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GOVERNMENT CODE § 6103

5 Attorneys for
6 FONTANA WATER COMPANY and
7 CUCAMONGA VALLEY WATER DISTRICT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT,

12 Plaintiff,

13 v.

14 CITY OF CHINO, et al.

15 Defendants.

Case No.: RCVRS51010

Assigned for All Purposes to the
Honorable Gilbert Ochoa

**DECLARATION OF THOMAS S. BUNN III
IN SUPPORT OF FONTANA WATER
COMPANY AND CUCAMONGA VALLEY
WATER DISTRICT'S OBJECTION TO
ONTARIO'S COMBINED REPLY TO
OPPOSITIONS TO ITS 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**

16
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20 *Filed concurrently herewith:*

- 21 • **Objection to Ontario's Combined Reply**
- 22 • **Objections to Ontario's Evidence**

23 Date: June 17, 2022
24 Time: 1:30 p.m.
25 Dept: S35

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DECLARATION OF THOMAS S. BUNN III

I, Thomas S. Bunn III, state:

1. I am an attorney for Fontana Water Company and Cucamonga Valley Water District for purposes of the city of Ontario’s application for an order to extend time. I have personal knowledge of the facts stated in this declaration.

2. On April 7, 2022, I had an email conversation with Elizabeth Ewens, attorney for Ontario, concerning Ontario’s ex parte application to increase the page limit for its reply. A true copy of that conversation is attached as Exhibit A.

3. Attached as Exhibit B is a true copy of relevant pages of the reporter’s transcript for April 8, 2022.

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

Dated: June 3, 2022

By: Thomas S. Bunn III
THOMAS S. BUNN, III
Attorneys for Fontana Water Company and
Cucamonga Valley Water District

Exhibit A

Thomas S. Bunn

From: Ewens, Elizabeth P. <elizabeth.ewens@stoel.com>
Sent: Thursday, April 7, 2022 12:23 PM
To: Thomas S. Bunn
Cc: Josh Swift; Eduardo Espinoza
Subject: RE: Chino Basin / City of Ontario's Notice of Ex Parte Hearing [SR-ACTIVE.FID5390434]

Thank you, Tom. Much appreciated.

Elizabeth

From: Thomas S. Bunn <tombunn@lagerlof.com>
Sent: Thursday, April 7, 2022 9:00 AM
To: Ewens, Elizabeth P. <elizabeth.ewens@stoel.com>
Cc: Josh Swift <jmswift@fontanawater.com>; Eduardo Espinoza <eduardoe@cvwdwater.com>
Subject: RE: Chino Basin / City of Ontario's Notice of Ex Parte Hearing [SR-ACTIVE.FID5390434]

Ms. Ewens,

On behalf of Fontana Water Company and Cucamonga Valley Water District, I do not oppose your ex parte application if the court imposes a condition that the reply be limited to arguments raised in the various oppositions and does not raise any new issues or arguments. I will be in court anyway at that hour for the Chino reimbursement motion, so I will appear in person for your application.

Tom Bunn

Tom Bunn
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From: Ewens, Elizabeth P. <elizabeth.ewens@stoel.com>
Sent: Wednesday, April 6, 2022 3:58 PM

EXHIBIT A

To: agnes.cheng@cc.sbcounty.gov; alopez@wmwd.com; Alan.Frost@dpw.sbcounty.gov; Alberto.Mendoza@cmc.com; arreyes@sgvwater.com; alfonso.ruiz@cmc.com; ahubsch@hubschlaw.com; alma.heustis@californiasteel.com; ajurado@cbwm.org; amandac@cvwdwater.com; Amanda.Meere@cao.sbcounty.gov; AJakher@cityofchino.org; ABonczewski@ontarioca.gov; agagen@kidmanlaw.com; acampbell@ieua.org; amalone@westyost.com; angelica.todd@ge.com; Angelo.Simoes@linde.com; atruongnelson@cbwm.org; arobitaille@bhfs.com; armartinez@fontana.org; citycouncil@chinohills.org; akidman@kidmanlaw.com; ash@akdconsulting.com; benjamin.lewis@gswater.com; bperalta@tvmwd.com; ben.weink@tetrattech.com; Beth.McHenry@hoferranch.com; banderson@jcsd.us; bfolsom@jcsd.us; bschwartz@mvwd.org; bbowcock@irmwater.com; rjdiprimio@sgvwater.com; bobfeenstra@gmail.com; bkuhn@tvmwd.com; bgkuhn@aol.com; Bob.Page@rov.sbcounty.gov; bherrema@bhfs.com; Byu@ci.upland.ca.us; bradley.jensen@cao.sbcounty.gov; brahoward@niagarawater.com; balee@fontanawater.com; byamasaki@mwdh2o.com; 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Subject: Chino Basin / City of Ontario's Notice of Ex Parte Hearing [SR-ACTIVE.FID5390434]

