  
"agagen@kidmanlaw.com"  
<agagen@kidmanlaw.com>,  
"tombunn@lagerlof.com"  
<tombunn@lagerlof.com>,  
"sgrady@eslawfirm.com"  
<sgrady@eslawfirm.com>, "Fudacz,  
Fred A." <ffudacz@nossaman.com>,  
'Gene Tanaka'  
<Gene.Tanaka@bbklaw.com>,  
"red@eslawfirm.com"  
<red@eslawfirm.com>,  
"akidman@kidmanlaw.com"  
<akidman@kidmanlaw.com>, 'Jeff  
Ferre' <Jeff.Ferre@bbklaw.com>,  
"jimmy@city-attorney.com"  
<jimmy@city-attorney.com>, "Tracy  
J. Egoscue"  
<tracy@egoscuelaw.com>

Counsel,

Thank you for your interest in Signature  
Resolution and Hon. Peter D. Lichtman.

Judge Lichtman serves at a rate of  
\$16,000/day and \$9,000/half-day. He is  
currently available as follows:

**January 13, 18**

**February 15**

**March 15-16, 19, 22-23, 25**

For your reference, I have attached Judge  
Lichtman's rate and fee schedule.

Feel free to email me if you have any  
questions or concerns.

Thank you,

Jesse

Jesse Centeno  
Director of Operations



CHINO BASIN WATERMASTER

Case No. RCVRS 51010

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

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 20, 2021 I served the following:

1. DECLARATION OF TRACY J. EGOSCUE IN SUPPORT OF AGRICULTURAL POOL'S STATUS REPORT REGARDING MEDIATION

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 20, 2021 in Rancho Cucamonga, California.



By: Janine Wilson  
Chino Basin Watermaster

PAUL HOFER  
CBWM BOARD MEMBER  
11248 S TURNER AVE  
ONTARIO, CA 91761

JEFF PIERSON  
2 HEXAM  
IRVINE, CA 92603

ALLEN HUBSCH  
LOEB & LOEB LLP  
10100 SANTA MONICA BLVD.  
SUITE 2200  
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