Metropolitan Cases

Robert Ward v. Metropolitan, et al.
(Riverside County Superior Court)

On December 18, 2023, temporary employee Robert Ward filed an employment lawsuit against Metropolitan and retired employee Clara Masannat in Riverside County Superior Court. The complaint was served on Metropolitan and Ms. Masannat on January 19. The complaint alleges 12 causes of action. Seven causes of action are under FEHA alleging: discrimination based on disability; harassment based on disability; failure to prevent, investigate, and remedy discrimination; failure to accommodate disability; failure to engage in the interactive process to accommodate disability; aiding abetting, inciting, compelling, or coercing acts forbidden by FEHA; retaliation for opposing practices forbidden by FEHA. In addition, there are causes of action alleging wrongful termination, intentional infliction of emotional distress, negligent infliction of emotional distress, breach of written contract, and breach of implied covenant of good faith and fair dealing. Plaintiff alleges Metropolitan failed to accommodate his request to be exempt from mask-wearing requirements in November 2021 and that Metropolitan unlawfully terminated him during the interactive process. The Legal Department is representing Metropolitan and Ms. Masannat and will meet and confer with Plaintiff to address legal deficiencies in the complaint. Metropolitan anticipates responding to the complaint in February 2024.

Ryan Tiegs v. Metropolitan, et al.
(Riverside County Superior Court)

On December 18, 2023, employee Ryan Tiegs filed an employment lawsuit against Metropolitan in Riverside County Superior Court. Plaintiff served the lawsuit on Metropolitan on January 11, 2024. The complaint alleges six causes of action under the California Fair Employment and Housing Act (FEHA): race discrimination; race harassment; gender discrimination; gender harassment; retaliation; and failure to prevent harassment, discrimination, and retaliation. Plaintiff alleges he was harassed and discriminated against based on his race and gender, Metropolitan approved and ratified this, he was retaliated against because of his complaints, and Metropolitan failed to prevent these occurrences. Metropolitan's answer or other responsive pleading is due on February 13, 2024.

State Water Project Contract Extension Litigation (Sacramento Superior Court)

On January 5, 2024, the Third District Court of Appeal issued a detailed 50-page opinion affirming the validity of the State Water Project (SWP) Contract Extension Amendments (Amendments).

These Amendments were the product of extensive negotiations between the Department of Water Resources (DWR) and the State Water Contractors (SWCs), which culminated in June 2014 with an agreement in principle (AIP). That AIP, in turn, served as the framework for the actual language of the Amendments, as well as the "proposed project" for purposes of environmental review under California Environmental Quality Act (CEQA).

Among other things, the Amendments extend the SWP contracts to 2085 and make certain changes to their financial provisions aimed at maintaining and improving the SWP's fiscal integrity and management. DWR opted to prepare an EIR in support of the Amendments, which did not identify any potentially significant impacts. DWR certified the EIR in November 2018, approved the Amendments in December 2018, and immediately filed an action seeking to validate them. Shortly thereafter, two additional lawsuits were filed by various environmental groups challenging approval of the Amendments. Metropolitan filed an answer in support of validation and intervened in the other two lawsuits. These cases were consolidated in Sacramento Superior Court and, as previously reported, the trial court issued a decision in favor of DWR in May 2022.

Although a variety of claims were asserted, most centered around alleged violations of CEQA, the Delta Reform Act and the Public Trust Doctrine, with concerns being raised about impacts to the Delta resulting from ongoing and future operations of the SWP, in general, and the proposed Delta Conveyance Project (DCP), in particular.

With respect to the CEQA claims, the court of appeal agreed that the Amendments were largely

financial in nature and that the extension of the SWP Contract would not, in and of itself, alter the way the SWP was operated or maintained. The court also agreed that it was reasonable for DWR to assume that the SWP would continue as an ongoing concern even if the Amendments were not approved. As such, the existing SWP operations constituted the appropriate baseline by which to assess potential impacts, which supported the conclusion that no such impacts would occur. Finally, the court rejected arguments that potential impacts of the proposed DCP should have been examined as part of the environmental review process for the Amendments. The court noted that the Amendments had an independent purpose and that the proposed DCP was speculative as to both its timing and scope.

With respect to the Delta Reform Act claims, the court of appeal agreed that approval of the Amendments did not constitute a "covered action" requiring certification of consistency with the Delta Plan. In reaching this conclusion, the court noted that the Amendments did not involve future developments affecting the Delta or actions physically taking place within the Delta, nor would they have any significant impact to California's water supply or the Delta's ecosystem. The court further noted that this Act does not apply to "routine maintenance and operation of the SWP." On this point, the court stated that it was not necessary to decipher the "precise meaning" of this phrase. Rather, "[i]t suffices to note the Legislature's clear intent to exempt the existing State Water Project from a covered action."

Lastly, with respect to the Public Trust Doctrine claims, the court of appeal began by questioning whether the duty to protect the water resources at issue fell upon DWR, rather than the State Water Resources Control Board. The court concluded they did not, since DWR is not responsible for approving the water diversions that form the basis of the SWP's supplies. The court then went on to note that while this duty might apply to other state agencies in certain circumstances, that was not the case here. The "determinative fact" is whether these Amendments would "have an impact on water 'that is imbued with the public trust.'" Based on the record before it, the court agreed with DWR's determination that they did not.

