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10 11 12 13 14 15 16 17 18 19 20 21 22 23	CHINO BASIN MUNICIPAL WATER DISTRICT, V. CITY OF CHINO, et al., Defendant.	Case No. RCVRS 51010 Assigned for all purposes to Honorable Gilbert G. Ochoa CHINO BASIN WATERMASTER'S RESPONSE TO OBJECTIONS TO DECLARATION OF PETER KAVOUNAS RE: APPLICATION FOR AN ORDER TO EXTEND TIME UNDER JUDGMENT, PARAGRAPH 31(c) TO CHALLENGE WATERMASTER ACTION/DECISION ON NOVEMBER 18, 2021 TO APPROVE THE FY 2021/2022 ASSESSMENT PACKAGE. IF SUCH REQUEST IS DENIED, THIS FILING IS THE CHALLENGE <u>Hearing:</u> Date: June 17, 2022 Time: 1:30 p.m. Dept.: S24
24 25 26		
27 28		
20	- 1 CHINO BASIN WATERM	
	OBJECTIONS TO DECLARAT	

The Chino Basin Watermaster ("Watermaster") hereby submits this Response to
 Defendant City of Ontario's ("Ontario") evidentiary objection to the Declaration of Peter
 Kavounas, and certain exhibits, filed in support of Watermaster's Opposition to City of Ontario's
 Application for an Order to Extend Time Under Judgment, Paragraph 31(c) to Challenge
 Watermaster Action/Decision on November 18, 2021 to Approve the FY 2021/2022 Assessment
 Package. The laundry list of objections offered are a waste of this Court's and Watermaster's – its
 special master - resources. Nonetheless, Watermaster presents its responses below.

8

SPECIFIC OBJECTIONS TO DECLARATION OF PETER KAVOUNAS

No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on Objection:
		- Sulfeenen	Watermaster's	
			adoption of the FY	
			2021/22 Assessment Package.	
			Fackage.	
			Similarly, Ontario's	
			objection that	
			proffered evidence is	
			more prejudicial than	
			probative, Evid. Code § 352, is not	
			applicable in this	
			instance. Among the	
			factors a trial court	
			must consider when it	
			is requested to	
			exercise its discretion	
			to deprive a party of probative evidence	
			are a determination	
			that the evidence is	
			relevant to an issue	
			that is in dispute, a	
			consideration of other	
			proof on that issue available to the party	
			which offers the	
			evidence, and that	
			party's relatively	
			greater need for the	
			evidence if it must	
			carry the burden of proof on the issue to	
			which the evidence	
			relates. Thor v. Boska	
			(1974), 38 Cal. App.	
			3d 558. Here, by	
			making the objection,	
			Ontario is asking the Court to weigh	
			whether the	
			prejudicial value	
			outweighs the	
			probative value,	
			which cannot be the	
			case here.	
			Ontario also objects	
			that the declarant does	
			not have personal	
			knowledge under Cal. Evid. Code § 702 and	
		- 3	, i i i i i i i i i i i i i i i i i i i	

No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on th Objection:
			that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager of Watermaster for approximately a decade. In this role, he is involved with both Watermaster's administration of the DYYP and its calculation, collection, and spending of assessments.	
2.	Paragraph 21, p. 4, lines 8-12 In 2019, signatories to the DYYA agreed to permit Parties to voluntarily take water and receive an operational credit without a MWD call in a letter agreement ("2019 Letter Agreement"), attached hereto as Exhibit C . The 2019 Letter Agreement comprises changes to the DYY contract that had being extensively discussed with IEUA subagencies in a year-and-a-half long process.	Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 403); Vague and ambiguous. Mr. Kavounas' statement is vague and ambiguous as to the signatories to the DYYA, the phrase "DYY contract" which is not defined, and the word "extensively" which is not substantiated with any facts.	Ontario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702, that his statement lacks foundation and that it is vague and ambiguous. Each of objections should be overruled. The declarant has been the General Manager of Watermaster for approximately a decade. In this role, he is involved with the administration of the DYYP and he was Watermaster's signatory to the 2019 Letter Agreement. The statement at issue provides a foundation for authenticating and explaining the cited document and its purpose.	Sustained: Overruled:
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No.	Material Objected	Grounds for Objection	Response to Objection:	Ruling on Objection:
	to:	ODICTION	Additionally, Ontario	bleenon.
			objects that the	
			declarant is setting forth opinion	
			testimony. This is not	
			the case. The	
			statement does not	
			contain an opinion, but, to the degree it	
			did, the opinion	
			would be admissible.	
			To the extent an	
			assistant principal's	
			declaration describing the high number of	
			programs competing	
			for limited space in	
			facilities might have	
			contained opinions in addition to	
			observations based on	
			the personal	
			knowledge of the	
			witness, such opinions were	
			admissible as	
			rationally based,	
			helpful lay opinions	
			in a dispute concerning a charter	
			school's request for	
			facilities. Westchester	
			Secondary Charter	
			School v. Los Angeles Unified School Dist.	
			(2015), 237 Cal. App.	
			4th 1226.	
3.	Paragraph	Misstates the	Although the	Sustained:
	24, p. 4,	testimony/evidence	objection claims that	
	lines 20-22	(Evid. Code §§ 210, 403); Lacks	it misstates the evidence, which the	Overruled:
	No Party objected	Foundation (Evid.	Court can clearly	
	to the 2019 Letter	Code §§ 702, 800);	determine for itself,	
	Agreement or to my	Lacks Personal	the objections under	
	signing the 2019 Letter Agreement.	Knowledge/ Speculative (Evid.	Evid. Code § 210 are a contention that the	
	Nor did any Party	Code §§ 702, 403);	evidence is not	
	request that the	Prejudicial (Evid. Code	relevant. Evidence is	
	2019 Letter	§ 352).	relevant if it pertains to a witness'	
	Agreement be	I		I

