



Metropolitan Cases

Joshua Rivers v. Metropolitan, et al. **(Los Angeles County Superior Court)**

On March 17, 2022, former Metropolitan probationary employee Joshua Rivers filed a complaint for damages in Los Angeles County Superior Court against Metropolitan. The complaint alleges whistleblower retaliation in violation of Labor Code section 1102.5(b) and retaliation for complaints of discrimination and harassment in violation of the Fair Employment and Housing Act. Metropolitan accepted service of the summons and complaint on March 30. The Legal Department represents Metropolitan.

Metropolitan v. R. Douglas Collins (Court of Appeal Second Appellate District)

As previously reported, Hearing Officer Doug Collins issued his decision on November 20, 2018, sustaining in part the appeal by AFSCME Local 1902 of a decision to terminate an employee involved in an altercation at the workplace. The hearing officer reduced the disciplinary action to a three-week suspension as he believed the termination was disproportionate to the discipline imposed on the other employee involved in the altercation, and the hearing officer was not convinced the aggravating circumstances cited by Metropolitan warranted an enhancement of the disciplinary action to a discharge. Metropolitan disagreed with Mr. Collins' assessment that there

are no substantial aggravating circumstances present, and on February 12, 2019, Metropolitan filed a petition for writ of administration mandamus seeking to overturn his decision. The petition alleged Mr. Collins' findings are not supported by substantial evidence and that he did not proceed in the manner required by law.

On January 31, 2020, the Honorable Mitchell Beckloff, Judge of the Superior Court, issued a ruling granting Metropolitan's petition in part and remanding the matter for reconsideration by Hearing Officer Collins. On May 7, 2020, Metropolitan appealed Judge Beckloff's ruling on the basis that full consideration was not provided to serious circumstances leading to the discharge decision including the injuries involved, that the hearing officer exceeded his MOU authority by reducing the discharge to a suspension, and that key portions of the hearing officer's decision are not supported by the findings.

On March 23, 2022, the Court of Appeal issued an unpublished decision affirming the trial court's ruling. Accordingly, this matter has been remanded back to the hearing officer for final determination. The Legal Department and Atkinson, Andelson, Loya, Rudd & Romo represents Metropolitan. (See General Counsel's November 2018, February 2019 and February 2020 Activity Reports.)

Matters Impacting Metropolitan

State Water Resources Control Board Proposes New Hexavalent Chromium MCL

On March 22, 2022, the State Water Resources Control Board (State Board) announced it is considering a hexavalent chromium maximum contaminant level (MCL) of 10 micrograms per liter ($\mu\text{g/L}$) or 0.010 milligrams per liter (mg/L) and an associated detection limit for purposes of reporting (DLR) of 0.05 $\mu\text{g/L}$ or 0.00005 mg/L . DLRs are the designated minimum levels at or above which any analytical finding of a constituent in drinking water resulting from monitoring must be reported to the State Board.

In addition, the State Board proposed the following compliance schedule based on system size:

- Systems with more than 10,000 service connections would be required to comply with the MCL within two years of rule adoption.
- Systems with 1,000 to 10,000 service connections would be required to comply with the MCL within three years of rule adoption.



- Systems with less than 1,000 service connections would be required to comply with the MCL within four years of rule adoption.

The State Board is accepting written comments on the draft hexavalent chromium MCL until April 29.

The proposed hexavalent chromium MCL is an administrative draft, and the formal procedure for adopting regulations under the Administrative Procedure Act has not yet begun. The formal rulemaking process for the hexavalent chromium regulations will begin later this year after receipt and consideration of comments on the administrative draft. Input on the proposed administrative draft of the hexavalent chromium MCL may be used to inform the development of the regulations.

California law requires the State Board to set an MCL at a level as close to the public health goal (PHG) as is technologically and economically feasible. The PHG is the concentration of a constituent in drinking water that is not anticipated to cause or contribute to adverse health effects.

In 2011, the Office of Environmental Health Hazard Assessment (OEHHA) established a PHG for hexavalent chromium of 0.02 µg/L. In 2014, California set an MCL for hexavalent chromium of 10 µg/L.

In 2017, the Sacramento County Superior Court invalidated that MCL and directed the State Board to withdraw the MCL and establish a new MCL. The court found that the State Board failed to consider whether its cost estimates for complying with the MCL of 10 µg/L were economically feasible.