On January 16, 2024, a petition for rehearing was filed with the court of appeal. That petition was denied on January 25, with the court making just two minor modifications to its opinion. Accordingly, the appellants' last option is to seek review of this opinion by the California Supreme Court.

Matters Concluded and/or Terminated

AFSCME Local 1902 v. Metropolitan
(Public Employment Relations Board)

On March 6, 2020, AFSCME Local 1902 filed an unfair practice charge with the Public Employment Relations Board alleging Metropolitan engaged in an unfair labor practice in violation of the Myers-Milias-Brown Act and PERB regulations by making unilateral changes to Metropolitan's deferred compensation plan documents without negotiation. Metropolitan contended that it attempted to meet and confer with the bargaining unit prior to implementing the modifications but the plan changes were legally mandated to be in place by end of calendar year 2019 to avoid potential IRS penalties and placing the plan itself in legal jeopardy. Consequently, Metropolitan made the challenged modifications to the deferred compensation plan documents without completing negotiations with the bargaining unit, with the understanding the negotiations would continue.

The parties engaged in multiple rounds of settlement talks. Talks then progressed at the bargaining table between Metropolitan management and Local 1902 during recent MOU negotiations which were fruitful and resulted in a settlement. Under the terms of the settlement, Local 1902 withdrew the charge and the parties agreed that any potential changes to the deferred compensation plan documents going forward will be discussed between the parties. The settlement contains no financial terms or admission of fault. The Legal Department represented Metropolitan in this matter.

Matters Received

Category	Received	Description	
Action in which MWD is a party	2	Complaint for Damages: (1) Discrimination on the Basis of Disability; (2) Harassment on the Basis of Disability; (3) Failure to Prevent, Investigate, and Remedy Discrimination, Harassment, or Retaliation; (4) Failure to Accommodate Disability; (5) Failure to Engage in the Interactive Process to Accommodate Disability; (6) Aiding, Abetting, Inciting, Compelling, or Coercing Acts Forbidden by FEHA; (7) Retaliation for Opposing Practices Forbidden by FEHA; (8) Wrongful Termination in Violation of Public Policy; (9) Intentional Infliction of Emotional Distress; (10) Negligent Infliction of Emotional District; (11) Breach of Written Contract; (12) Breach of Implied Covenant of Good Faith and Fair Dealing, filed in Riverside County Superior Court, in the case *Robert Ward v. MWD*, Case No. CVSW2310449	
		Complaint for Damages: (1) Race Discrimination; (2) Race Harassment; (3) Gender Discrimination; (4) Gender Harassment; (5) Retaliation in Violation of FEHA; (6) Failure to Prevent Harassment, Discrimination and Retaliation, filed in Riverside County Superior Court, in the case *Ryan Tiegs v. MWD*, Case No. CVPS22306176	
Government Code Claims	3	Claims relating to: (1) an accident involving an MWD vehicle; (2) damage to an employee's appliance from an electrical receptacle at Gene Camp; and (3) falling from a bicycle while riding over loose dirt and/or an open hole on Mustang Way in Hemet	
Subpoenas	3	Civil Subpoena for Personal Appearance at Trial, served by the defendant in the case *Hooman Enterprises, Inc. v. Long Beach Industrial Partners, LLC*, Los Angeles County Superior Court, Case No. 20STCV41618 6712-CU-CD-CXC, pertaining to a lawsuit concerning breach of contract issues between the plaintiff/commercial tenant and the defendant/property owner. The commercial tenant subleased a portion of its leased property to MWD for the PCCP replacement project in the Long Beach area for construction vehicle parking, material storage and staging, and other construction-related uses. The defendant/property owner seeks MWD's testimony at trial concerning the plaintiff/commercial tenant's communications to MWD regarding the terms and conditions of its master lease agreement. MWD is not a party to this lawsuit.	
		Two subpoenas for employment-related records for matters unrelated to MWD	
Requests Pursuant to the Public Records Act	23	Requestor	Documents Requested
		Allied Universal	Addendums/modifications to the contract for security guard services and current pricing/rates

Requestor	Documents Requested
American Safety Group	Contract awardee for On-Call General Industrial Hygiene and Safety Services
Berkshire Hathaway Homestate Companies	Bid document, certified payroll records, and contract relating to Golden West Arbor Services, Inc.
California Department of Transportation (Caltrans District 11)	GIS or as-built files for MWD utility facilities near project on Route 78
Catalyst Environmental Solutions	Task orders for the contract for Tunnel Design Engineering Consulting Services
CCS Global Tech	Details of contract for Dam Safety Monitoring, Instrumentation and Data Management Services
CHC Consulting	Information on MWD's waterline near AT&T fiber cable installation project in Anaheim
City of Oxnard, Office of the City Attorney	Professional services agreement between MWD and Meyers Nave for legal services
City of Pomona Public Works Department, Engineering Division	Facilities location maps/as-builts for MWD facilities within the city of Pomona's Capital Improvement Project for new streetlights
Reporter, CityWatchLA	Records relating to certain Ongoing Ethics/EEO related investigations, consulting services provided by and hiring of Mohsen Mortada, and MWD Administrative Code changes from January 1, 2023, through the present
Deltek	Awarded contract and bid tabulation relating to Request for Proposal for Data Management and Data Analytics Consulting & Implementation Services
GrayMar Environmental Services	Current contract for Encampment Abatement & General Clean-up Services
Hardy & Hardy	Contract payment documents, including most current pay application, proof of payment, remittance history, notice of completion, bond, change orders relating to general contractor Ameresco's work on Skinner Water Treatment Plant project
Jacobs	Proposals submitted in request for Request for Qualifications for Progressive Design-Build Services for Sepulveda Feeder Pump Stations Project