No.	Material Objected	Grounds for Objection	Response to Objection:	Ruling on Objection
	to: formally approved by the Watermaster Board.	Objection Mr. Kavounas' statement that no party objected to the 2019 Letter Agreement lacks foundation, is prejudicial, and misstates the evidence. Ontario has raised several objections to the 2019 Letter Agreement, including to IEUA and Watermaster. (Declaration of Courtney Jones ("Jones Decl.), ¶ 34, Ex. 7; Burton Decl., ¶ 2, Ex. 1.)	Objection: credibility or has "any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the matter." Cal. Evid. Code § 210. "Relevance is a low bar." <i>People v. Villa</i> , (2020) 55 Cal. App. 5th 1042, 1052, (2020), review denied (Jan. 13, 2021). This evidence is relevant because it pertains to the development and review of the 2019 Letter Agreement, which is the subject of Ontario's challenge to Watermaster's adoption of the FY 2021/22 Assessment Package. Ontario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702, that his statement lacks foundation and that it is vague and ambiguous. Each of objections should be overruled. The declarant has been the General Manager of Watermaster for approximately a decade. In this role, he is involved with the administration of the DYYP and he was Watermaster's signatory to the 2019 Letter Agreement.	Objection
			Similarly, Ontario's objection that	
		- 6 -	proffered evidence is	

No.	Material Objected	Grounds for	Response to	Ruling on t
	to:	Objection	Objection: more prejudicial than	Objection:
			probative, Evid. Code	
			§ 352, is not	
			applicable in this instance. Among the	
			factors a trial court	
			must consider when it	
			is requested to	
			exercise its discretion to deprive a party of	
			probative evidence	
			are a determination	
			that the evidence is	
			relevant to an issue that is in dispute, a	
			consideration of other	
			proof on that issue	
			available to the party	
			which offers the evidence, and that	
			party's relatively	
			greater need for the	
			evidence if it must	
			carry the burden of proof on the issue to	
			which the evidence	
			relates. Thor v. Boska	
			(1974), 38 Cal. App.	
			3d 558. Here, by making the objection,	
			Ontario is asking the	
			Court to weigh	
			whether the prejudicial value	
			outweighs the	
			probative value,	
			which cannot be the case here.	
			case nere.	
4.	Paragraph	Misstates the	Although the	Sustained:
	26, p. 4, lines 24-25	testimony/evidence (Evid. Code §§ 210,	objection claims that it misstates the	
	11105 2 1 23	403); Lacks Personal	evidence, which the	Overruled:
	In accordance with	Knowledge/	Court can clearly determine for itself,	
	the DYYP, CVWD voluntarily	Speculative (Evid. Code §§ 702, 403);	the objections under	
	withdrew 20,500	Prejudicial (Evid. Code	Evid. Code § 210 are	
	AF and Fontana	§ 352).	a contention that the	
	Water Company ("FWC")	The statement that	evidence is not relevant. Evidence is	
	voluntarily	CVWD and FWC's	relevant if it pertains	
		- 7 -		

No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on th Objection:
	DYYP account during production year 2020/21.	accordance with the DYYP" is misleading and misstates the evidence. The 2019 Letter Agreement does not contemplate an individual agency producing more water than its Take Capacity. (Burton Decl., ¶ 2, Ex. 1.)	tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the matter." Cal. Evid. Code § 210. "Relevance is a low bar." <i>People v. Villa</i> , (2020) 55 Cal. App. 5th 1042, 1052, (2020), review denied (Jan. 13, 2021). This evidence is relevant because it pertains to	
			the groundwater extraction that is the subject of Ontario's challenge to Watermaster's adoption of the FY 2021/22 Assessment Package.	
			Additionally, Ontario objects that the declarant is setting forth opinion testimony. This is not the case. The	
			statement does not contain an opinion,	
			but, to the degree it did, the opinion would be admissible.	
			To the extent an assistant principal's declaration describing	
			the high number of programs competing for limited space in	
			facilities might have contained opinions in	
			addition to observations based on the personal	
			knowledge of the witness, such opinions were	
		- 8 -	admissible as	

No.	Material Objected	Grounds for Objection	Response to Objection:	Ruling on 1 Objection:
	to:	objection	rationally based,	objection.
			helpful lay opinions	
			in a dispute	
			concerning a charter	
			school's request for facilities. <i>Westchester</i>	
			Secondary Charter	
			School v. Los Angeles	
			Unified School Dist.	
			(2015), 237 Cal. App.	
			4th 1226.	
			Ontario objects that	
			the declarant does not have personal	
			knowledge under Cal.	
			Evid. Code § 702, that	
			his statement lacks	
			foundation and that it is vague and	
			ambiguous. Each of	
			objections should be	
			overruled. The	
			declarant has been the General Manager of	
			Watermaster for	
			approximately a	
			decade. In this role,	
			he is involved with	
			the administration of the DYYP.	
			Similarly, Ontario's	
			objection that proffered evidence is	
			more prejudicial than	
			probative, Evid. Code	
			§ 352, is not	
			applicable in this	
			instance. Among the factors a trial court	
			must consider when it	
			is requested to	
			exercise its discretion	
			to deprive a party of probative evidence	
			are a determination	
			that the evidence is	
			relevant to an issue	
			that is in dispute, a consideration of other	
			proof on that issue	
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No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on the Objection:
			available to the party which offers the evidence, and that party's relatively greater need for the evidence if it must carry the burden of proof on the issue to which the evidence relates. <i>Thor v. Boska</i> (1974), 38 Cal. App. 3d 558. Here, by making the objection, Ontario is asking the Court to weigh whether the prejudicial value outweighs the probative value, which cannot be the case here.	
	Paragraph 27, p. 5, lines 1-4 Ontario first raised legal concerns with Watermaster's assessment of voluntary takes under the DYYP in late Summer 2021 and later raised its concerns publicly at Pool Committee meetings in September 2021. Ontario's concerns have not changed since September 2021	Misstates the testimony/evidence (Evid. Code §§ 210, 403); Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/ Speculative (Evid. Code §§ 702, 403) Mr. Kavounas' statement that Ontario did not raise legal concerns with the Watermaster's assessment of voluntary takes under the DY YP until late Summer 2021 is misleading and misstates the evidence. Ontario first raised concerns with IEUA in early 2021 before the start of the fiscal/production year.	Although the objection claims that it misstates the evidence, which the Court can clearly determine for itself, the objections under Evid. Code § 210 are a contention that the evidence is not relevant. Evidence is relevant. Evidence is relevant if it pertains to a witness' credibility or has "any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the matter." Cal. Evid. Code § 210. "Relevance is a low bar." <i>People v. Villa</i> , (2020) 55 Cal. App. 5th 1042, 1052, (2020), review denied (Jan. 13, 2021). This evidence is relevant because it pertains to	Sustained: Overruled:

No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on th Objection:
		(Jones Decl., ¶ 34, Ex. 7.)	the treatment of groundwater extraction that is the subject of Ontario's challenge to Watermaster's adoption of the FY 2021/22 Assessment Package.	
			Additionally, Ontario objects that the	
			declarant is setting forth opinion testimony. This is not	
			the case. The statement does not contain an opinion,	
			but, to the degree it did, the opinion would be admissible.	
			To the extent an assistant principal's declaration describing	
			the high number of programs competing	
			for limited space in facilities might have contained opinions in	
			addition to observations based on the personal	
			knowledge of the witness, such	
			opinions were admissible as rationally based,	
			helpful lay opinions in a dispute concerning a charter	
			school's request for facilities. <i>Westchester</i> <i>Secondary Charter</i>	
			School v. Los Angeles Unified School Dist.	
			(2015), 237 Cal. App. 4th 1226.	
			Ontario objects that the declarant does not have personal knowledge under Cal.	

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No. Mat to:	terial Objected	Grounds for Objection	Response to Objection:	Ruling on Objection:
· ·			Evid. Code § 702, that	objection.
			his statement lacks	
			foundation and that it is vague and	
			ambiguous. Each of	
			objections should be	
			overruled. The	
			declarant has been the General Manager of	
			Watermaster for	
			approximately a	
			decade. In this role,	
			he is involved with the administration of	
			the DYYP and the	
			assembly and	
			consideration of each	
			year's Assessment Package.	
			Similarly, Ontario's objection that	
			proffered evidence is	
			more prejudicial than	
			probative, Evid. Code	
			§ 352, is not applicable in this	
			instance. Among the	
			factors a trial court	
			must consider when it is requested to	
			exercise its discretion	
			to deprive a party of	
			probative evidence	
			are a determination that the evidence is	
			relevant to an issue	
			that is in dispute, a	
			consideration of other	
			proof on that issue available to the party	
			which offers the	
			evidence, and that	
			party's relatively	
			greater need for the evidence if it must	
			carry the burden of	
			proof on the issue to	
			which the evidence relates. <i>Thor v. Boska</i>	
			(1974), 38 Cal. App.	
			3d 558. Here, by	
		- 12	_	

No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on t Objection:
			making the objection, Ontario is asking the Court to weigh whether the prejudicial value outweighs the probative value, which cannot be the case here.	
5.	Paragraph 28, p. 5,	Misstates the testimony/evidence	Although the objection claims that	Sustained:
	lines 5-8. Throughout the	(Evid. Code §§ 210, 403); Lacks Foundation (Evid.	it misstates the evidence, which the Court can clearly	Overruled:
	remainder of 2021, Watermaster and IEUA	Code §§ 702, 800); Lacks Personal	determine for itself, the objections under Evid. Code § 210 are	
	communicated extensively with	Knowledge/Speculative (Evid. Code §§ 702,	a contention that the evidence is not	
	Ontario and requested involvement from	403) The phrases	relevant. Evidence is relevant if it pertains to a witness'	
	the Appropriative Pool. Additionally,	"extensively" and "at least weekly" are vague	credibility or has "any tendency in reason to	
	Watermaster staff separately met in person with Ontario	and ambiguous, as no context or support is provided. Mr.	prove or disprove any disputed fact that is of consequence to the	
	at least once and communicated with	Kavounas' statement is further misleading, as it	determination of the matter." Cal. Evid.	
	Ontario via phone or email at least weekly.	suggests the communications were between Watermaster,	Code § 210. "Relevance is a low bar." <i>People v. Villa</i> ,	
		IEUA, and Ontario. Ontario met with and had several	(2020) 55 Cal. App. 5th 1042, 1052, (2020), review denied	
		communications with Watermaster but did	(Jan. 13, 2021). This evidence is relevant	
		not have many, let alone "extensive" communications with	because it pertains to the discussions among Watermaster and	
		IEUA. (Burton Decl., ¶ 7.)	Ontario that Ontario suggest justify its	
			request for an extension of time.	
			Ontario also objects that the declarant does	
			not have personal knowledge under Cal. Evid. Code § 702 and	
	1	- 13 -		L

