

RECEIVED
Brunick McElhaney & Beckett

JUN 28 2010

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

CITY OF BARSTOW, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 CITY OF ADELANTO, et al.,)
)
 Defendants.)
)
 _____)
 AND RELATED CROSS-ACTIONS.)
 _____)

No. CIV208568

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Proceedings of Wednesday, June 23, 2010,
before the Honorable Gloria Connor Trask,
Judge, Department 1.

APPEARANCES:

For Defendant/
Cross-Complainant:
Mojave Water Agency

BRUNICK, McELHANEY & BECKETT
By: William J. Brunick, Esq.
1839 Commercenter West
San Bernardino, California 92412

For California
Department of Fish
and Game:

OFFICE OF THE ATTORNEY GENERAL
OF THE STATE OF CALIFORNIA
By: Marilyn H. Levin, Deputy
300 South Spring Street, Suite 11000-N
Los Angeles, California 90013-1204

ORIGINAL

Patricia L. Hanson, CSR 2329
Riverside Superior Court
4050 Main Street, Department 1
Riverside, California 92501

1 PROCEEDINGS OF WEDNESDAY, JUNE 23, 2010

2 * * *

3 THE COURT: City of Barstow versus Adelanto.

4 MR. BRUNICK: Good morning, Your Honor.

5 Bill Brunick appearing for Mojave Water Agency.

6 THE COURT: Good morning.

7 MS. LEVIN: Good morning, Your Honor.

8 Marilyn Levin, Deputy Attorney General, representing the
9 Department of Fish and Game.

10 THE COURT: Good morning.

11 I saw in my in-basket last night the stipulations for
12 intervention and entry of judgment, and there were six of
13 them as to various entities. And so perhaps you want to
14 explain it. I have no problem signing them, but perhaps you
15 just want to explain to me how you anticipate this
16 proceeding. Because it says something about after 30-days'
17 notice, then there will be a hearing? And I didn't
18 understand that part.

19 MR. BRUNICK: Those are new parties that either have
20 transferred pumping rights, and we make them stipulate to the
21 judgment, we submit them to the court, and the court normally
22 executes them; and that's it.

23 MS. LEVIN: I've never seen them. It's probably just
24 the normal procedure of any new party.

25 Just coincidentally it must be that they were filed
26 yesterday. It has nothing to do with this rampdown motion.

27 THE COURT: Okay.

28 MR. BRUNICK: And as to the rampdown motion, I have

1 nothing to add to our moving parties, Your Honor.

2 MS. LEVIN: And, Your Honor, our papers say that we
3 agree with the proposal of the Watermaster. And you've read
4 those papers, so we -- unless you have other questions, we
5 have nothing more to add.

6 THE COURT: I do not. And I am embarrassed to say that
7 I have nothing. I thought that this maybe was the -- the
8 total agreement. I have no papers. Nothing came before me
9 or on my desk. And so I didn't know the status.

10 May I suggest, if you are all in agreement, that I just
11 take it under submission, review your pleadings, and then
12 determine if I have questions, I can set it for another
13 hearing. Otherwise sign the proposed --

14 MR. BRUNICK: Order.

15 MS. LEVIN: Proposed order.

16 THE COURT: -- order.

17 MS. LEVIN: And I would suggest potentially Mr. Brunick
18 and I draft a proposed order for you to sign; and therefore
19 you'll have the order as well as the papers.

20 THE COURT: We can do that.

21 And, again, accept my apologies. I don't know what
22 happened on this; and that's why I was thinking, well, maybe
23 that's what this was. But now I understand.

24 These would be, like, successor -- someone who bought
25 the property? And so now they are substituting in for --

26 MR. BRUNICK: That's correct.

27 THE COURT: -- a prior owner.

28 MR. BRUNICK: You sell your property to me. I'm forced

1 to stipulate for the production rights to transfer from you
2 to me.

3 THE COURT: All right.

4 MR. BRUNICK: It's kind of a -- we're trying to get as
5 many folks in front of the court as we can. I know you
6 appreciate that.

7 THE COURT: I do. Well, this is a beautiful courtroom
8 to accommodate all of these.

9 MR. BRUNICK: It is.

10 THE COURT: Miss Levin, do you want to see these first?

11 MS. LEVIN: I believe that Mr. Brunick will give me a
12 copy. And it's the normal -- I believe it's just the normal
13 parties stipulating to the terms of the judgment.

14 MR. BRUNICK: That's correct.

15 MS. LEVIN: And based on his representation, I don't
16 have to see them right now.

17 THE COURT: All right. Fair enough.

18 So then this matter will be under submission. Counsel
19 will meet and confer, prepare a proposed order, along with a
20 declaration that you have met and conferred and agreed upon
21 the terms. And unless I have any questions after I read all
22 of your submitted documents, I'll simply sign the proposed
23 order.

24 MS. LEVIN: Thank you, Your Honor.

25 MR. BRUNICK: Thank you.

26 THE COURT: Thank you.

27 MR. BRUNICK: Similar to what you signed last year.

28 THE COURT: Pardon me? Yes, I assume so.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MS. LEVIN: Yes.

MR. BRUNICK: Thank you.

THE COURT: Thank you.

MS. LEVIN: Thank you.

(Proceedings are adjourned.)

* * *

* *

*

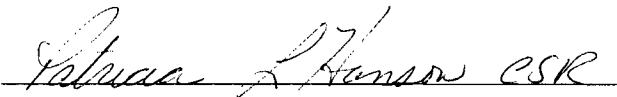
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, PATRICIA L. HANSON, a Certified Shorthand Reporter,
Number 2329, do hereby certify:

That on June 23, 2010, in the County of Riverside,
State of California, I took in shorthand a true and correct
report of the proceedings had in the above-entitled cause and
that the foregoing transcript is a true and accurate
transcription of my shorthand notes, taken as aforesaid.

DATED: Riverside, California, June 23, 2010.



Patricia L. Hanson, CSR 2329