Requestor	Documents Requested
Law Offices of Patrick D. Webb	MWD appraisal (submitted to DOI in about 1940) of the valuation of the land to be purchased to create Lake Havasu and the Department of Interior order designating the reservation lands to be taken to create Lake Havasu
Los Angeles County Sanitation Districts	Contract for sodium bisulfite
Private Citizens (2 requests)	(1) Estimates and invoices for the production of the book Care & Maintenance of Southern California Native Plant Gardens; and (2) MWD response to California Department of Industrial Relations, Division of Occupational Safety and Health ("Cal/OSHA") regarding complaint of exposure to lead from removing paint from overhead crane
R.E.Y. Engineers	Documents showing MWD's right-of-way in the Berdoo Canyon area
Sherpa Marketing Solutions	Awarded proposal and budget submitted in response to the Request for Proposal for Multi-Media Placement Consulting Services for Water Awareness and Outreach Campaign
Sierra Club	Report on the 2070 metrics that the Department of Water Resources made for MWD
Student, University of Northern Colorado	Data on number of rebate participants and amount of turf removed during 2023 under the Turf Replacement Program
U.S. Department of the Interior, Bureau of Reclamation	MWD's Colorado River Watershed Sanitary Survey 2020 Update

PLEASE NOTE

- ADDITIONS ONLY IN THE FOLLOWING TWO TABLES WILL BE SHOWN IN RED.
- ANY CHANGE TO THE *OUTSIDE COUNSEL AGREEMENTS* TABLE WILL BE SHOWN IN REDLINE FORM (I.E., ADDITIONS, REVISIONS, DELETIONS).

Bay-Delta and SWP Litigation

Subject	Status
Delta Conveyance Project CEQA Cases *City of Stockton v. California Department of Water Resources* *County of Butte v. California Department of Water Resources* *County of Sacramento v. California Department of Water Resources* *County of San Joaquin et al. v. California Department of Water Resources* *Sacramento Area Sewer District v. California Department of Water Resources* *San Francisco Baykeeper, et al. v. California Department of Water Resources* *Sierra Club, et al. v. California Department of Water Resources* *South Delta Water Agency and Rudy Mussi Investment L.P. v. California Department of Water Resources* *Tulare Lake Basin Water Storage District v. California Department of Water Resources*	• DWR is the only named respondent/defendant • All alleged CEQA violations • Most allege violations of the Delta Reform Act, Public Trust Doctrine and Delta and Watershed Protection Acts • Two allege violations of the fully protected bird statute • One alleges violations of Proposition 9 (1982) and the Central Valley Project Act • All but South Delta Water Agency's case were filed in Sacramento County Superior Court • South Delta Water Agency filed in San Joaquin County Superior Court

Consolidated DCP Revenue Bond Validation Action and CEQA Case
 	
Sierra Club, et al. v. California Department of Water Resources (CEQA, designated as lead case)
 	
DWR v. All Persons Interested (Validation)
 	
Sacramento County Superior Ct.
(Judge Kenneth C. Mennemeier)
	• **Validation Action**
	  • Metropolitan, Mojave Water Agency, Coachella Valley Water District, and Santa Clarita Valley Water Agency have filed answers in support
	  • Kern County Water Agency, Tulare Lake Basin Water Storage District, Oak Flat Water District, County of Kings, Kern Member Units & Dudley Ridge Water District, and City of Yuba City filed answers in opposition
	  • North Coast Rivers Alliance et al., Howard Jarvis Taxpayers Association, Sierra Club et al., County of Sacramento & Sacramento County Water Agency, CWIN et al., Clarksburg Fire Protection District, Delta Legacy Communities, Inc, and South Delta Water Agency & Central Delta Water Agency have filed answers in opposition

Subject	Status
	• Case ordered consolidated with the DCP Revenue Bond CEQA Case for pre-trial and trial purposes ~~and assigned to Judge Earl for all purposes~~ • ~~DWR's motions for summary judgment re CEQA affirmative defenses granted; cross-motions by opponents denied~~ • ~~Dec. 9, 2022 DWR's motion for summary adjudication of Delta Reform Act and public trust doctrine affirmative defenses granted; NCRA's motion for summary judgment re same denied~~ • Trial on the merits held May 15-18, 2023 • Final Judgment and Final Statement of Decision issued January 16, 2024 o Judgment in DWR's favor on CEQA, Delta Reform Act, Public Trust Doctrine and jurisictional causes of action or defenses o Bonds ruled not valid based on the broad definition of "Delta Program facilities" in the General Bond Resolution • ~~Supplemental briefing ordered on three issues with final brief due June 30, 2023~~ • ~~Tentative Decision/Proposed Statement of Decision against validity issued Aug. 25~~ • ~~DWR's objections filed September 18, 2023~~ • ~~Opponents responses to objections filed September 28, 2023~~ • ~~Court extended the deadline to issue a judgment to January 22, 2024~~ • ~~**CEQA Case**~~ • ~~Sierra Club, Center for Biological Diversity, Planning and Conservation League, Restore the Delta, and Friends of Stone Lakes National Wildlife Refuge filed a standalone CEQA lawsuit challenging DWR's adoption of the bond resolutions~~ • ~~Alleges DWR violated CEQA by adopting bond resolutions before certifying a Final EIR for the Delta Conveyance Project~~ • ~~Cases ordered consolidated for all purposes~~ • ~~DWR's motion for summary judgment granted; Sierra Club's motion denied~~ • ~~Tentative Decision/Proposed Statement of Decision rejecting CEQA challenge issued Aug. 25, 2023~~ • ~~DWR's objections filed September 18, 2023~~