No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on t Objection:
	10.	Objection	that his statement	objection.
			lacks foundation.	
			Both objections should be overruled.	
			The declarant has	
			been the General	
			Manager of	
			Watermaster for approximately a	
			decade. In this role,	
			he interacts with the	
			representatives of	
			parties to the Judgment in regard to	
			their concerns and	
			questions regarding	
			Watermaster's	
			actions.	
			Additionally, Ontario	
			objects that the declarant is setting	
			forth opinion	
			testimony. This is not	
			the case. The	
			statement does not contain an opinion,	
			but, to the degree it	
			did, the opinion	
			would be admissible. To the extent an	
			assistant principal's	
			declaration describing	
			the high number of	
			programs competing for limited space in	
			facilities might have	
			contained opinions in	
			addition to observations based on	
			the personal	
			knowledge of the	
			witness, such	
			opinions were admissible as	
			rationally based,	
			helpful lay opinions	
			in a dispute	
			concerning a charter school's request for	
			facilities. Westchester	
			Secondary Charter	
		- 14		
		HINO BASIN WATERM	ASTER'S RESPONSE TO	

No.	Material Objected to:	Grounds for Objection	Response to Objection: School v. Los Angeles Unified School Dist.	Ruling on the Objection:
			(2015), 237 Cal. App. 4th 1226.	
6.	Paragraph 30, p. 5,	Misstates the testimony/evidence	Although the objection claims that	Sustained:
	lines 18-20 Watermaster staff	(Evid. Code §§ 210, 403); Lacks Foundation (Evid.	it misstates the evidence, which the Court can clearly	Overruled:
	presented a detailed report outlining and responding to	Code §§ 702, 800); Lacks Personal Knowledge/	determine for itself, the objections under Evid. Code § 210 are	
	Ontario's legal concerns to the Watermaster Board	Speculative (Evid. Code §§ 702, 403)	a contention that the evidence is not relevant. Evidence is	
	at the Board's November 18, 2021 regular meeting.	Mr. Kavounas' statement is misleading, as it	relevant if it pertains to a witness'	
	Legal counsel was available to answer	suggests legal counsel was available to answer	credibility or has "any tendency in reason to prove or disprove any	
	questions at the meeting.	Ontario's questions at the Board's November 18, 2021 meeting but	disputed fact that is of consequence to the determination of the	
		Ontario was not part of the Board in 2021. Mr. Burton attended the	matter." Cal. Evid. Code § 210. "Relevance is a low	
		meeting in his capacity as a representative of Ontario. At the	bar." <i>People v. Villa</i> , (2020) 55 Cal. App. 5th 1042, 1052,	
		meeting, a Board member directed legal	(2020), review denied (Jan. 13, 2021). This	
		counsel to evaluate the concerns raised by Ontario. Based on the	evidence is relevant because pertains to the discussions among	
		forthcoming legal opinion, Mr. Burton did not pose any further	Watermaster and Ontario that Ontario suggest justify its	
		questions at the time. (Burton Decl., ¶ 5; RJN, Ex. 61.)	request for an extension of time.	
			Ontario also objects that the declarant does	
			not have personal knowledge under Cal. Evid. Code § 702 and	
			that his statement lacks foundation. Both objections	
			should be overruled. The declarant has	
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II

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CONTRACTOR AND A STOCK	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on Objection:
		objection	been the General	objection.
			Manager of Watermaster for	
			approximately a	
			decade. In this role,	
			he prepares the	
			agendas for, and	
			participates in the Watermaster Board	
			meetings.	
			Additionally, Ontario	
			objects that the declarant is setting	
			forth opinion	
			testimony. This is not	
			the case. The	
			statement does not contain an opinion,	
			but, to the degree it	
			did, the opinion	
			would be admissible. To the extent an	
			assistant principal's	
			declaration describing	
			the high number of	
			for limited space in	
			facilities might have	
			contained opinions in	
			addition to	
			observations based on the personal	
			knowledge of the	
			witness, such	
			opinions were admissible as	
			rationally based,	
			helpful lay opinions	
			in a dispute	
			concerning a charter school's request for	
			facilities. Westchester	
			Secondary Charter	
			School v. Los Angeles Unified School Dist.	
			(2015), 237 Cal. App.	
			4th 1226.	
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No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on th Objection:
7.	Paragraph 31, p. 6, lines 1-3 This meeting was the first negotiation effort among Ontario and other stakeholders. Ontario initially refused to negotiate a resolution with other stakeholders	Misstates the testimony/evidence (Evid. Code §§ 210, 403); Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 403) Mr. Kavounas lacks personal knowledge as to when Ontario began negotiation efforts among other stakeholders and his statement to this effect misstates the evidence. Prior to July 2021, Ontario initiated and held meetings with IEUA and conducted a meeting before then for AP Parties prior to its meeting with IEUA. (Jones Decl., ¶ 34, Ex. 7.)	Although the objection claims that it misstates the evidence, which the Court can clearly determine for itself, the objections under Evid. Code § 210 are a contention that the evidence is not relevant. Evidence is relevant. Evidence is relevant if it pertains to a witness' credibility or has "any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the matter." Cal. Evid. Code § 210. "Relevance is a low bar." <i>People v. Villa</i> , (2020) 55 Cal. App. 5th 1042, 1052, (2020), review denied (Jan. 13, 2021). This evidence is relevant because it pertains to the discussions regarding Ontario's concerns with DYYP and associated assessments that Ontario suggests justify its request for an extension of time. Ontario also objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager of Watermaster for	Sustained: Overruled:

Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on Objection:
		approximately a	o bjechom.
		decade. In this role, he interacts with the	
		representatives of	
		parties to the	
		Judgment in regard to	
		their concerns and	
		questions regarding	
		Watermaster's actions.	
		Additionally, Ontario objects that the	
		declarant is setting	
		forth opinion	
		testimony. This is not	
		the case. The statement does not	
		contain an opinion,	
		but, to the degree it	
		did, the opinion	
		would be admissible. To the extent an	
		assistant principal's	
		declaration describing	
		the high number of	
		programs competing for limited space in	
		facilities might have	
		contained opinions in	
		addition to	
		observations based on the personal	
		knowledge of the	
		witness, such	
		opinions were admissible as	
		rationally based,	
		helpful lay opinions	
		in a dispute	
		concerning a charter school's request for	
		facilities. Westchester	
		Secondary Charter	
		School v. Los Angeles	
		Unified School Dist. (2015), 237 Cal. App.	
		4th 1226.	
	- 1	0	

