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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF RIVERSIDE

14 Coordination Proceeding Special Title
15 (Cal. Rules of Court, rule 3.550)
16 MOJAVE BASIN AREA WATER CASES

JCCP NO.: 5265
Lead Case No. CIV208568
Assigned for All Purposes to the
Honorable Harold W. Hopp, Dept. 1
Honorable Craig G. Reimer, Judge
Presiding by assignment of the Chief
Justice

17 CITY OF BARSTOW, et al.,
18 Plaintiff,
19 v.
20 CITY OF ADELANTO, et al.,
21 Defendant.

**GOLDEN STATE WATER
COMPANY'S RESPONSE TO
WATERMASTER'S OBJECTIONS
TO PLEADINGS**

Date: October 22, 2024
Time: 1:30 p.m.
Dept.: M302 (Menifee Justice
Center)
Judge: Hon. Craig G. Reimer

Reservation ID: 562595011427

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RESPONSE TO OBJECTIONS

Golden State Water Company (“GSWC”) submits the following response to the written “Objections” filed on October 17, 2024 by the Mojave Water Agency, acting as Watermaster for the Mojave Basin Area (“Watermaster”). Watermaster’s Objections are based on a contorted and nonsensical reading of the Court’s October 7, 2024 Order Continuing Hearing on Motion (“Order”) and must be overruled.

First, Watermaster claims that, under the Order, GSWC’s Reply Brief in support of its Motion had to be filed on October 9, 2024—the same day that Watermaster and other parties were to file amended oppositions or responses to GSWC’s Motion and new evidence related thereto. The relevant language from the Order reads: “If desired, any party that has filed documents **supporting, opposing, or otherwise responding to the motion** has leave to file and serve addition [sic] argument or evidence no later than October 9, 2024.” (Order at ¶ 2.e [emphasis added].) The Order’s plain language shows that this deadline does not apply to GSWC. As the moving party, GSWC did not file documents “supporting, opposing, or otherwise responding to the motion”—GSWC filed the motion itself. The Order’s clear intent is to provide a new opportunity for the **other parties** to file amended responses to the Motion by October 9, 2024, with “[a]ny opposition, reply, or objection to any such new declarations [to] be filed and served no later than October 16, 2024.” (Order at ¶ 2.f.)

Moreover, the absurd effect of Watermaster’s interpretation would be that GSWC’s Reply Brief would be due **the same day as the Opposition Brief(s)** to which it “replies.” Watermaster fails to explain this anomaly. As a matter of due process, age-old practice, and common sense, the moving party generally “gets the last word” by filing a Reply Brief. (See *In re Large Scale Biology Corp.* (Bankr. E.D. Cal., Sept. 25, 2007, No. 06-20046-A-11) 2007 WL 2859782, at *1 [“the rules of this court, indeed, the law and motion rules of most courts, permit the moving party, not the respondent, to have the last word”]; *Jiangong Lei v. City of Lynden* (W.D. Wash., Mar. 4, 2015, No. C14-0650-JCC) 2015 WL 926562, at *2, fn. 2 [“To consider this Amended Response would be to deny the right of the moving party to have the last word on their own motion, something that may only be contemplated in extreme circumstances, such as when the moving party has introduced new and nonresponsive matters into their reply brief”]; c.f. *La Prade v. Dep’t of Water & Power* (1945)


1 27 Cal.2d 47, 51–52 [”*La Prade*”] [a fair hearing requires that a party have the opportunity to “refute,
2 test and explain” the evidence produced by opposing parties].) The Order cannot be read to have
3 deprived GSWC of its right to respond to amended opposition briefs and new evidence submitted
4 therewith.¹

5 Second, Watermaster objects to paragraph 6 of the Declaration of Stephanie Osler Hastings
6 filed on October 16, 2024 with GSWC’s Reply Brief, claiming that paragraph is “merely argument”
7 and “inappropriate” because it quotes portions of Watermaster’s Amended Opposition and the
8 accompanying amended Wagner Declaration. Watermaster fails to explain what is inappropriate or
9 argumentative about quoting its own words back to it, where GSWC contends that those words bear
10 on an evidentiary issue. Again, GSWC has the right to refute or otherwise impeach the evidence
11 presented by opposing parties. (C.f. *La Prade, supra*, 27 Cal.2d at pp. 51–52; *Weiss v. Chevron,*
12 *U.S.A., Inc.* (1988) 204 Cal.App.3d 1094, 1098 [trial court has discretion to allow late evidence if
13 “the opposing party has had notice and the opportunity to respond”].) Paragraph 6 of the Hastings
14 Declaration merely collects Watermaster’s own statements to impeach its expert’s conclusions about
15 the causes of falling water levels in the Centro Subarea. Watermaster has not shown any impropriety
16 in quoting its own statements.

17 For the foregoing reasons, Watermaster’s Objections to GSWC’s filings should be
18 overruled.

19
20 Dated: October 18, 2024

BROWNSTEIN HYATT FARBER
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21
22 By: 
23 STEPHANIE OSLER HASTINGS
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28 ¹ This also refutes Watermaster’s suggestion that the Reply was not timely because it did more than merely oppose “new declarations” filed by Watermaster and other parties on October 9, 2024. Again, GSWC has the right to reply to the arguments raised in the amended opposition briefs, and the Order cannot be read to deprive GSWC of its ability to file a meaningful reply.

PROOF OF SERVICE

I am over the age of eighteen years and not a party to the within-entitled action. I am employed in Santa Barbara County, California. My business address is Brownstein Hyatt Farber Schreck, LLP, 1021 Anacapa Street, 2nd Floor, Santa Barbara, California 93101-2711. My electronic service address is Meldridge@bhfs.com. On October 18, 2024, I served a copy of the following document(s):

GOLDEN STATE WATER COMPANY'S RESPONSE TO WATERMASTER'S OBJECTIONS TO PLEADINGS



BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) listed above to be sent to the persons at the e-mail addresses listed below and the parties listed on the attached service list

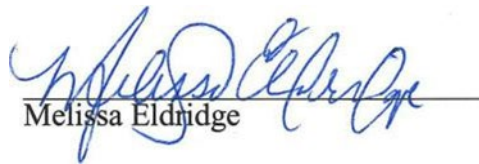
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Mojave Basin Area Watermaster

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 18, 2024, at Santa Barbara, California.


Melissa Eldridge

City of Barstow v. City of Adelanto
Riverside County Superior Court Case No. CIV208568

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COUNTY OF SAN BERNARDINO}

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 13846 Conference Center Drive, Apple Valley, California 92307.

On October 21, 2024, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

Document(s) filed with the court and served herein are described as follows:

GOLDEN STATE WATER COMPANY'S RESPONSE TO WATERMASTER'S OBJECTIONS TO PLEASDINGS

 X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

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GenOn California South, LP (via email)
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(Nereida.Gonzalez@gswater.com,
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Mojave Basin Area Watermaster Service List as of October 21, 2024

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Mojave Basin Area Watermaster Service List as of October 21, 2024

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Mojave Basin Area Watermaster Service List as of October 21, 2024

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Lin, Kuan Jung and Chung, Der-Bing
2026 Turnball Canyon
Hacienda Heights, CA 91745-

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Mojave Basin Area Watermaster Service List as of October 21, 2024

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Mojave Basin Area Watermaster Service List as of October 21, 2024

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Mojave Basin Area Watermaster Service List as of October 21, 2024

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