The State Board’s draft proposal for the new hexavalent chromium MCL includes tables with cost estimates and occurrence information. To determine the economic feasibility of the proposed MCL, the State Board considered a number of factors, including the affordability of the rates public water systems may need to establish to fund compliance and to meet ongoing operation and maintenance costs. In addition, the State Board took a conservative approach by estimating centralized treatment costs for all public water systems. Metropolitan staff will continue to monitor the development of a new California MCL for hexavalent chromium.

Matters Concluded and/or Terminated

AFSCME Local 1902 v. Metropolitan (Public Employment Relations Board)

On March 27, 2022, AFSCME Local 1902 filed an unfair practice charge with the Public Employment Relations Board (PERB). The charge alleges Metropolitan violated the Meyers-Milias-Brown Act (MMBA) effective November 8, 2021 by implementing a change to the iExpense System without first engaging in the meet and

confer process. The change required employees to enter a map showing starting and ending points for mileage reimbursements over \$25. AFSCME Local 1902 withdrew its charge and PERB closed the matter on March 30, 2022, after the parties reached an informal resolution. Under this resolution, Metropolitan will suspend the mapping requirement until the parties have engaged in the meet and confer process.

Matters Received by the Legal Department

<u>Category</u>	<u>Received</u>	<u>Description</u>
Action in which MWD is a party	1	Complaint for (1) Whistleblower Retaliation (Labor Code § 1102.5(b) and (2) Retaliation for Complaints of Discrimination and Harassment (Gov. Code § 12940(h), filed in Los Angeles County Superior Court, in the case <i>Joshua Rivers v. MWD</i> , Case No.22STCV09741
Government Code Claims	2	Claims relating to: (1) an accident involving an MWD vehicle; and (2) damage to home from pine tree falling onto claimant’s property



Subpoenas 1 Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, served by Defendant in the case *Le Petomane XXVII, Inc. v. American Pacific Corporation (AMPAC)*, U.S. District Court for the District of Nevada, case no. 2:21-cv-01166-APG-NJK.

The subpoena requests copies of MWD’s records relating to the Sunrise Mountain Weir and Historic Lateral Weir Project. The plaintiff is the trustee of the Nevada Environmental Response Trust (NERT), which is a trust that was established in 2011 in connection with the confirmation of Tronox Chapter 11 bankruptcy. In 2017, NERT was ordered by the Nevada Division of Environmental Protection to treat perchlorate in the Las Vegas Wash in connection with Southern Nevada Water Authority’s (SNWA) construction of two erosion control weirs in the Las Vegas Wash located downgradient of the former AMPAC and Tronox sites (Weir Project). NERT subsequently determined that most of the perchlorate it treated as part of the Weir Project originated from the former AMPAC site. NERT filed the lawsuit against AMPAC seeking to recover over \$36 million NERT spent treating perchlorate in groundwater associated with SNWA’s dewatering activities for the Weir Project.

Requests Pursuant to the Public Records Act	18	<u>Requestor</u>	<u>Documents Requested</u>
		AECOM	As-built records for the project area in the city of Highland
		Andersen Integrated Services	Submittals, task orders, and agreements relating to Request for Qualifications for As-Needed Environmental Site Assessment
		Center for Biological Diversity	2002 Settlement Agreement between MWD, San Bernardino Valley Audubon Society, California Department of Fish and Wildlife, and Riverside County Habitat Conservation Agency
		Coalition for Fair Employment in Construction	List of all bidders on MWD construction projects during the period January 1, 2012 through March 7, 2022
		Deltek	Bid tabulation and contract documents for the Jensen Water Treatment Plant Ozone Power Supply Units Replacement
		DRC Engineering	Record drawing of MWD pipeline in the city of Fontana
		Heron Pacific	Maps of two MWD parcels located in Riverside County
		Judicial Council of California	Copies of interior and exterior water audits done on the Torrance Courthouse, Stanley Mosk Courthouse, and Riverside Hall of Justice
Katzakian Real Estate	APN numbers for parcels on Bacon Island		



<u>Requestor</u>	<u>Documents Requested</u>
Long Beach Water Department	Drawing for MWD 78" water main
Los Angeles County Public Works	Turf removal rebate data for City of Topanga for the period 2012-2021
Natural Resources Defense Council	Agreement between California Department of Water Resources and MWD regarding Delta Conveyance planning costs
NBC7	Records relating to rebates, including turf and irrigation rebates, issued to Santa Fe Golf Club
Oracle	Contract and proposal documents for EPR/HCM software(financial planning) and implementation partner contract
Private Citizen	Emails between MWD General Manager and Central Basin Municipal Water District General Manager regarding Central Basin's payment for a service connection for Golden State Water
Stantec	Plans of any MWD utilities in the project area in Long Beach
Trace Venture Associates	Contact list for municipal water companies and stormwater agencies by state
With Intelligence	Data on investment pools relating to the performance of all closed-end funds, including private debt, private equity, real estate and real assets that MWD invested in during the fourth quarter 2021