No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on th Objection:
			The declarant has been the General Manager of Watermaster for approximately a decade. In this role, he interacts with the representatives of parties to the Judgment in regard to their concerns and questions regarding Watermaster's actions.	
9.	Paragraph	Misstates the	Although the	Sustained:
	37, p. 7, lines 13-14	testimony/evidence (Evid. Code §§ 210, 403); Lacks	objection claims that it misstates the evidence, which the	Overruled:
	In the 19 years of the DYYP,	Foundation (Evid. Code §§ 702, 800);	Court can clearly determine for itself,	
	Watermaster has not charged production	Lacks Personal Knowledge/	the objections under Evid. Code § 210 are	
	assessments to takes from MWD's	Speculative (Evid. Code §§ 702, 403);	a contention that the evidence is not	
	DYYP account.	Prejudicial (Evid. Code § 352)	relevant. Evidence is relevant if it pertains	
		Mr. Kavounas'	to a witness' credibility or has "any	
		statement is misleading and misstates the	tendency in reason to prove or disprove any	
		history of assessments under the DYYP. Prior	disputed fact that is of consequence to the	
		to the 2019 Letter Agreement, assessments were	determination of the matter." Cal. Evid.	
		charged for in-lieu put, which was treated as	Code § 210. "Relevance is a low bar." <i>People v. Villa</i> ,	
		imported water and assessed once on the	(2020) 55 Cal. App. 5th 1042, 1052,	
		front end. (Jones Decl., ¶¶ 49-50.) Voluntary	(2020), review denied (Jan. 13, 2021). This	
		takes only began occurring after the	evidence is relevant because it pertains to	
		2019 Letter Agreement which means there	the operation of the DYYP and associated	
		have been 2 years of Watermaster not	assessments that are the subject of	
		charging for production assessments, not 19	Ontario's challenge to Watermaster's	
		years as implied by Mr.	adoption of the FY	

Kavounas' statement2021/22 Assessment Package.(Ibid.)2021/22 Assessment Package.Ontario also objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager of Watermaster for approximately a decade. In this role, he is part of the preparation of each year's Assessment Package, its review, and its presentation to the Watermaster Board for approval.Additionally, Ontario objects that the declarant is setting forth opinion testimony. This is not the case. The statement does not contain an opinion, but, to the degree it did, the opinion would be admissible. To the extent an assistant principal's declaration to accel in facilities might have contained opinions in addition to observations based on the preparation of programs competing for limited space in facilities might have contained opinions in addition to observations based on the personal knowledge of the witness, such opinions were	Leffler	Aaterial Objected o:	Grounds for Objection	Response to Objection:	Ruling on Objection:
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			rationally based, helpful lay opinions in a dispute concerning a charter school's request for facilities. Westchester Secondary Charter School v. Los Angeles Unified School Dist. (2015), 237 Cal. App. 4th 1226.	
10.	Paragraph 38, p. 8,	Misstates the testimony/evidence	Although the objection claims that	Sustained:
	lines 19-21	(Evid. Code §§ 210,	it misstates the	
	Package was recommended for	403); Lacks Foundation (Evid. Code §§ 702, 800);	evidence, which the Court can clearly determine for itself,	Overruled:
	approval by the Advisory	Lacks Personal Knowledge/	the objections under Evid. Code § 210 are	
	Committee on Ontario's motion.	Speculative (Evid. Code §§ 702, 403);	a contention that the evidence is not	
	The only differences between	Prejudicial (Evid. Code § 352)	relevant. Evidence is relevant if it pertains	
	the voluntary takes during production year 2019/20 and	Mr. Kavounas' statement that the only	to a witness' credibility or has "any tendency in reason to	
	production year 2020/21 are the	differences between voluntary takes during	prove or disprove any disputed fact that is of	
	Parties and quantities involved.	the 2019/20 production year and 2020/21	consequence to the determination of the	
		production year were the Parties and	matter." Cal. Evid. Code § 210.	
		quantities involved is misleading and misstates the evidence.	"Relevance is a low bar." <i>People v. Villa</i> , (2020) 55 Cal. App.	
		There was a significant difference in costs	5th 1042, 1052, (2020), review denied	
		owed by Ontario, and resulting prejudice,	(Jan. 13, 2021). This evidence is relevant	
		between the 2019/20 and 2020/21	because it pertains to the operation of the	
		production years. (Jones Decl., ¶¶ 62-63.)	DYYP and the associated assessments that are	
			the subject of Ontario's challenge to	
			Watermaster's adoption of the FY	
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BROWNSTEIN HYATT FARBER SCHRECK, LLP Attorneys at Law 1021 Anacapa Street, 2nd Floor Santa Barbara, CA 93101

