

FEE EXEMPT

APP-003

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Frederic A. Fudacz (SBN 50546); Jennifer L. Meeker (SBN 260138) FIRM NAME: Nossaman LLP STREET ADDRESS: 777 S. Figueroa Street, 34th Floor CITY: Los Angeles TELEPHONE NO.: (213) 612-7800 E-MAIL ADDRESS: ffudacz@nossaman.com; jmeeker@nossaman.com ATTORNEY FOR (name): City of Ontario	STATE BAR NUMBER: STATE: CA ZIP CODE: 90017 FAX NO.: (213) 612-7801	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS: 247 West 3rd Street MAILING ADDRESS: CITY AND ZIP CODE: San Bernardino, 92415 BRANCH NAME: San Bernardino District		
PLAINTIFF/PETITIONER: CHINO BASIN MUNICIPAL WATER DISTRICT DEFENDANT/RESPONDENT: CITY OF CHINO, ET AL. OTHER PARENT/PARTY:		
APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)		SUPERIOR COURT CASE NUMBER: RCVRS 51010
RE: Appeal filed on (date): May 20, 2022		COURT OF APPEAL CASE NUMBER (if known): E079052
Notice: Please read <i>Information on Appeal Procedures for Unlimited Civil Cases (form APP-001-INFO)</i> before completing this form. This form must be filed in the superior court, not in the Court of Appeal.		

1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I choose to use the following method of providing the Court of Appeal with a record of the documents filed in the superior court (check a, b, c, or d, and fill in any required information):

- a. A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section (item 4) on pages 2 and 3 of this form.)
- (1) I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- (2) I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (check (a) or (b)):
- (a) An order granting a waiver of court fees and costs under rules 3.50–3.58; or
- (b) An application for a waiver of court fees and costs under rules 3.50–3.58. (Use *Request to Waive Court Fees (form FW-001)* to prepare and file this application.)
- b. An appendix under rule 8.124.
- c. The original superior court file under rule 8.128. (NOTE: *Local rules in the Court of Appeal, First, Third, and Fourth Appellate Districts, permit parties to stipulate (agree) to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.*)
- d. An agreed statement under rule 8.134. (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)

2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I choose to proceed (you must check a or b below):

- a. WITHOUT a record of the oral proceedings (what was said at the hearing or trial) in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in deciding whether an error was made in the superior court proceedings.

CASE NAME: Chino Basin Municipal Water District v. City of Chino, et al.	SUPERIOR COURT CASE NUMBER: RCVRS 51010
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2. b. WITH the following record of the oral proceedings in the superior court (*you must check (1), (2), or (3) below*):
- (1) A reporter's transcript under rule 8.130. (*You must fill out the reporter's transcript section (item 5) on pages 3 and 4 of this form.*) I have (*check all that apply*):
 - (a) Deposited with the superior court clerk the approximate cost of preparing the transcript by including the deposit with this notice as provided in rule 8.130(b)(1).
 - (b) Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
 - (c) Attached the reporter's written waiver of a deposit under rule 8.130(b)(3)(A) for (*check either (i) or (ii)*):
 - (i) all of the designated proceedings.
 - (ii) part of the designated proceedings.
 - (d) Attached a certified transcript under rule 8.130(b)(3)(C).
 - (2) An agreed statement. (*Check and complete either (a) or (b) below.*)
 - (a) I have attached an agreed statement to this notice.
 - (b) All the parties have stipulated (agreed) in writing to try to agree on a statement. (*You must attach a copy of this stipulation to this notice.*) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.
 - (3) A settled statement under rule 8.137. (*You must check (a), (b), or (c) below, and fill out the settled statement section (item 6) on page 4.*)
 - (a) The oral proceedings in the superior court were not reported by a court reporter.
 - (b) The oral proceedings in the superior court were reported by a court reporter, but I have an order waiving fees and costs.
 - (c) I am asking to use a settled statement for reasons other than those listed in (a) or (b). (*You must serve and file the motion required under rule 8.137(b) at the same time that you file this form. You may use form APP-025 to prepare the motion.*)

3. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE COURT OF APPEAL

I request that the clerk transmit to the Court of Appeal under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (*give the title and date or dates of the administrative proceeding*):

Title of Administrative Proceeding	Date or Dates
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4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

(You must complete this section if you checked item 1a above indicating that you choose to use a clerk's transcript as the record of the documents filed in the superior court.)

a. **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed, or if that is not available, the date the document was signed.