PLEASE NOTE

- ADDITIONS ONLY IN THE FOLLOWING TWO TABLES WILL BE SHOWN IN RED.
- ANY CHANGE TO THE *OUTSIDE COUNSEL AGREEMENTS* TABLE WILL BE SHOWN IN REDLINE FORM (I.E., ADDITIONS, REVISIONS, DELETIONS).



Bay-Delta and SWP Litigation	
Subject	Status
<p>Consolidated DCP Revenue Bond Validation Action and CEQA Case</p> <p><i>Sierra Club, et al. v. California Department of Water Resources</i> (CEQA, designated as lead case)</p> <p><i>DWR v. All Persons Interested</i> (Validation)</p> <p>Sacramento County Superior Ct. (Judge TBD) (Judge Earl has been appointed as a justice at the Third Appellate District of the California Court of Appeal in Sacramento)</p>	<ul style="list-style-type: none"> • Validation Action <ul style="list-style-type: none"> • Metropolitan, Mojave Water Agency, Coachella Valley Water District, and Santa Clarita Valley Water Agency have filed answers in support • Kern County Water Agency, Tulare Lake Basin Water Storage District, Oak Flat Water District, County of Kings, Kern Member Units & Dudley Ridge Water District, and City of Yuba City filed answers in opposition • North Coast Rivers Alliance et al., Howard Jarvis Taxpayers Association, Sierra Club et al., County of Sacramento & Sacramento County Water Agency, CWIN et al., Clarksburg Fire Protection District, Delta Legacy Communities, Inc, and South Delta Water Agency & Central Delta Water Agency have filed answers in opposition • Case ordered consolidated with the DCP Revenue Bond CEQA Case for pre-trial and trial purposes and assigned to Judge Earl for all purposes • DWR’s motions for summary judgment re CEQA affirmative defenses granted; cross-motions by opponents denied • CEQA Case <ul style="list-style-type: none"> • Sierra Club, Center for Biological Diversity, Planning and Conservation League, Restore the Delta, and Friends of Stone Lakes National Wildlife Refuge filed a standalone CEQA lawsuit challenging DWR’s adoption of the bond resolutions • Alleges DWR violated CEQA by adopting bond resolutions before certifying a Final EIR for the Delta Conveyance Project • Cases ordered consolidated for all purposes • DWR’s motion for summary judgment granted; Sierra Club’s motion denied



SWP-CVP 2019 BiOp Cases

Pacific Coast Fed'n of Fishermen's Ass'ns, et al. v. Raimondo, et al. (PCFFA)

Calif. Natural Resources Agency, et al. v. Raimondo, et al. (CNRA)

Federal District Court, Eastern Dist. of California,
Fresno Division
(Judge Drozd)

- SWC intervened in both *PCFFA* and *CNRA* cases
- Briefing on federal defendants' motion to dismiss CNRA's California ESA claim is complete; no hearing date set and may be decided on the papers
- Federal defendants circulated administrative records for each of the BiOps
- December 18, 2020 PCFFA and CNRA filed motions to complete the administrative records or to consider extra-record evidence in the alternative
- Federal defendants reinitiated consultation on Oct 1, 2021
- On Nov. 8, 2021, Federal Defendants and PCFFA plaintiffs stipulated to inclusion of certain records in the Administrative Records and to defer further briefing on the matter until July 1, 2022
- On Nov. 12, 2021, SWC filed a motion to amend its pleading to assert cross-claims against the federal defendants for violations of the ESA, NEPA and WIIN Act; Court has yet to set a hearing date
- November 23, 2021, Federal Defendants filed a motion for voluntary remand of the 2019 Biological Opinions and NEPA Record of Decision and requesting that the Court issue an order approving an Interim Operations Plan through September 30, 2022; that the cases be stayed for the same time period; and that the Court retain jurisdiction during the pendency of the remand. State Plaintiffs filed a motion for injunctive relief seeking judicial approval of the Interim Operations Plan
- December 16, 2021 – NGO Plaintiffs filed a motion for preliminary injunction related to interim operations
- Motions fully briefed as of Jan. 24, 2022
- Hearing on motions held Feb. 11, 2022
- District court (1) approved the State and Federal Government's Interim Operations Plan (IOP) through September 30, 2022; (2) approved the federal defendants' request for a stay of the litigation through September 30, 2022; (3) remanded the BiOps without invalidating them for