Subject	Status
	~~• Opponents responses to objections filed September 28, 2023~~ • ~~Court extended the deadline to issue a judgment to January 22, 2024~~
SWP-CVP 2019 BiOp Cases *Pacific Coast Fed'n of Fishermen's Ass'ns, et al. v. Raimondo, et al.* (*PCFFA*) *Calif. Natural Resources Agency, et al. v. Raimondo, et al.* (*CNRA*) Federal District Court, Eastern Dist. of California, Fresno Division (Judge Thurston)	• SWC intervened in both *PCFFA and CNRA* cases • Federal defendants reinitiated consultation on Oct 1, 2021 • Nov. 16, 2023 parties filed a joint status report • Federal defendants and state plaintiffs seek another 1-year stay and proposed a 2024 Interim Operations Plan (IOP); PCFFA seeks to extend the 2023 IOP until the court rules on the 2024 IOP • Briefing on stay extension and 2024 IOP concludes March 6, 2024 • Dec. 29, 2023 order extended the stay and 2023 IOP until March 2024 or new order, whichever is earlier
CESA Incidental Take Permit Cases **Coordinated Case Name *CDWR Water Operations Cases*, JCCP 5117 (Coordination Trial Judge Gevercer)** *Metropolitan & Mojave Water Agency v. Calif. Dept. of Fish & Wildlife, et al*. (CESA/CEQA/Breach of Contract) *State Water Contractors & Kern County Water Agency v. Calif. Dept. of Fish & Wildlife, et al*. (CESA/CEQA) *Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources* (CEQA) *San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al.* (CEQA/CESA/ Breach of Contract/Takings) *Sierra Club, et al. v. Calif. Dept. of Water Resources* (CEQA/Delta Reform Act/Public Trust) *North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources* (CEQA/Delta Reform Act/Public Trust)	• All 8 cases ordered coordinated in Sacramento County Superior Court • Stay on discovery issued until coordination trial judge orders otherwise • All four Fresno cases transferred to Sacramento to be heard with the four other coordinated cases • Certified administrative records lodged March 4, 2022 • State Water Contractors et al. granted leave to intervene in Sierra Club, North Coast Rivers Alliance, Central Delta Water Agency, and San Francisco Baykeeper cases by stipulation • SWC, et al. granted leave to intervene as respondents in *Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources* CEQA case • SWC's renewed motion to augment the administrative records granted in part; a court-appointed referee will review withheld records to determine if the deliberative process privilege applies • Sept. 8, 2023 hearing on DWR's and CDFW's motion to modify the referral to exclude certain withheld records

Subject	Status
Central Delta Water Agency, et. al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust/ Delta Protection Acts/Area of Origin) *San Francisco Baykeeper, et al. v. Calif. Dept. of Water Resources, et al*. (CEQA/CESA)	• CDFW's motion denied, DWR's motion subject to the Court's in camera review of records proposed for exclusion • Referee's recommendation is to grant in part, deny in part SWC parties' motion to augment the administrative records • Oct. 13, 2023 objections or responses to Referee's recommendation due • Oct. 27, 2023 court's ruling granting in part, and denying in part, the SWC parties' motion to augment DWR's and CDFW's administrative records became final • Parties are conferring on a merits briefing schedule
CDWR Environmental Impact Cases **Sacramento Superior Ct. Case No. JCCP 4942, 3d DCA Case No. C091771** **(20 Coordinated Cases)** Validation Action *DWR v. All Persons Interested* CEQA 17 cases CESA/Incidental Take Permit 2 cases (Judge Arguelles)	• Cases dismissed after DWR rescinded project approval, bond resolutions, decertified the EIR, and CDFW rescinded the CESA incidental take permit • January 10, 2020 – Nine motions for attorneys' fees and costs denied in their entirety • Parties have appealed attorneys' fees and costs rulings • May 11, 2022, court of appeal reversed the trial court's denial of attorney fees and costs in an unpublished opinion • Opinion ordered published • Coordinated cases remitted to trial court for re-hearing of fee motions consistent with the court of appeal's opinion • Sept.15, 2023 re-hearing on fee motions • Dec. 26, 2023 order denying fee motions • ~~Jan. 11, 2024 deadline to file motion for reconsideration~~ • Feb. 26, 2024 deadline to file notice of appeal • Six notices of appeal filed
COA Addendum/ **No-Harm Agreement** *North Coast Rivers Alliance v. DWR* Sacramento County Superior Ct. (Judge Rockwell)	• Plaintiffs allege violations of CEQA, Delta Reform Act & public trust doctrine • USBR Statement of Non-Waiver of Sovereign Immunity filed September 2019 • Westlands Water District and North Delta Water Agency granted leave to intervene • Metropolitan & SWC monitoring