Document Title and Description	Date of Filing
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- (1) Notice of appeal
- (2) Notice designating record on appeal (*this document*)
- (3) Judgment or order appealed from
- (4) Notice of entry of judgment (*if any*)
- (5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (*if any*)
- (6) Ruling on one or more of the items listed in (5)
- (7) Register of actions or docket (*if any*)

CASE NAME: Chino Basin Municipal Water District v. City of Chino, et al.	SUPERIOR COURT CASE NUMBER: RCVRS 51010
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4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

b. **Additional documents.** *(If you want any documents from the superior court proceeding in addition to the items listed in 4a. above to be included in the clerk's transcript, you must identify those documents here.)*

I request that the clerk include in the transcript the following documents that were filed in the superior court proceeding. *(You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)*

	Document Title and Description	Date of Filing
(8)		
(9)		
(10)		
(11)		

See additional pages. *(Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 4b," and start with number (12).)*

c. **Exhibits to be included in clerk's transcript**

I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. *(For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Rule 8.122(a)(3).))*

	Exhibit Number	Description	Admitted (Yes/No)
(1)			
(2)			
(3)			
(4)			

See additional pages. *(Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 4c," and start with number (5).)*

5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT

You must complete both a and b in this section if you checked item 2b(1) above indicating that you choose to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.

a. **Format of the reporter's transcript**

I request that the reporters provide *(check one)*:

- (1) My copy of the reporter's transcript in electronic format.
- (2) My copy of the reporter's transcript in paper format.
- (3) My copy of the reporter's transcript in electronic format and a second copy in paper format.

(Code Civ. Proc., § 271.)

CASE NAME: Chino Basin Municipal Water District v. City of Chino, et al.	SUPERIOR COURT CASE NUMBER: RCVRS 51010
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5. b. **Proceedings**

I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(1)10/22/20	S35	Partial	Ex Parte Hearing Re: Ag Pool Legal Expenses	Carrie Lane	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(2)11/13/20	S35	Partial	Hearing on Motion Re: Ag Pool Legal and Other Expenses	Cathy Albritton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(3)12/11/20	S35	Partial	Status Conference Re: Motion	Cathy Albritton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(4)1/8/21	S35	Partial	Status Conference Re: Motion	Cathy Albritton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages. (Check here if you need more space to list additional proceedings. List these exhibits on a separate page or pages labeled "Attachment 5b," and start with number (5).)

6. **NOTICE DESIGNATING PROCEEDINGS TO BE INCLUDED IN SETTLED STATEMENT**

(You must complete this section if you checked item 2b(3) above indicating you choose to use a settled statement.) I request that the following proceedings in the superior court be included in the settled statement. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(1)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(2)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(3)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(4)					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages. (Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 6," and start with number (5).)

7. a. The proceedings designated in 5b or 6 include do not include all of the testimony in the superior court.
- b. If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal. (Rule 8.130(a)(2) and rule 8.137(d)(1) provide that your appeal will be limited to these points unless the Court of Appeal permits otherwise.) Points are set forth: Below On a separate page labeled "Attachment 7."

Date: May 27, 2022

Frederic A. Fudacz
(TYPE OR PRINT NAME)


(SIGNATURE OF APPELLANT OR ATTORNEY)

SHORT TITLE: Chino Basin Municipal Water District v. City of Chino, et al.	CASE NUMBER: RCVRS 51010
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ATTACHMENT (Number): 5b

(This Attachment may be used with any Judicial Council form.)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(5) 3/26/21	S35	Partial	- Status Conference Re: Motion	Cathy Albritton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(6) 4/30/21	S35	Partial	- Hearing on Motion Re: Ag Pool Legal and Other Expenses	Cathy Albritton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(7) 5/28/21	S35	Partial	- Hearing on Motion Re: Ag Pool Legal and Other Expenses	Cathy Albritton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(8) 11/5/21	S35	Partial	- Hearing Re: Ag Pool Motion for Attorney's Fees	Cathy Albritton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(9) 2/4/22	S35	Partial	- Hearing Re: City of Chino's Motion for Reimbursement	Cathy Albritton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(10) 4/8/22	S35	Partial	- Hearing Re: City of Chino's Motion for Reimbursement	Kimberly Morrow	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(11) 4/22/22	S35	Partial	- Hearing Re: City of Chino's Motion for Reimbursement	Kerry Montouri	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 5 of 5

(Add pages as required)

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 May 27, 2022, I served the following:

1. 20220527 City of Ontario Appellant's Notice Designating Record on Appeal

/ X / BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by the 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.

See attached service list: Master Email Distribution List

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

Executed on May 27, 2022 in Rancho Cucamonga, California.



By: Ruby Favela
Chino Basin Watermaster

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JEFF PIERSON
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