II

10 2021/22 Assessment Package. Ontario also objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager of Watermaster for approximately a decade. In this role, decade. In this role, he is part of the proparation of each year's Assessment Package, its review, and its presentation to the Watermaster Board for approval. Similarly, Ontario's objection that proffered evidence is more prejudicial than probative, Evid. Code § 352, is not applicable in this instance. Among the factors a trial court must consider when it is requested to exercise its discretion to decretination the evidence are are a determination that the evidence is relevant to an issue that issue available to the party which offers the evidence, and that <td< th=""><th>No.</th><th>Material Objected to:</th><th>Grounds for Objection</th><th>Response to Objection:</th><th>Ruling on th Objection:</th></td<>	No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on th Objection:
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	to:	Objection	Response to Objection:	Ruling on Objection
			carry the burden of proof on the issue to which the evidence relates. <i>Thor v. Boska</i> (1974), 38 Cal. App. 3d 558. Here, by making the objection, Ontario is asking the Court to weigh whether the prejudicial value outweighs the probative value, which cannot be the case here.	
11.	Paragraph 39, p. 7, lines 22-23 All Parties' ordinary groundwater production were assessed consistent with longstanding Watermaster practice.	Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/ Speculative (Evid. Code §§ 702, 403); Prejudicial (Evid. Code § 352); Vague and ambiguous This statement lacks foundation, is vague, and misleading as Mr. Kavounas does not define "ordinary groundwater production" or "longstanding Watermaster practice."	Ontario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager of Watermaster for approximately a decade. In this role, he is part of the preparation of each year's Assessment Package, its review, and its presentation to the Watermaster Board for approval. Additionally, Ontario objects that the declarant is setting forth opinion testimony. This is not the case. The statement does not contain an opinion, but, to the degree it did, the opinion would be admissible. To the extent an	Sustained: Overruled:

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BROWNSTEIN HYATT FARBER SCHRECK, LLP Attorneys at Law 1021 Anacapa Street, 2nd Floor Santa Barbara, CA 93101	
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No.	Material Objected	Grounds for Objection	Response to	Ruling on the
		Objection	Objection: probative, Evid. Code § 352, is not applicable in this instance. Among the factors a trial court must consider when it is requested to exercise its discretion to deprive a party of probative evidence are a determination that the evidence is relevant to an issue that is in dispute, a consideration of other proof on that issue available to the party which offers the evidence, and that party's relatively greater need for the evidence if it must carry the burden of proof on the issue to which the evidence relates. <i>Thor v. Boska</i> (1974), 38 Cal. App. 3d 558. Here, by making the objection, Ontario is asking the Court to weigh whether the prejudicial value outweighs the probative value, which cannot be the case here.	Objection:
12.	Paragraph 41, p. 8, lines 4-10	Lacks Foundation (Evid. Code §§ 702,	Ontario objects that the declarant does not	Sustained:
	Watermaster	800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702,	have personal knowledge under Cal. Evid. Code § 702 and	Overruled:
	performed Material Physical Impact	403); Irrelevant (Evid. Code §§ 210, 350-	that his statement lacks foundation.	
	analysis for the DYYP at its	351); Prejudicial (Evid. Code § 352)	Both objections should be overruled.	
	inception. Watermaster has	Mr. Kavounas'	The declarant has been the General	
	since further evaluated storage	statements on other storage evaluation is	Manager of Watermaster for	

No.	Material Objected	Grounds for Objection	Response to Objection:	Ruling or Objection
	within the Basin	vague and does not	approximately a	
	through the Storage	state how or whether it	decade. In this role,	
	Framework	these other evaluations,	he is intimately involved in	
	Investigation and the Storage	including the Storage Framework	Watermaster's role as	
	Management	Investigation, Storage	the manager of water	
	program. Both	Management Program,	stored within the	
	assumed the DYYP	or Local Storage	Chino Basin.	
	was fully utilized.	Limitation Solution are	Circuite alter Ortenia ?.	
	Long-term storage and water levels are	related to DYY or issues pertinent in this	Similarly, Ontario's object that proffered	
	not materially	litigation.	evidence is more	
	impacted by	miganon	prejudicial than	
	seasonal recovery,		probative, Evid. Code	
	like that which		§ 352, is not	
	occurs under the		applicable in this	
	DYYP. The Court recently approved		instance. Among the factors a trial court	
	the Local Storage		must consider when it	
	Limitation Solution		is requested to	
	for storage within		exercise its discretion	
	the Basin, which		to deprive a party of	
	had MPI analysis performed by		probative evidence are a determination	
	Watermaster and		that the evidence is	
	CEQA analysis		relevant to an issue	
	performed by		that is in dispute, a	
	ĨEUA.		consideration of other	
			proof on that issue available to the party	
			which offers the	
			evidence, and that	
			party's relatively	
			greater need for the	
			evidence if it must	
			carry the burden of proof on the issue to	
			which the evidence	
			relates. Thor v. Boska	
			(1974), 38 Cal. App.	
			3d 558. Here, by	
			making the objection, Ontario is asking the	
			Court to weigh	
			whether the	
			prejudicial value	
			outweighs the	
			probative value, which cannot be the	
			case here.	