Subject	Status
	• Deadline to prepare administrative record last extended to Nov. 18, 2022
SWP Contract Extension Validation Action Court of Appeal for the Third App. Dist. Case No. C096316 *DWR v. All Persons Interested in the Matter, etc.*	• DWR seeks a judgment that the Contract Extension amendments to the State Water Contracts are lawful • Metropolitan and 7 other SWCs filed answers in support of validity to become parties • Jan. 5-7, 2022 Hearing on the merits held with CEQA cases, below • Final statement of decision in DWR's favor filed March 9, 2022 • Final judgment entered and served • C-WIN et al., County of San Joaquin et al. and North Coast Rivers Alliance et al. filed notices of appeal • Validation and CEQA cases consolidated on appeal • Briefing completed May 30, 2023 • Oral argument held November 15, 2023 • January 5, 2024 court of appeal affirmed the trial court judgment • CWIN et al. NCRA et al.'s petitions for reconsideration denied
SWP Contract Extension CEQA Cases Court of Appeal for the Third App. Dist. Case Nos. C096384 & C096304 *North Coast Rivers Alliance, et al. v. DWR* *Planning & Conservation League, et al. v. DWR*	• Petitions for writ of mandate alleging CEQA and Delta Reform Act violations filed on January 8 & 10, 2019 • Deemed related to DWR's Contract Extension Validation Action and assigned to Judge Culhane • Administrative Record completed • DWR filed its answers on September 28, 2020 • Metropolitan, Kern County Water Agency and Coachella Valley Water District have intervened and filed answers in the two CEQA cases • Final statement of decision in DWR's favor denying the writs of mandate filed March 9, 2022 • Final judgments entered and served • North Coast Rivers Alliance et al. and PCL et al. filed notices of appeal

Subject	Status
	• Appeals consolidated with the validation action above
Delta Conveyance Project Soil Exploration Cases *Central Delta Water Agency, et al. v. DWR* Sacramento County Superior Ct. (Judge Chang) *Central Delta Water Agency, et al. v. DWR (II)*, Sacramento County Super. Ct. (Judge Acquisto)	• Original case filed August 10, 2020; new case challenging the second addendum to the CEQA document filed Aug. 1, 2022 • Plaintiffs Central Delta Water Agency, South Delta Water Agency and Local Agencies of the North Delta • One cause of action alleging that DWR's adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) for soil explorations needed for the Delta Conveyance Project violates CEQA • March 24, 2021 Second Amended Petition filed to add allegation that DWR's addendum re changes in locations and depths of certain borings violates CEQA • DWR's petition to add the 2020 CEQA case to the *Department of Water Resources Cases*, JCCP 4594, San Joaquin County Superior Court denied • Hearing on the merits held Oct.13, 2022 • Dec. 2, 2022 ruling on the merits granting the petition with respect to two mitigation measures and denying on all other grounds • Dec. 23, 2022 court order directing DWR to address the two mitigation measures within 60 days while declining to order DWR to vacate the IS/MND • March 27, 2023 court entered judgment and issued a writ after ordering and considering supplemental briefing • May 5, 2023 court granted DWR's motion to discharge the writ and dismiss the case • May 18, 2023 Notice of Appeal filed • Hearing on motion for attorneys' fees continued to February 29, 2024
Water Management Tools Contract Amendment *California Water Impact Network et al. v. DWR* Sacramento County Superior Ct. (Judge Aquisto)	• Filed September 28, 2020 • CWIN and Aqualliance allege one cause of action for violation of CEQA • NCRA et al. allege four causes of action for violations of CEQA, the Delta Reform Act, Public Trust Doctrine and seeking declaratory relief

Subject	Status
North Coast Rivers Alliance, et al. v. DWR Sacramento County Super. Ct. (Judge Aquisto)	• SWC motion to intervene in both cases granted • Dec. 20, 2022 DWR filed notice of certification of the administrative record and filed answers in both cases

San Diego County Water Authority v. Metropolitan, et al.		
Cases	**Date**	**Status**
2014, 2016	Aug. 28, 2020	SDCWA served first amended (2014) and second amended (2016) petitions/complaints.
	Sept. 28	Metropolitan filed demurrers and motions to strike portions of the amended petitions/complaints.
	Sept. 28-29	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the demurrers and motions to strike.
	Feb. 16, 2021	Court issued order denying Metropolitan's demurrers and motions to strike, allowing SDCWA to retain contested allegations in amended petitions/complaints.
	March 22	Metropolitan filed answers to the amended petitions/complaints and cross-complaints against SDCWA for declaratory relief and reformation, in the 2014, 2016 cases.
	March 22-23	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the amended petitions/complaints in the 2014, 2016 cases.
	April 23	SDCWA filed answers to Metropolitan's cross-complaints.
	Sept. 30	Based on the Court of Appeal's Sept. 21 opinion (described above), and the Board's Sept. 28 authorization, Metropolitan paid $35,871,153.70 to SDCWA for 2015-2017 Water Stewardship Rate charges under the Exchange Agreement and statutory interest.
2017	July 23, 2020	Dismissal without prejudice entered.
2018	July 28, 2020	Parties filed a stipulation and application to designate the case complex and related to the 2010-2017 cases, and to assign the case to Judge Massullo's court.
	Nov. 13	Court ordered case complex and assigned to Judge Massullo's court.
	April 21, 2021	SDCWA filed second amended petition/complaint.
	May 25	Metropolitan filed motion to strike portions of the second amended petition/complaint.

