

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**May 10, 2022**

Chair Dick called the teleconference meeting to order at 8:30 a.m.

Members present: Chair Dick, Directors Atwater, Camacho, Fellow, Goldberg, Record, Smith, Sutley, and Tamaribuchi.

Member absent: Director Phan.

Other Directors present: Chairwoman Gray, Directors Abdo, Ackerman, Blois, De Jesus, Dennstedt, Erdman, Faessel, Jung, Kurtz, Lefevre, McCoy, Miller, Morris, Ortega, Peterson, Pressman, and Ramos.

Committee Staff present: Hagekhalil, Miyashiro, Scully, Torres, and Upadhyay.

**1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION**

None

**2. MANAGEMENT REPORTS**

- a. Subject: General Counsel's report of monthly activities

General Counsel informed the committee that the closed session agenda item 7b, the *San Diego County Water Authority v. Metropolitan*, would be deferred. However, she did inform the committee in open session on the status of the motions for summary adjudication by each party, and ongoing discovery and depositions. She also reported that trial in the case was upcoming.

**CONSENT CALENDAR ITEMS – ACTION**

**3. CONSENT CALENDAR OTHER ITEMS – ACTION**

- A. Approval of the Minutes of the Meeting of the Legal and Claims Committee held April 11, 2022.

No comments on the minutes.

#### **4. CONSENT CALENDAR ITEMS – ACTION**

None

Director Atwater made a motion, seconded by Director Fellow, to approve the consent calendar consisting of Item 3A:

The vote was:

Ayes:	Directors Atwater, Camacho, Dick, Fellow, Goldberg, Record, Smith, Sutley, and Tamaribuchi
Noes:	None
Abstain:	None
Absent:	Phan

The motion for Item 3A passed by a vote of 9 ayes, 0 noes, 0 abstain, and 1 absent.

#### **END OF CONSENT CALENDAR ITEMS**

#### **5. OTHER BOARD ITEMS – ACTION**

None

#### **6. BOARD INFORMATION ITEMS**

None

#### **7. COMMITTEE ITEMS**

- |    |               |  |
|----|---------------|--|
| a. | Subject       | Report on litigation in The Navajo Nation v. United States Department of the Interior (U.S. Court of Appeals for the Ninth Circuit, Case No. No. 19-17088, D.C. No. 3:03-cv-00507-PCT-GMS) [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)] |
|    | Presented by: | Chief Deputy General Counsel Catherine Stites  |

In closed session, Chief Deputy General Counsel Catherine Stites made a presentation on this item. No action was taken.

- b.            Subject            Report on litigation, including discussions regarding potential settlement, in San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391 , CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; and the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions. [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)]]

Presented by:            This item was deferred.

## **8. FOLLOW-UP ITEMS**

None

## **9. FUTURE AGENDA ITEMS**

None

Next meeting will be held on June 14, 2022.

Meeting adjourned at 9:06 a.m.

Larry Dick  
Chair