13. Paragraph 42, p. 8, lines 11-15 Lacks Foundation (Evid. Code § 702, 800): Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 800): Lacks Personal Knowledge of the witness, such opinions were admissible as rationally based, helpful lay opinions in a dispute concerning a charter School <i>J</i> . Los Angeles Unified School Dist. (2015), 237 Cal. App. 4th 1226. Sustained: 13. Paragraph 42, p. 8, lines 11-15 Lacks Foundation (Evid. Code §§ 702, 800): Lacks Personal Knowledge represonal Knowledge represonal Knowledg	No.	Material Objected	Grounds for Objection	Response to Objection:	Ruling on t Objection:
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13.Paragraph 42, p. 8, lines 11-15Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 800); Lacks Personal Knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager ofSustained: Hother Detemponent of the declarant has been the General Manager of					
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13.Paragraph 42, p. 8, lines 11-15Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative great benefit to the Basin and to the Parties both in terms of groundwater quality and water supply reliability. ImportedLacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 5702, 403); Irrelevant (Evid. Code §§ 210, 350- 351); Prejudicial (Evid. Code §§ 352); Inappropriate Lay Opinion Testimony (orOntario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager ofSustained:				helpful lay opinions	
13.Paragraph 42, p. 8, lines 11-15Lacks Foundation (Evid. Code §§ 702, great benefit to the Basin and to the Parties both in terms of groundwater quality and water supply reliability. ImportedLacks Foundation (Evid. Code §§ 702, 8,00); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 8,00); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 8,00); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, (Evid. Code §§ 702, (Code §§ 352); (Inappropriate Lay (Opinion Testimony (or (or (Inappropriate Calibility. Imported)Ontario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager ofSustained:					
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13.Paragraph 42, p. 8, lines 11-15Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 702, Basin and to the Parties both in terms of groundwater quality and water supply reliability. ImportedLacks Foundation (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 702, Hat his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager ofSustained: Overruled				facilities. Westchester	
13.Paragraph 42, p. 8, lines 11-15Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, (Evid. Code §§ 702, Basin and to the Parties both in terms of groundwater quality and water supply reliability. ImportedLacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, (Evid. Code §§ 702, Basin and to the Parties both in terms of groundwater quality and water supply reliability. ImportedUnified School Dist. (2015), 237 Cal. App. Ontario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager ofSustained: Overruled:				Secondary Charter	
13.Paragraph 42, p. 8, lines 11-15Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/SpeculativeOntario objects that the declarant does not have personal knowledge under Cal.Sustained:The DYYP provides great benefit to the Basin and to the Parties both in terms of groundwater quality and water supply reliability. ImportedLacks Foundation (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 210, 350- 351); Prejudicial (Evid. Code § 352);Ontario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager ofOutario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation.Outario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation.Outario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation.Outario objects that the declarant has been the General Manager of					
13.Paragraph 42, p. 8, lines 11-15Lacks Foundation (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 210, 350- 351); Prejudicial (Evid. Code § 352); groundwater quality and water supply reliability. ImportedOntario objects that the declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled.Sustained: Overruled:					
42, p. 8, lines 11-15(Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculativethe declarant does not have personal knowledge under Cal					
42, p. 8, lines 11-15(Evid. Code §§ 702, 800); Lacks Personal Knowledge/Speculativethe declarant does not have personal knowledge under Cal.The DYYP provides great benefit to the Basin and to the Parties both in terms of groundwater quality and water supply reliability. Imported(Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 210, 350- S51); Prejudicial (Evid. Code § 352); Inappropriate Lay Opinion Testimony (orthe declarant does not have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation.0verruled:					
lines 11-15800); Lacks Personal Knowledge/Speculativehave personal knowledge under Cal.Overruled:The DYYP provides great benefit to the Basin and to the Parties both in terms of groundwater quality and water supply reliability. Imported800); Lacks Personal Knowledge/Speculative (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 210, 350- 351); Prejudicial (Evid. Code § 352);have personal knowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager ofOverruled:	13.				Sustained:
The DYYP provides great benefit to the Basin and to the Parties both in terms of groundwater quality and water supply reliability. ImportedKnowledge/Speculative (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 702, 403); Irrelevant (Evid. Code §§ 210, 350- Solution. Both objections should be overruled. The declarant has been the General Manager ofOverruled: Overruled:The DYYP provides great benefit to the Basin and to the Parties both in terms of groundwater quality and water supply reliability. ImportedKnowledge under Cal. Evid. Code § 702 and that his statement lacks foundation. Both objections should be overruled. The declarant has been the General Manager ofOverruled:		42, p. 8, lines 11-15			
The DYYP provides great benefit to the Basin and to the(Evid. Code § 702, 403); Irrelevant (Evid.Evid. Code § 702 and 					Overruled:
Basin and to the Parties both in terms of groundwater quality and water supply reliability. ImportedCode §§ 210, 350- 351); Prejudicial (Evid. Code § 352);lacks foundation. Both objections should be overruled. The declarant has been the General Manager of			(Evid. Code §§ 702,	Evid. Code § 702 and	
Parties both in terms of groundwater quality and water supply reliability. Imported351); Prejudicial (Evid. Code § 352);Both objections should be overruled. The declarant has been the General Manager of					
terms of groundwater quality and water supply reliability. ImportedCode § 352); Inappropriate Lay Opinion Testimony (or Manager ofshould be overruled. The declarant has been the General Manager of					
groundwater quality and water supply reliability. Imported Inappropriate Lay Opinion Testimony (or Manager of					
and water supply Opinion Testimony (or been the General reliability. Imported Manager of			Inappropriate Lay	The declarant has	
		and water supply			
			L	vv atermaster 101	I

No.	Material Objected	Grounds for Objection	Response to Objection:	Ruling on the Objection:
	recharged in the Basin is high quality and improves the overall conditions in the Basin; and, imported water that is stored in the Basin during years of excess supplies is available to Parties in the Basin during years of drought.	Legal Conclusion) (Evid. Code § 800). The phrase "great benefit" is vague and ambiguous and speculative, as it assumes all parties will be able to benefit from imported water during years of drought.	approximately a decade. In this role, he is intimately involved in Watermaster's role as the manager of water stored within the Chino Basin. Additionally, Ontario objects that the declarant is setting forth opinion testimony. This is not the case. The statement does not contain an opinion, but, to the degree it did, the opinion would be admissible. To the extent an assistant principal's declaration describing the high number of programs competing for limited space in facilities might have contained opinions in addition to observations based on the personal knowledge of the witness, such opinions were admissible as rationally based, helpful lay opinions in a dispute concerning a charter school's request for facilities. <i>Westchester</i> <i>Secondary Charter</i> <i>School v. Los Angeles</i> <i>Unified School Dist.</i> (2015), 237 Cal. App. 4th 1226.	
		- 29 -	probative, Evid. Code	