Cases	Date	Status
2018 (cont.)	May 25-26	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the motion to strike.
	July 19	Court issued order denying Metropolitan's motion to strike portions of the second amended petition/complaint.
	July 29	Metropolitan filed answer to the second amended petition/complaint and cross-complaint against SDCWA for declaratory relief and reformation.
	July 29	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the second amended petition/complaint.
	Aug. 31	SDCWA filed answer to Metropolitan's cross-complaint.
	April 11, 2022	Court entered order of voluntary dismissal of parties' WaterFix claims and cross-claims.
2014, 2016, 2018	June 11, 2021	Deposition of non-party witness.
	Aug. 25	Hearing on Metropolitan's motion for further protective order regarding deposition of non-party witness.
	Aug. 25	Court issued order consolidating the 2014, 2016, and 2018 cases for all purposes, including trial.
	Aug. 30	Court issued order granting Metropolitan's motion for a further protective order regarding deposition of non-party witness.
	Aug. 31	SDCWA filed consolidated answer to Metropolitan's cross-complaints in the 2014, 2016, and 2018 cases.
	Oct. 27	Parties submitted to the court a joint stipulation and proposed order staying discovery through Dec. 8 and resetting pre-trial deadlines.
	Oct. 29	Court issued order staying discovery through Dec. 8 and resetting pre-trial deadlines, while the parties discuss the prospect of settling some or all remaining claims and crossclaims.
	Jan. 12, 2022	Case Management Conference. Court ordered a 35-day case stay to allow the parties to focus on settlement negotiations, with weekly written check-ins with the court; and directed the parties to meet and confer regarding discovery and deadlines.

Cases	Date	Status
2014, 2016, 2018 (cont.)	Feb. 22	Court issued order resetting pre-trial deadlines as proposed by the parties.
	Feb. 22	Metropolitan and SDCWA each filed motions for summary adjudication.
	April 13	Hearing on Metropolitan's and SDCWA's motions for summary adjudication.
	April 18	Parties filed supplemental briefs regarding their respective motions for summary adjudication, as directed by the court.
	April 18	Court issued order resetting pre-trial deadlines as proposed by the parties.
	April 29	Parties filed pre-trial briefs.
	April 29	Metropolitan filed motions in limine.
	May 4	Court issued order granting Metropolitan's motion for summary adjudication on cross-claim for declaratory relief that the conveyance facility owner, Metropolitan, determines fair compensation, including any offsetting benefits; and denying its motion on certain other cross-claims and an affirmative defense.
	May 11	Court issued order granting SDCWA's motion for summary adjudication on cross-claim for declaratory relief in the 2018 case regarding lawfulness of the Water Stewardship Rate's inclusion in the wheeling rate and transportation rates in 2019-2020; certain cross-claims and affirmative defenses on the ground that Metropolitan has a duty to charge no more than fair compensation, which includes reasonable credit for any offsetting benefits, with the court also stating that whether that duty arose and whether Metropolitan breached that duty are issues to be resolved at trial; affirmative defenses that SDCWA's claims are untimely and SDCWA has not satisfied claims presentation requirements; affirmative defense in the 2018 case that SDCWA has not satisfied contract dispute resolution requirements; claim, cross-claims, and affirmative defenses regarding applicability of Proposition 26, finding that Proposition 26 applies to Metropolitan's rates and charges, with the court also stating that whether Metropolitan violated Proposition 26 is a separate issue; and cross-claims and affirmative defenses regarding applicability of Government Code section 54999.7, finding that section 54999.7 applies to Metropolitan's rates. Court denied SDCWA's motion on certain other cross-claims and affirmative defenses.
	May 13	Pre-trial conference; court denied Metropolitan's motions in limine.
	May 16	Court issued order setting post-trial brief deadline and closing arguments.
	May 16-27	Trial occurred but did not conclude.

Cases	Date	Status
2014, 2016, 2018 (cont.)	May 23, June 21	SDCWA filed motions in limine.
	May 26, June 24	Court denied SDCWA's motions in limine.
	June 3, June 24, July 1	Trial continued, concluding on July 1.
	June 24	SDCWA filed motion for partial judgment.
	July 15	Metropolitan filed opposition to motion for partial judgment.
	Aug. 19	Post-trial briefs filed.
	Sept. 14	Court issued order granting in part and denying in part SDCWA's motion for partial judgment (granting motion as to Metropolitan's dispute resolution, waiver, and consent defenses; denying motion as to Metropolitan's reformation cross-claims and mistake of fact and law defenses; and deferring ruling on Metropolitan's cost causation cross-claim).
	Sept. 21	Metropolitan filed response to order granting in part and denying in part SDCWA's motion for partial judgment (requesting deletion of Background section portion relying on pleading allegations).
	Sept. 22	SDCWA filed objection to Metropolitan's response to order granting in part and denying in part SDCWA's motion for partial judgment.
	Sept. 27	Post-trial closing arguments.
	Oct. 20	Court issued order that it will rule on SDCWA's motion for partial judgment as to Metropolitan's cost causation cross-claim simultaneously with the trial statement of decision.
	Dec. 16	Parties filed proposed trial statements of decision.
	Dec. 21	SDCWA filed the parties' stipulation and proposed order for judgment on Water Stewardship Rate claims for 2015-2020.
	Dec. 27	Court entered order for judgment on Water Stewardship Rate claims for 2015-2020 as proposed by the parties.
	March 14, 2023	Court issued tentative statement of decision (tentatively ruling in Metropolitan's favor on all claims litigated at trial, except for those ruled to be moot based on the rulings in Metropolitan's favor)
	March 14	Court issued amended order granting in part and denying in part SDCWA's motion for partial judgment (ruling that Metropolitan's claims for declaratory relief regarding cost causation are not subject to court review).