	<p><u>reinitiated consultation with the 2019 BiOps in place; (4) denied PCFFA’s alternative request for injunctive relief; and (5) by ruling on other grounds, denied the state plaintiffs’ motion for injunctive relief and the federal defendants’ request for equitable relief</u></p>
<p>CESA Incidental Take Permit Cases</p> <p>Coordinated Case Name <i>CDWR Water Operations Cases, JCCP 5117</i> (Coordination Trial Judge Gevercer)</p> <p><i>Metropolitan & Mojave Water Agency v. Calif. Dept. of Fish & Wildlife, et al.</i> (CESA/CEQA/Breach of Contract)</p> <p><i>State Water Contractors & Kern County Water Agency v. Calif. Dept. of Fish & Wildlife, et al.</i> (CESA/CEQA)</p> <p><i>Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources</i> (CEQA)</p> <p><i>San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al.</i> (CEQA/CESA/ Breach of Contract/Takings)</p> <p><i>Sierra Club, et al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust)</p> <p><i>North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust)</p> <p><i>Central Delta Water Agency, et. al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust/ Delta Protection Acts/Area of Origin)</p> <p><i>San Francisco Baykeeper, et al. v. Calif. Dept. of Water Resources, et al.</i> (CEQA/CESA)</p>	<ul style="list-style-type: none"> • All 8 cases ordered coordinated in Sacramento County Superior Court • Stay on discovery issued until coordination trial judge orders otherwise • All four Fresno cases transferred to Sacramento to be heard with the four other coordinated cases • SWC and Metropolitan have submitted Public Records Act requests seeking administrative record materials and other relevant information • Answers filed in the three cases filed by State Water Contractors, including Metropolitan’s • Draft administrative records produced on Sept. 16, 2021 • Certified administrative records <u>lodged March 4, 2022</u>



<p>CDWR Environmental Impact Cases Sacramento Superior Ct. Case No. JCCP 4942, 3d DCA Case No. C091771 (20 Coordinated Cases)</p> <p>Validation Action <i>DWR v. All Persons Interested</i></p> <p>CEQA 17 cases</p> <p>CESA/Incidental Take Permit 2 cases</p>	<ul style="list-style-type: none"> • Cases dismissed after DWR rescinded project approval, bond resolutions, decertified the EIR, and CDFW rescinded the CESA incidental take permit • January 10, 2020 – Nine motions for attorneys’ fees and costs denied in their entirety • Parties have appealed attorneys’ fees and costs rulings • Hearing on attorneys’ fee appeals held March 28, 2022 and matter submitted
<p>COA Addendum/ No-Harm Agreement</p> <p><i>North Coast Rivers Alliance v. DWR</i> Sacramento County Superior Ct. (Judge Gevercer)</p>	<ul style="list-style-type: none"> • Plaintiffs allege violations of CEQA, Delta Reform Act & public trust doctrine • USBR Statement of Non-Waiver of Sovereign Immunity filed September 2019 • Westlands Water District and North Delta Water Agency granted leave to intervene • Metropolitan & SWC monitoring • Deadline to prepare administrative record extended to May 20, 2022 • July 22, 2022 hearing on the merits
<p>Delta Plan Amendments and Program EIR 4 Consolidated Cases Sacramento County Superior Ct. (Judge Gevercer)</p> <p><i>North Coast Rivers Alliance, et al. v. Delta Stewardship Council</i> (lead case)</p> <p><i>Central Delta Water Agency, et al. v. Delta Stewardship Council</i></p> <p><i>Friends of the River, et al. v. Delta Stewardship Council</i></p> <p><i>California Water Impact Network, et al. v. Delta Stewardship Council</i></p> <p>Delta Stewardship Council Cases 3 Remaining Cases (CEQA claims challenging original 2013 Delta Plan EIR) (Judge Chang)</p> <p><i>North Coast Rivers Alliance, et al. v. Delta Stewardship Council</i></p> <p><i>Central Delta Water Agency, et al. v. Delta Stewardship Council</i></p> <p><i>California Water Impact Network, et al. v. Delta Stewardship Council</i></p>	<ul style="list-style-type: none"> • Cases challenge, among other things, the Delta Plan Updates recommending dual conveyance as the best means to update the SWP Delta conveyance infrastructure to further the coequal goals • Allegations relating to “Delta pool” water rights theory and public trust doctrine raise concerns for SWP and CVP water supplies • Cases consolidated for pre-trial and trial under <i>North Coast Rivers Alliance v. Delta Stewardship Council</i> • SWC granted leave to intervene • Metropolitan supports SWC • 2013 and 2018 cases to be heard separately due to peremptory challenge • SWC and several individual members, including Metropolitan, SLDMWA and Westlands have dismissed their remaining 2013 CEQA claims but remain intervenor-defendants in the three remaining <i>Delta Stewardship Council Cases</i> <p>2013 Cases</p> <ul style="list-style-type: none"> • After a hearing on Feb. 25, 2022 the court ruled against plaintiffs on the merits of their BDCP-related CEQA claims