No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on the Ruling on the Ruling on the Ruling on the Rule of th
	10.		§ 352, is not	Objection
			applicable in this instance. Among the	
			factors a trial court	
			must consider when it	
			is requested to exercise its discretion	
			to deprive a party of	
			probative evidence	
			are a determination	
			that the evidence is relevant to an issue	
			that is in dispute, a	
			consideration of other	
			proof on that issue available to the party	
			which offers the	
			evidence, and that	
			party's relatively greater need for the	
			evidence if it must	
			carry the burden of	
			proof on the issue to which the evidence	
			relates. Thor v. Boska	
			(1974), 38 Cal. App.	
			3d 558. Here, by making the objection,	
			Ontario is asking the	
			Court to weigh	
			whether the prejudicial value outweighs the probative value, which cannot be the	
			case here.	
14	Dana ang sila	Leoko Foundation	Ontonio chicata that	Sustained:
14.	Paragraph 43, p. 8,	Lacks Foundation (Evid. Code §§ 702,	Ontario objects that the declarant does not	Sustamed:
	lines 16-27 800); Lacks Personal have personal			
	MWD is presently	Knowledge/Speculative (Evid. Code §§ 702,	knowledge under Cal. Evid. Code § 702 and	Overruled:
	contemplating the	403); Irrelevant (Evid.	that his statement	
	initiation of two	Code §§ 210, 350-	lacks foundation.	
	additional local groundwater storage	351); Prejudicial (Evid. Code § 352);	Both objections should be overruled.	
	programs: the	Inappropriate Lay	The declarant has	
	Reverse Cyclic	Opinion Testimony (or	been the General	
	(RC) and the Extraordinary	Legal Conclusion) (Evid. Code § 800).	Manager of Watermaster for	
	Groundwater		approximately a	
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BROWNSTEIN HYATT FARBER SCHRECK, LLP Attorneys at Law 1021 Anagen Street, 2nd Floor concerned Street, 2nd Floor	Sailla Dallala, CA 721VI
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No.	Material Objected to:	Grounds for Objection	Response to Objection:	Ruling on the Objection:
0.0000000000000000000000000000000000000	Utilization Program	The two additional	decade. In this role,	
	(EGUP.) The	local groundwater	he is intimately	
	former has already	storage programs that	involved in	
	been approved by	Mr. Kayounas raises	Watermaster's role as	
	the MWD Board of	are irrelevant to the	the manager of water	
	Directors and the	present litigation and	stored within the Chino Basin.	
	latter is being seriously	speculative, as neither	Chino Basin.	
	considered. Both	program has been	Additionally, Ontario	
	programs are	approved or	objects that the	
	essentially pre-	implemented to date.	declarant is setting	
	purchases of MWD	Mr. Kavounas'	forth opinion	
	water to be	statement as to the "several IEUA member	testimony. This is not	
	delivered later; the	agencies" that are	the case. The	
	water can be looked	interested in the	statement does not	
	at as in lieu puts in a	Extraordinary	contain an opinion,	
	storage account or,	Groundwater	but, to the degree it	
	at the time of the	Utilization Program	did, the opinion would be admissible.	
	future delivery, wet	"depending on its final	To the extent an	
	water may need to be recharged in a	form" is vague and	assistant principal's	
	storage account.	speculative. Finally,	declaration describing	
	The programs might	Mr. Kavounas' opinion	the high number of	
	well be handled	as to "certainty about	programs competing	
	through the already	the DYY" is vague as	for limited space in	
	approved DYYP.	to "all" and improper	facilities might have	
	From my	lay opinion testimony.	contained opinions in	
	conversations with		addition to	
	IEUA executive		observations based on	
	management it is		the personal	
	my understanding		knowledge of the	
	that some IEUA member agencies		witness, such opinions were	
	have already		admissible as	
	expressed strong		rationally based,	
	interest in the RC;		helpful lay opinions	
	also it appears that		in a dispute	
	several IEUA		concerning a charter	
	member agencies		school's request for	
	are interested in the		facilities. Westchester	
	EGUP depending		Secondary Charter	
	on its final form.		School v. Los Angeles	
	The conversations		Unified School Dist.	
	about both		(2015), 237 Cal. App. 4th 1226.	
	programs are happening in real		401 1220.	
	time. In my opinion		Similarly, Ontario's	
	certainty about the		object that proffered	
	DYY would make it		evidence is more	
	easier for all to		prejudicial than	
	know and commit		probative, Evid. Code	
			§ 352, is not	
	•	- 31 -		

BROWNSTEIN HYATT FARBER SCHRECK, LLP	1021 Anacapa Street, 2nd Floor
Attomys at Law	Santa Barbara, CA 93101

No.	Material Objected	Grounds for Objection	Response to	Ruling on th
	to: to the two programs.	Objection	Objection:applicable in thisinstance. Among thefactors a trial courtmust consider when itis requested toexercise its discretionto deprive a party ofprobative evidenceare a determinationthat the evidence isrelevant to an issuethat is in dispute, aconsideration of otherproof on that issueavailable to the partywhich offers theevidence, and thatparty's relativelygreater need for theevidence if it mustcarry the burden ofproof on the issue towhich the evidencerelates. Thor v. Boska(1974), 38 Cal. App.3d 558. Here, bymaking the objection,Ontario is asking theCourt to weighwhether theprejudicial valueoutweighs theprobative value,which cannot be the	
			case here.	
Dated	l: June 3, 2022		BROWNSTEIN HYATT F SCHRECK, LLP By:	
242155	10.5		CIMNO DASIN WAT	ALLE GALLER
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<u>CHINO BASIN WATERMASTER</u> 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 June 3, 2022 I served the following:

- 1. CHINO BASIN WATERMASTER'S RESPONSE TO OBJECTIONS TO DECLARATION OF PETER KAVOUNAS
- /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: Master Email Distribution List
- /___/ 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.
- <u>/X</u>/ 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 June 3, 2022 in Rancho Cucamonga, California.

Cilon nino II

By: Janihe Wilson Chino Basin Watermaster

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Members:

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