Counsel:

This email is to provide notice under California Rules of Court, rule 3.1200 et seq., that the City of Ontario will be filing an ex parte application to exceed page limit for its reply memoranda on the City's Application for an Order to Extend Time under Judgment to Challenge Watermaster Action and associated Challenge . The hearing is set for Friday, April 8, 2022 at 1:30. Please let us know if you will oppose this request by 10:00 a.m. on Thursday, April 7, 2022.

Given the limited scope of this appearance, this email also is to confirm that all appearances on this matter will be by Court Call. If you intend to appear in person on this ex parte application, please also so advise by Thursday, April 7 at 10:00.

Thank you.

Elizabeth

Elizabeth Ewens | Partner
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Exhibit B

1 packages. Any opposition to the motion on the
2 assessment package needs to be served and filed by --
3 it's already been out there for awhile.

4 MR. BUNN: Your Honor, opposition has been
5 filed.

6 THE COURT: That's right. That's how I knew
7 about it.

8 MR. SLATER: We're only -- we have one filing
9 yet presumably which would be the reply to the
10 opposition.

11 THE COURT: I'm with you.

12 MR. SLATER: We're fully baked with that.

13 THE COURT: I'm going to grant -- I'm going
14 to advance the motion on the ex parte and grant the
15 extra ten pages to Ms. Ewens. Mr. Herrema.

16 MR. HERREMA: Yes, your Honor. We did agree
17 we wouldn't oppose the extra pages. We have a
18 different understanding what might be contained in the
19 extra pages.

20 THE COURT: I can't --

21 MR. HERREMA: We agreed so long as it would
22 not expand beyond the arguments filed itself. We
23 hadn't seen Ms. Ewens application at the time. It's
24 clear from the papers she filed that she's effectively
25 looking to file a new application now that she's on
26 the case flushing out all the issues that weren't

1 flushed out in the initial February filing which we
2 know you don't have. We don't think that's
3 appropriate to expand beyond what's in the application
4 and now in the opposition.

5 THE COURT: I think Ms. Ewens, you will need
6 to stick with what you filed initially otherwise it's
7 going to --

8 MS. EWENS: To clarify --

9 THE COURT: Go ahead.

10 MS. EWENS: I'm sorry, your Honor. I was
11 going to say two things to clarify first with respect
12 to the contents of the reply, we're obviously very
13 aware of the law relative to scope. We certainly want
14 the opportunity in the reply and afforded by the law
15 to respond to issues raised in the opposition brief.
16 I believe that's Ontario's right. Beyond that we
17 fully understand that.

18 Second, since the Court has postponed the
19 hearing to June 17, we would request corresponding
20 extension of the deadline to file a reply, and I
21 recognize that I have not had an opportunity to speak
22 with counsel about this because this was coming up
23 now, but I do represent to you from Ontario's
24 perspective, the deadline to file the reply on
25 April 15 was derivative of the rules that provide that
26 reply briefs are to be filed five business days prior

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN BERNARDINO

DEPARTMENT S-22

HON. BRYAN FOSTER, JUDGE

CHINO BASIN MUNICIPAL)
WATER DISTRICT,)

Plaintiff,)

vs.)

CITY OF CHINO, ET AL.,)

Defendants.)

Case No. RCVRS51010

REPORTER'S
CERTIFICATE

I, KIMBERLY ANN MORROW, Official Reporter
of the Superior Court of California, County of
San Bernardino, do hereby certify that the foregoing
pages, 1 to 58, to the best of my knowledge and
belief, comprise a full, true and correct
computer-aided transcript of the proceedings taken in
the matter of the above-entitled cause held on
April 8, 2022.

Dated this date May 11, 2022.



KIMBERLY ANN MORROW, C.S.R.
Official Reporter, C-9396, RPR, CRR

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 June 3, 2022 I served the following:

1. DECLARATION OF THOMAS S. BUNN III IN SUPPORT OF FONTANA WATER COMPANY AND CUCAMONGA VALLEY WATER DISTRICT'S OBJECTION TO ONTARIO'S COMBINED REPLY TO OPPOSITIONS TO ITS 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

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.

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.



By: Janine Wilson
Chino Basin Watermaster

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