	<ul style="list-style-type: none"> Hearing on merits of the remaining CEQA claims in the three remaining 2013 cases re-set for April 22, 2022 <p>2018 Cases</p> <ul style="list-style-type: none"> 2018 Cases fully briefed as of Jan. 24, 2022, hearing on the merits set for July 22, 2022
<p>SWP Contract Extension Validation Action Sacramento County Superior Ct. (Judge Culhane)</p> <p><i>DWR v. All Persons Interested in the Matter, etc.</i></p>	<ul style="list-style-type: none"> DWR seeks a judgment that the Contract Extension amendments to the State Water Contracts are lawful Metropolitan and 7 other SWCs filed answers in support of validity to become parties Jan. 5-7, 2022 Hearing on the merits held with CEQA cases, below Final statement of decision in DWR's favor filed March 9, 2022 Final judgment pending
<p>SWP Contract Extension CEQA Cases Sacramento County Superior Ct. (Judge Culhane)</p> <p><i>North Coast Rivers Alliance, et al. v. DWR</i> <i>Planning & Conservation League, et al. v. DWR</i></p>	<ul style="list-style-type: none"> Petitions for writ of mandate alleging CEQA and Delta Reform Act violations filed on January 8 & 10, 2019 Deemed related to DWR's Contract Extension Validation Action and assigned to Judge Culhane Administrative Record completed DWR filed its answers on September 28, 2020 Metropolitan, Kern County Water Agency and Coachella Valley Water District have intervened and filed answers in the two CEQA cases Final statement of decision in DWR's favor denying the writs of mandate filed March 9, 2022 Final judgments pending



<p>Delta Conveyance Project Soil Exploration Case <i>Central Delta Water Agency, et al. v. DWR</i> Sacramento County Superior Ct. (Judge Chang)</p>	<ul style="list-style-type: none"> • Filed August 10, 2020 • Plaintiffs Central Delta Water Agency, South Delta Water Agency and Local Agencies of the North Delta • One cause of action alleging that DWR's adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) for soil explorations needed for the Delta Conveyance Project violates CEQA • March 24, 2021 Second Amended Petition filed to add allegation that DWR's addendum re changes in locations and depths of certain borings violates CEQA • Deadline to prepare the administrative record extended to April 22, 2022 • DWR's petition to add the 2020 CEQA case to the <i>Department of Water Resources Cases</i>, JCCP 4594, San Joaquin County Superior Court denied
<p>Water Management Tools Contract Amendment <i>California Water Impact Network et al. v. DWR</i> Sacramento County Superior Ct. (Judge Eurie)</p> <p><i>North Coast Rivers Alliance, et al. v. DWR</i> Sacramento County Super. Ct. (Judge Eurie)</p>	<ul style="list-style-type: none"> • Filed September 28, 2020 • CWIN and Aqualliance allege one cause of action for violation of CEQA • NCRA et al. allege four causes of action for violations of CEQA, the Delta Reform Act, Public Trust Doctrine and seeking declaratory relief • Parties have stipulated to production of a draft administrative record by April 1, 2022 and to a timeline to attempt to resolve any disputes over the contents • <i>CWIN</i> case reassigned to Judge Earl so both cases will be heard together • SWC motion to intervene in both cases granted



San Diego County Water Authority v. Metropolitan, et al.