Cases	Date	Status
	March 29	SDCWA filed objections to tentative statement of decision
	April 3	Metropolitan filed response to amended order granting in part and denying in part SDCWA's motion for partial judgment (requesting deletion of Background section portion relying on pleading allegations).
	April 25	Court issued statement of decision (ruling in Metropolitan's favor on all claims litigated at trial, except for those ruled to be moot based on the rulings in Metropolitan's favor)
	Jan. 10, 2024	Parties filed joint status report and stipulated proposal on form of judgment
	Jan. 17	Court issued order approving stipulated proposal on form of judgment (setting briefing and hearing)
	Jan. 26	Parties filed opening briefs on proposed form of judgment
	March 13	Hearing on proposed form of judgment
All Cases	April 15, 2021	Case Management Conference on 2010-2018 cases. Court set trial in 2014, 2016, and 2018 cases on May 16-27, 2022.
	April 27	SDCWA served notice of deposition of non-party witness.
	May 13-14	Metropolitan filed motions to quash and for protective order regarding deposition of non-party witness.
	June 4	Ruling on motions to quash and for protective order.

Outside Counsel Agreements				
Firm Name	**Matter Name**	**Agreement No.**	**Effective Date**	**Contract Maximum**
Albright, Yee & Schmit, APC	Employment Matter	211923	05/23	$60,000
Andrade Gonzalez LLP	MWD v. DWR, CDFW and CDNR Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation	185894	07/20	$250,000
Aleshire & Wynder	Oil, Mineral and Gas Leasing	174613	08/18	$50,000
Atkinson Andelson Loya Ruud & Romo	Employee Relations	59302	04/04	$1,277,187
	Delta Conveyance Project Bond Validation-CEQA Litigation	185899	09/21	$250,000
	MWD Drone and Airspace Issues	193452	08/20	$50,000
	AFSCME Local 1902 in Grievance No. 1906G020 (CSU Meal Period)	201883	07/12/21	$30,000
	AFSCME Local 1902 v. MWD, PERB Case No. LA-CE-1438-M	201889	09/15/21	$20,000
	MWD MOU Negotiations**	201893	10/05/21	$100,000
Best, Best & Krieger	Bay-Delta Conservation Plan/Delta Conveyance Project (with SWCs)	170697	08/17	$500,000
	Environmental Compliance Issues	185888	05/20	$100,000
	Grant Compliance Issues	211921	05/23	$75,000
	Pure Water Southern California	207966	11/22	$100,000
Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP	FCC and Communications Matters	110227	11/10	$100,000
Buchalter, a Professional Corp.	Union Pacific Industry Track Agreement	193464	12/07/20	$50,000

Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Burke, Williams & Sorensen, LLP	Real Property – General	180192	01/19	$100,000
	Labor and Employment Matters	180207	04/19	$75,000
	General Real Estate Matters	180209	08/19	$200,000
	Rancho Cucamonga Condemnation Actions (Grade Separation Project)	207970	05/22	$100,000
Law Office of Alexis S.M. Chiu*	Bond Counsel	200468	07/21	N/A
Cislo & Thomas LLP	Intellectual Property	170703	08/17	$100,000
Curls Bartling P.C.*	Bond Counsel	200470	07/21	N/A
Duane Morris LLP	SWRCB Curtailment Process	138005	09/14	$615,422
Duncan, Weinberg, Genzer & Pembroke	Power Issues	6255	09/95	$3,175,000
Ellison, Schneider, Harris & Donlan	Colorado River Issues	69374	09/05	$175,000
	Issues re SWRCB	84457	06/07	$200,000
Erin Joyce Law, PC	Employment Matter	216039	11/23	$100,000
Greines, Martin, Stein & Richland LLP	SDCWA v. MWD	207958	10/22	$100,000
	Colorado River Matters	207965	11/22	$100,000
Haden Law Office	Real Property Matters re Agricultural Land	180194	01/19	$50,000
Hanna, Brophy, MacLean, McAleer & Jensen, LLP	Workers' Compensation	211926	06/23	$100,000
Hanson Bridgett LLP	SDCWA v. MWD	124103	03/12	$1,100,000

Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
	Finance Advice	158024	12/16	$100,000
	Deferred Compensation/HR	170706	10/17	$500,000
	Tax Issues	180200	04/19	$50,000
	Alternative Project Delivery (ADP)	207961	10/22	$250,000
	Ad Valorem Property Taxes	216042	11/23	$100,000
~~Hausman & Sosa, LLP~~	~~MOU Hearing Officer Appeal~~	~~201892~~	~~09/21~~	~~$95,000~~
	~~MOU Hearing Officer Appeal~~	~~207949~~	~~07/22~~	~~$25,000~~
Hawkins Delafield & Wood LLP*	Bond Counsel	193469	07/21	N/A
Hemming Morse, LLP	Baker Electric v. MWD	211933	08/23	$100,000
Horvitz & Levy	SDCWA v. MWD	124100	02/12	$1,250,000
	General Appellate Advice	146616	12/15	$200,000
	Colorado River	203464	04/22	$100,000
Innovative Legal Services, P.C.	Employment Matter	211915	01/19/23	$125,000 ~~$100,000~~
Internet Law Center	Cybersecurity and Privacy Advice and Representation	200478	04/13/21	$100,000
	Systems Integrated, LLC v. MWD	201875	05/17/21	$100,000
Amira Jackmon, Attorney at Law*	Bond Counsel	200464	07/21	N/A
Jackson Lewis P.C.	Employment: Department of Labor Office of Contract Compliance	137992	02/14	$45,000
Jones Hall, A Professional Law Corp*	Bond Counsel	200465	07/21	N/A
Kronenberger Rosenfeld, LLP	Systems Integrated, LLC v. MWD	211920	04/23	$250,000
Kutak Rock LLP	Delta Islands Land Management	207959	10/22	$10,000
	Labor and Employment	158032	02/17	$229,724

Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Liebert Cassidy Whitmore	FLSA Audit	180199	02/19	$50,000
	EEO Advice	216041	12/23	$100,000
Manatt, Phelps & Phillips	SDCWA v. MWD rate litigation	146627	06/16	$4,400,000
	Raftelis-Subcontractor of Manatt, Agr. #146627: Per 5/2/22 Engagement Letter between Manatt and Raftelis, MWD paid Raftelis Financial Consultants, Inc.	Invoice No. 23949		$56,376.64 for expert services & reimbursable expenses in *SDCWA v. MWD*
Marten Law LLP	PFAS Multi-District Litigation	216034	09/23	$400,000
Martenson, Hasbrouck & Simon LLP	Employment Matter	211932	08/23	$50,000
Meyers Nave Riback Silver & Wilson	Pure Water Southern California	207967	11/22	$100,000
	PFAS Compliance Issues	207968	11/14/22	$100,000
Miller Barondess, LLP	SDCWA v. MWD	138006	12/14	$600,000
Morgan, Lewis & Bockius	SDCWA v. MWD	110226	07/10	$8,750,000
	Project Labor Agreements	200476	04/21	$100,000
Musick, Peeler & Garrett LLP	Colorado River Aqueduct Electric Cables Repair/Contractor Claims	193461	11/20	$2,500,000
	Arvin-Edison v. Dow Chemical	203452	01/22	$100,000
	Semitropic TCP Litigation	207954	09/22	$75,000
Nixon Peabody LLP*	Bond Counsel [re-opened]	193473	07/21	$100,000
	Special Finance Project	207960	10/22	$50,000
Norton Rose Fulbright US LLP*	Bond Counsel	200466	07/21	N/A

Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Olson Remcho LLP	Government Law	131968	07/14	$400,000
	Executive Committee/Ad Hoc Committees Advice	207947	08/22	$60,000
	Public Records Act	207950	08/22	$54,000 ~~$45,000~~
	Advice/Assistance re Proposition 26/Election Issues	211922	05/23	$100,000
Pearlman, Brown & Wax, L.L.P.	Workers' Compensation	216037	10/23	$100,000
Rains Lucia Stern St. Phalle & Silver, PC	Employment Matter	211919	4/23	$60,000
Renne Public Law Group, LLP	ACE v. MWD (PERB Case No. LA-CE-1574-M)	203466	05/22	$100,000
	ACE v. MWD (PERB Case No. LA-CE-1611-M)	207962	10/22	$50,000
	Employee Relations and Personnel Matters	216045	01/24	$50,000
Ryan & Associates	Leasing Issues	43714	06/01	$200,000
	Oswalt v. MWD	211925	05/23	$100,000
Seyfarth Shaw LLP	Claim (Contract #201897)	201897	11/04/21	$350,000
	Claim (Contract #203436)	203436	11/15/21	$350,000
	Claim (Contract #203454)	203454	01/22	$210,000
	Reese v. MWD	207952	11/22	$750,000
	General Labor/Employment Advice	211917	3/23	$100,000
	Civil Rights Department Complaint	211931	07/23	$100,000
	Crawford v. MWD	216035	09/23	$100,000
	Tiegs v. MWD	216043	12/23	$250,000
	Zarate v. MWD	216044	01/24	$250,000
	Rivers v. MWD	207946	07/22	$250,000

Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Sheppard Mullin Richter & Hampton	Lorentzen v. MWD	216036	09/23	$100,000
Stradling Yocca Carlson & Rauth*	Bond Counsel	200471	07/21	N/A
Theodora Oringher PC	Construction Contracts - General Conditions Update	185896	07/20	$100,000
Thompson Coburn LLP	NERC Energy Reliability Standards	193451	08/20	$300,000
Van Ness Feldman, LLP	General Litigation	170704	07/18	$50,000
	Colorado River MSHCP	180191	01/19	$50,000
	Bay-Delta and State Water Project Environmental Compliance	193457	10/15/20	$50,000
	Colorado River Issues	211924	05/23	$100,000

*Expenditures paid by Bond Proceeds/Finance
**Expenditures paid by another group