

State Water Resources Control Board

STATUS CONFERENCE ORDER AND REVISED NOTICE OF PRE-HEARING CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office (“AHO”)
held a status conference in the
AHO proceeding
on the issues the court has referred
to the Board pursuant to Water Code section 2000 in

City of Marina v. RMC Lonestar,
Monterey County Superior Court No. 20CV001387.

**The AHO will hold a Second Pre-Hearing Conference
on October 19, 2022, beginning at 9:00 a.m.**

The Second Pre-Hearing Conference will be held by Zoom teleconference.

Any interested party may participate in the Zoom teleconference
of the Second Pre-Hearing Conference by using this link:

<https://waterboards.zoom.us/j/95899889673?pwd=R2lwclZjS2xwdWVRaXg3ZlhtWXg4UT09> with Meeting ID: 958 9988 9673 and Passcode: 561435

or by calling in at: +16699009128,,95899889673#,,,,*561435# US (San Jose)

Any interested member of the public who would like to watch the Second Pre-Hearing
Conference without participating may access the Administrative Hearings Office
YouTube channel at:

<https://www.youtube.com/channel/UCM-gmpRyd7Nw-g8l-C7Nig/videos?view=57>

BACKGROUND

The purpose of this proceeding, background, hearing issues and pre-hearing and hearing processes are described in the May 6, 2022 Notice of Public Hearing and Pre-Hearing Conference issued by the State Water Resources Control Board (“State Water Board”) Administrative Hearings Office (“AHO”). The AHO held a status conference on September 2, 2022 to consider the issues and arguments raised in the Joint Request for Immediate Status Conference and Motion for Continuance of Current Adjudicative Hearing Schedule and Leave to File Sur-Rebuttal Testimony, filed by Marina Coast Water District (“Marina CWD”) and the City of Marina (“Marina”) on August 31, 2022.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

The AHO makes the following changes to the May 6, 2022 hearing notice and June 1, 2022 Pre-Hearing Conference Order and Notice of Second Status Conference. Except as expressly stated in this order and notice, all provisions of the May 6, 2022 hearing notice and June 1, 2022 order and notice remain in effect.

MOTIONS FOR LEAVE TO FILE SUR-REBUTTAL TESTIMONY

Marina CWD's and Marina's motion for leave to file sur-rebuttal testimony is granted. Marina CWD and Marina may file written proposed sur-rebuttal testimony and related exhibits rebutting any part of the written proposed rebuttal testimony and technical memorandum of California-American Water Company ("Cal-Am") expert witness Johnson Yeh, exhibits Cal-Am 88 and Cal-Am 89. This written proposed sur-rebuttal testimony also may rebut the portions of the written proposed rebuttal testimony and technical memorandum of Peter Leffler, exhibits Cal-Am 78 and Cal-Am 79, that discuss or rely on the North Marina Groundwater Model 2022. It may not rebut any other portion of exhibit Cal-Am 78 or exhibit Cal-Am 79.

PRE-HEARING AND HEARING SCHEDULE AND DEADLINES

The pre-hearing and hearing schedule and deadlines listed in the June 1, 2022 order and notice are amended to the dates stated in the following table.

As discussed during the September 2 status conference, the attorneys for the parties shall meet and confer regarding the scheduling of the deposition of Johnson Yeh, with the goal of scheduling it on October 14, or the latest feasible day before then.

The first round of hearing days (scheduled to start on October 26) will be for the following parties to present the following witnesses for summaries of their written proposed testimony (direct and rebuttal), and for cross-examination: (a) Cal-Am: all witnesses; (b) for Marina CWD: Remleh Scherzinger and Theodore Asch; and (c) City of Marina: Layne Long.

The second round of hearing days (scheduled to start on December 7) will be for the following parties to present the following witnesses for summaries of their written proposed testimony (direct, rebuttal and any sur-rebuttal) and for cross-examination: (a) Marina CWD: Vera Nelson and Todd Kincaid; and (b) City of Marina: Mark Trudell. This round of hearings will start with Marina CWD's witnesses. The portion of the hearing involving Marina's witness will not start before December 12.

| Deadline / Schedule | Date and Time |
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| Dates for depositions of witnesses for who will testify during first round of hearings | Aug. 24 through Oct. 14, 2022 |
| Deadline for parties to file motions in limine regarding other parties' written proposed direct testimony or rebuttal testimony for first round of hearings | Sept. 7, 2022, 1:00 p.m. |
| Deadline for parties to file slides summarizing their witnesses' written proposed direct testimony and rebuttal testimony for first round of hearings | Sept. 28, 2022, 1:00 p.m. |
| Deadline for parties to file stipulations regarding authenticity, admissibility or use of public records. | Sept. 28, 2022, 1:00 p.m. |
| Deadline for parties to file oppositions to Sept. 7 motions in limine | Sept. 28, 2022, 1:00 p.m. |
| Deadline for parties to file proposed site visit itinerary and schedule | Oct. 5, 2022, 1:00 p.m. |
| Deadline for parties to file hearing briefs for first round of hearings | Oct. 12, 2022, 1:00 p.m. |
| Deadline for parties to file optional statements for second pre-hearing conference | Oct. 12, 2022, 1:00 p.m. |
| Second pre-hearing conference | Oct. 19, 2022, 9:00 a.m. |
| First round of hearings begins | Oct. 26, 2022, 9:00 a.m. |
| Additional hearing days (if necessary) | Oct. 27-28, and 31, and Nov. 1-3, 2022, beginning each day at 9:00 a.m. |
| Site visit (tentative date) | Nov. 4, 2022 |
| Deadline for Marina CWD and Marina to file written proposed sur-rebuttal testimony and related exhibits for second round of hearings | Nov. 14, 2022, 1:00 pm |
| Dates for depositions of witnesses for who will testify during second round of hearings | Nov. 15-Dec. 2. 2022 |
| Deadline for parties to file motions in limine regarding other parties' written proposed direct, rebuttal or sur-rebuttal testimony for second round of hearings | Nov. 28, 2022, 1:00 pm |
| Deadline for parties to file slides summarizing their witnesses' written proposed testimony for second round of hearings | Dec. 2, 2022, 1:00 pm |
| Deadline for parties to file hearing briefs for second round of hearings | Dec. 2, 2022, 1:00 pm |
| Deadline for parties to file oppositions to Nov. 28 motions in limine | Dec. 5, 2022, 1:00 pm |

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| Second round of hearings begin | Dec. 7, 2022, 9:00 am |
| Additional hearing days | Dec. 8-9, 12-16, 2022, beginning each day at 9:00 am |

Sept. 2, 2022
Date

/s/ ALAN B. LILLY
Alan B. Lilly
Presiding Hearing Officer

Enclosure: Service List (copies of notice sent by e-mail only, to all listed e-mail addresses)

Service List
City of Marina v. RMC Lonestar Court Reference

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