Cases	Date	Status
2010, 2012	Aug. 13-14, 2020	Final judgment and writ issued. Transmitted to the Board on August 17.
	Aug. 28, Sept. 1	SDCWA and Metropolitan filed memoranda of costs.
	Sept. 11	Metropolitan filed notice of appeal of judgment and writ.
	Sept. 14, 16	Metropolitan filed motion to strike SDCWA's costs memorandum, and SDCWA filed motion to strike or tax Metropolitan's costs memorandum.
	Jan. 13, 2021	Court issued order finding SDCWA is the prevailing party on the Exchange Agreement, entitled to attorneys' fees and costs under the contract.
	Feb. 10	Court issued order awarding SDCWA statutory costs, granting SDCWA's and denying Metropolitan's related motions.
	Feb. 16	Per SDCWA's request, Metropolitan paid contract damages in 2010-2012 cases judgment and interest. Metropolitan made same payment in Feb. 2019, which SDCWA rejected.
	Feb. 25	Metropolitan filed notice of appeal of Jan. 13 (prevailing party on Exchange Agreement) and Feb. 10 (statutory costs) orders.
	Sept. 21	Court of Appeal issued opinion on Metropolitan's appeal regarding final judgment and writ, holding: (1) the court's 2017 decision invalidating allocation of Water Stewardship Rate costs to transportation in the Exchange Agreement price and wheeling rate applied not only to 2011-2014, but also 2015 forward; (2) no relief is required to cure the judgment's omission of the court's 2017 decision that allocation of State Water Project costs to transportation is lawful; and (3) the writ is proper and applies to 2015 forward.
	<u>Mar. 17, 2022</u>	<u>Court of Appeal unpublished decision affirming orders determining SDCWA is the prevailing party in the Exchange Agreement and statutory costs.</u>
	<u>Mar. 21</u>	<u>Metropolitan paid SDCWA \$14,296,864.99 for attorneys' fees and \$352,247.79 for costs, including interest.</u>
2014, 2016	Aug. 28, 2020	SDCWA served first amended (2014) and second amended (2016) petitions/complaints.
	Sept. 28	Metropolitan filed demurrers and motions to strike portions of the amended petitions/complaints.



Cases	Date	Status
	Sept. 28-29	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the demurrers and motions to strike.
	Feb. 16, 2021	Court issued order denying Metropolitan’s demurrers and motions to strike, allowing SDCWA to retain contested allegations in amended petitions/complaints.
	March 22	Metropolitan filed answers to the amended petitions/complaints and cross-complaints against SDCWA for declaratory relief and reformation, in the 2014, 2016 cases.
	March 22-23	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the amended petitions/complaints in the 2014, 2016 cases.
	April 23	SDCWA filed answers to Metropolitan’s cross-complaints.
	Sept. 30	Based on the Court of Appeal’s Sept. 21 opinion (described above), and the Board’s Sept. 28 authorization, Metropolitan paid \$35,871,153.70 to SDCWA for 2015-2017 Water Stewardship Rate charges under the Exchange Agreement and statutory interest.
2017	July 23, 2020	Dismissal without prejudice entered.
2018	July 28, 2020	Parties filed a stipulation and application to designate the case complex and related to the 2010-2017 cases, and to assign the case to Judge Massullo’s court.
	Nov. 13	Court ordered case complex and assigned to Judge Massullo’s court.
	April 21, 2021	SDCWA filed second amended petition/complaint.
	May 25	Metropolitan filed motion to strike portions of the second amended petition/complaint.
	May 25-26	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the motion to strike.
	July 19	Court issued order denying Metropolitan’s motion to strike portions of the second amended petition/complaint.



Cases	Date	Status
2018 (cont.)	July 29	Metropolitan filed answer to the second amended petition/complaint and cross-complaint against SDCWA for declaratory relief and reformation.
	July 29	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the second amended petition/complaint.
	Aug. 31	SDCWA filed answer to Metropolitan’s cross-complaint.
2014, 2016, 2018	June 11, 2021	Metropolitan lodged administrative records.
	June 11, 21	Deposition of non-party witness.
	Aug. 25	Hearing on Metropolitan’s motion for further protective order regarding deposition of non-party witness.
	Aug. 25	Court issued order consolidating the 2014, 2016, and 2018 cases for all purposes, including trial.
	Aug. 30	Court issued order granting Metropolitan’s motion for a further protective order regarding deposition of non-party witness.
	Aug. 31	SDCWA filed consolidated answer to Metropolitan’s cross-complaints in the 2014, 2016, and 2018 cases.
	Oct. 27	Parties submitted to the court a joint stipulation and proposed order staying discovery through Dec. 8 and resetting pre-trial deadlines.
	Oct. 29	Court issued order staying discovery through Dec. 8 and resetting pre-trial deadlines, while the parties discuss the prospect of settling some or all remaining claims and crossclaims.
	Jan. 12, 2022	Case Management Conference. Court ordered a 35-day case stay to allow the parties to focus on settlement negotiations, with weekly written check-ins with the court; and directed the parties to meet and confer regarding discovery and deadlines.
	<u>Feb. 22</u>	<u>Court issued order resetting pre-trial deadlines as proposed by the parties.</u>
	Feb. 22	Metropolitan and SDCWA each filed motions for summary adjudication.
	<u>April 13</u>	<u>Hearing on Metropolitan’s and SDCWA’s motions for summary adjudication.</u>



