

Orders Following Status Conference

The Court held a case status conference in Coordinated Special Proceeding JC 4118, STATE WATER RESOURCES CONTROL BOARD CASES, on Friday, November 3, 2000. Counsel who appeared were noted on the recorded proceedings concerning the Petition to Add On Cases heard prior to the case status conference on November 3, 2000. Following consideration of the points discussed with counsel, the Court finds that the entry of certain orders is necessary for the orderly progression of the coordinated cases. Accordingly, pursuant to my powers as the Coordination Trial Judge, the following orders are entered and considered binding on all of the parties who appeared on November 3, 2000, in Department 17, Superior Court of California, County of Sacramento.

Petitioners in each of the ten coordinated cases are ordered to meet and confer in order to agree on the designation of one counsel of record in their individual case by no later than November 30, 2000, to act as liaison counsel to receive on behalf of and promptly distribute to the petitioners in the case wherein they are liaison counsel all notices and other documents from the court or from other counsel in the coordinated cases. Liaison counsel in each coordinated case shall file with court clerk in Department 17 notice of the designation and serve said designation on the other parties who have appeared in the coordinated cases. The Court hereby appoints all such designated liaison counsel to serve as representative of all petitioners in the case wherein they are liaison counsel with the power and duty to receive on behalf of and promptly distribute to the other petitioners in their case notices and other documents from the court and other counsel in the coordinated cases.

The Court orders all ten coordinated cases stayed from all procedural and statutory deadlines raised by the claims set forth in the individual ten cases, including but not limited to any deadlines set forth in sections 21167.4, 21167.6 and 21167.8 of the California Public Resources Code and from the filing of any responsive pleading to any petition for writ of mandate or complaint for declaratory or injunctive relief, or for damages until 30 days after February 23, 2001, or until such further order of the Court. Neither the State defendants/respondents nor any real party in interest in the ten coordinated cases shall be required to file a formal responsive pleading until 30 days after February 23, 2001, or until such further order of the Court. Nothing in this order mandates or excuses any party to any of the ten cases from participating in any of the motions involving hearing dates set in this document.

Golden Gate Audubon Society, et al., has made a request for assignment of a CEQA-designated judge under Public Resources Code section 21167.1(b). The Court will allow Golden Gate Audubon Society, et al., to proceed in this regard by noticed motion. The Court hereby sets Friday, December 15, 2000, at 9 a.m., Department 17, Superior Court of California, County of Sacramento, as the time and place for any such motion to be heard.

To facilitate closure of the issues surrounding who may, will, or must be a party to these coordinated cases, the Court will allow parties to proceed in this regard by noticed motion. Any and all motions concerning who may, will, or must be a party to these coordinated cases, including but not limited to any joinder motions, motions to dismiss for lack of indispensable party, or other party-related motions, are to be noticed for and heard on Friday, January 19, 2001, in the morning at such times as counsel may arrange with the clerk in Department 17, Superior Court of California, County of Sacramento.

The State defendants/respondents have agreed to allow parties to these coordinated cases an additional 15 days, or until November 20, 2000, to submit any comments on the SWRCB administrative record in hopes of minimizing any necessity for motions to augment the record. The State defendants/respondents have also agreed to conditionally file the administrative record for Water Right Decision 1641. It is contemplated that there may be disputes as to the proper payment of costs assessed for the preparation of the administrative record for Water Right Decision 1641. If the assessed cost is not paid or relief from such payment, or portion thereof, is not obtained from the Court prior to 12 noon on February 23, 2001, the administrative record will not be deemed filed in those respective cases. The Court will allow any parties who desire to bring motions related to the filing of the administrative record, including but not limited to motions to augment the record or motions to dispute assessed costs to proceed by noticed motion to be heard on Friday, February 23, 2001, in the morning at such times as counsel may arrange with the clerk in Department 17, Superior Court of California, County of Sacramento.

The Court hereby notifies the parties that the Court intends to hold a further status conference in this matter on Friday, February 23, 2001, at 1:30 p.m., in Department 17, Superior Court of California, County of Sacramento. The Court currently anticipates inviting counsel to submit voluntary status conference statements addressing issues which the Court will identify no later than February 1, 2001.

Any objections to the form or content of this order should be filed on or before November 17, 2000, and served by way of a document clearly designated as "Objections to November 5, 2000 Orders Following Status Conference". Once the Court receives and considers the objection(s), the Court will determine whether to overrule the objection(s), grant the objection(s) in whole or in part and modify the order, or set the matter for further hearing on the objection(s). If no objections are received, then this order will become the Court's final order.

November 5, 2000

Roland L. Candee, Judge
Coordination Trial Judge