Cases	Date	Status
2014, 2016, 2018 (cont.)	<u>May 16-27, 2022</u>	<u>Trial.</u>
All Cases	April 15, 2021	Case Management Conference on 2010-2018 cases. Court set trial in 2014, 2016, and 2018 cases on May 16-27, 2022.
	April 27	SDCWA served notice of deposition of non-party witness.
	May 13-14	Metropolitan filed motions to quash and for protective order regarding deposition of non-party witness.
	June 4	Ruling on motions to quash and for protective order.



Outside Counsel Agreements				
Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Andrade Gonzalez LLP	MWD v. DWR, CDFW and CDNR Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation	185894	07/20	\$250,000
Aleshire & Wynder	Oil, Mineral and Gas Leasing	174613	08/18	\$50,000
Atkinson Andelson Loya Ruud & Romo	Employee Relations	59302	04/04	\$1,214,517
	MWD v. Collins	185892	06/20	\$100,000
	Delta Conveyance Project Bond Validation-CEQA Litigation	185899	09/21	\$100,000
	MWD Drone and Airspace Issues	193452	08/20	\$50,000
	Equal Employee Opportunity Commission Charge	200462	03/21	\$20,000
	Public Employment Relations Board Charge No. LA-CE-1441-M	200467	03/21	\$30,000
	Representation re the Shaw Law Group's Investigations	200485	05/20/21	\$50,000
	DFEH Charge- (DFEH Number 202102-12621316)	201882	07/01/21	\$25,000
	AFSCME Local 1902 in Grievance No. 1906G020 (CSU Meal Period)	201883	07/12/21	\$30,000
	AFSCME Local 1902 v. MWD, PERB Case No. LA-CE-1438-M	201889	09/15/21	\$20,000
	MWD MOU Negotiations**	201893	10/05/21	\$100,000
	DFEH Charge- (DFEH Number 202106-13819209)	203439	12/14/21	\$15,000
Best, Best & Krieger	Navajo Nation v. U.S. Department of the Interior, et al.	54332	05/03	\$185,000
	Bay-Delta Conservation Plan/Delta Conveyance Project (with SWCs)	170697	08/17	\$500,000
	Environmental Compliance Issues	185888	05/20	\$50,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP	FCC and Communications Matters	110227	11/10	\$100,000
Buchalter, a Professional Corp.	Union Pacific Industry Track Agreement	193464	12/07/20	\$50,000
Burke, Williams & Sorensen, LLP	Real Property - General	180192	01/19	\$100,000
	Labor and Employment Matters	180207	04/19	\$50,000
	General Real Estate Matters	180209	08/19	\$100,000
Law Office of Alexis S.M. Chiu*	Bond Counsel	200468	07/21	N/A
Cislo & Thomas LLP	Intellectual Property	170703	08/17	\$75,000
Curls Bartling P.C.*	Bond Counsel	174596	07/18	N/A
	Bond Counsel	200470	07/21	N/A
Duane Morris LLP	SWRCB Curtailment Process	138005	09/14	\$615,422
Duncan, Weinberg, Genzer & Pembroke PC	Power Issues	6255	09/95	\$3,175,000
Ellison, Schneider, Harris & Donlan	Colorado River Issues	69374	09/05	\$175,000
	Issues re SWRCB	84457	06/07	\$200,000
Haden Law Office	Real Property Matters re Agricultural Land	180194	01/19	\$50,000
Hanson Bridgett LLP	SDCWA v. MWD	124103	03/12	\$1,100,000
	Finance Advice	158024	12/16	\$100,000
	Deferred Compensation/HR	170706	10/17	\$ 400,000
	Tax Issues	180200	04/19	\$50,000
Hausman & Sosa, LLP	MOU Hearing Officer Appeal	201892	09/21	\$25,000
Hawkins Delafield & Wood LLP*	Bond Counsel	193469	07/21	N/A



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Horvitz & Levy	SDCWA v. MWD	124100	02/12	\$900,000
	General Appellate Advice	146616	12/15	\$100,000
	MWD v. Collins	203449	01/03/22	\$20,000
Hunt Ortman Palfy Nieves Darling & Mah, Inc.	Construction Contracts/COVID-19 Emergency	185883	03/20	\$40,000
Internet Law Center	HR Matter	174603	05/18	\$60,000
	Cybersecurity and Privacy Advice and Representation	200478	04/13/21	\$100,000
	Systems Integrated, LLC v. MWD	201875	05/17/21	\$40,000
Amira Jackmon, Attorney at Law*	Bond Counsel	200464	07/21	N/A
Jackson Lewis P.C.	Employment: Department of Labor Office of Contract Compliance (OFCCP)	137992	02/14	\$45,000
Jones Hall, A Professional Law Corporation*	Bond Counsel	200465	07/21	N/A
Kegel, Tobin & Truce	Workers' Compensation	180206	06/19	\$250,000
Lesnick Prince & Pappas LLP	Topock/PG&E's Bankruptcy	185859	10/19	\$30,000
Liebert Cassidy Whitmore	Labor and Employment	158032	02/17	\$201,444
	EEO Investigations	180193	01/19	\$100,000
	FLSA Audit	180199	02/19	\$50,000
LiMandri & Jonna LLP	Bacon Island Subrogation	200457	03/21	\$50,000
Manatt, Phelps & Phillips	In Re Tronox Incorporated	103827	08/09	\$540,000
	SDCWA v. MWD rate litigation	146627	06/16	\$2,900,000
Meyers Nave Riback Silver & Wilson	OCWD v. Northrop Corporation	118445	07/11	\$2,300,000
	IID v. MWD (Contract Litigation)	193472	02/21	\$100,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Miller Barondess, LLP	SDCWA v. MWD	138006	12/14	\$600,000
Morgan, Lewis & Bockius	SDCWA v. MWD	110226	07/10	\$8,750,000
	Project Labor Agreements	200476	04/21	\$100,000
Musick, Peeler & Garrett LLP	Colorado River Aqueduct Electric Cables Repair/Contractor Claims	193461	11/20	\$300,000
	Arvin-Edison v. Dow Chemical	203452	01/22	\$50,000
Nixon Peabody LLP*	Bond Counsel	193473	07/21	N/A
Norton Rose Fulbright US LLP*	Bond Counsel	200466	07/21	N/A
Olson Remcho LLP	Government Law	131968	07/14	\$200,000
	Ethics Office	170714	01/18	\$350,000
Ryan & Associates	Leasing Issues	43714	06/01	\$200,000
Seyfarth Shaw LLP	HR Litigation	185863	12/19	\$250,000
	Claim (Contract #201897)	201897	11/04/21	\$100,000
	Claim (Contract #203436)	203436	11/15/21	\$100,000
	Claim (Contract #203454)	203454	01/22	\$100,000
	Claim (Contract #203455)	203455	10/21	\$100,000
Stradling Yocca Carlson & Rauth*	Bond Counsel	200471	07/21	N/A
Theodora Oringher PC	OHL USA, Inc. v. MWD	185854	09/19	\$1,100,000
	Construction Contracts - General Conditions Update	185896	07/20	\$100,000
Thomas Law Group	MWD v. DWR, CDFW, CDNR – Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation	185891	05/20	\$250,000
	Iron Mountain SMARA (Surface Mining and Reclamation Act)	203435	12/03/21	\$100,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Thompson Coburn LLP	FERC Representation re Colorado River Aqueduct Electrical Transmission System	122465	12/11	\$100,000
	NERC Energy Reliability Standards	193451	08/20	\$100,000
Van Ness Feldman, LLP	General Litigation	170704	07/18	\$50,000
	Colorado River MSHCP	180191	01/19	\$50,000
	Bay-Delta and State Water Project Environmental Compliance	193457	10/15/20	\$50,000
Western Water and Energy	California Independent System Operator Related Matters	193463	11/20/20	\$100,000

*Expenditures paid by Bond Proceeds/Finance

**Expenditures paid by another group