



Metropolitan Cases

Harold Jones v. Metropolitan, et al. **(Los Angeles County Superior Court)**

On November 16, 2023, employee Harold Jones filed an employment lawsuit against Metropolitan in Los Angeles County Superior Court. The complaint was served on Metropolitan on November 29. The complaint alleges seven causes of action. Five causes of action are under the California Fair Employment and Housing Act (FEHA) alleging: discrimination based on race, color and/or national origin, discrimination based on age, retaliation, failure to prevent discrimination, and failure to promote. In addition, there are causes of action alleging the failure to permit inspection of personnel records and unfair business practices. Plaintiff alleges he was discriminated against based on his race/color/national origin/age because Metropolitan denied him promotions even though he was and remains well-qualified; and he alleges Metropolitan retaliated against him after he complained of discriminatory conduct in September of 2021. The Legal Department is representing

Metropolitan and is meeting and conferring with opposing counsel to address legal deficiencies in the complaint. Metropolitan anticipates responding to the complaint in January 2024.

CDWR Environmental Impact Cases **(Sacramento County Superior Court)**

On December 26, 2023, the trial court entered an order denying motions for attorney's fees filed by eight groups of plaintiffs seeking a total of approximately \$13 million in fees stemming from the California WaterFix coordinated cases. The motions were filed after the first order denying fees issued in early 2020 was reversed on appeal in 2022. The judge denied the fee motions because the plaintiffs failed to show that their litigation over the WaterFix Environmental Impact Report (EIR) and their answers in the WaterFix bond validation case were a substantial factor in Governor Newsom's decision not to support WaterFix and the Department of Water Resources' subsequent decision to rescind the project approval and bond resolutions and decertify the EIR. Plaintiffs have until February 26, 2024 to file appeals.

Matters Impacting Metropolitan

EPA Proposes Lead and Copper Rule Revision

On November 30, 2023, the U.S. Environmental Protection Agency (EPA) announced the proposed Lead and Copper Rule Improvements (LCRI) to reduce lead in drinking water and to simplify the rule relative to the 2021 Lead and Copper Rule Revisions (LCRR). Key provisions in the proposal include: (1) requiring water systems to replace lead service lines within 10 years; (2) removing the lead trigger level; (3) improving tap sampling procedures; (4) lowering the lead action level from 15 micrograms per liter ($\mu\text{g/L}$) to 10 $\mu\text{g/L}$; and (5) requiring new service line inventory procedures. The proposed rule also provides improvements in the following areas: corrosion control treatment, public education and consumer awareness, requirements for small systems, and sampling in schools and child-care facilities.

The proposed LCRI is intended to strengthen EPA's existing Lead and Copper Rule, which was first promulgated in 1991, and most recently revised in January 2021, when EPA issued its LCRR. While EPA's previous efforts to reduce lead in drinking water prioritized corrosion control to reduce lead levels at the tap, the LCRI focuses on mandatory lead service line replacement. Specifically, the proposed LCRI would require water systems to inventory, formulate a replacement plan for, and replace all lead service lines under the control of the water system within 10 years, regardless of lead level. EPA has found that when lead service lines are present, they represent the greatest source of lead exposure in drinking water.

The proposed LCRI would also make key changes to the protocol that water systems must use for tap sampling informed by best practices already being deployed at the local and state level, like in



Michigan. Water systems would be required to collect first liter and fifth liter samples at sites with lead service lines and use the higher of the two values when determining compliance with the rule.

In addition, EPA is proposing to lower the lead action level from 15 µg/L to 10 µg/L. When a water system's lead sampling exceeds the action level, the system would be required to inform the public and take action to reduce lead exposure while concurrently working to replace all lead pipes. For example, the system would install or adjust corrosion control treatment to reduce lead that leaches into drinking water.

Under the proposed LCRI, water systems would also be required to regularly update their inventories, create a publicly available service line replacement plan, and identify the materials of all service lines of unknown material. According to EPA, knowing where lead pipes are is critical to replacing them efficiently and equitably. Water systems are currently required under the LCRR to provide an initial inventory of their lead service lines by October 16, 2024.

To support eliminating lead service lines, the Infrastructure and Investment and Jobs Act (Pub. L. 117-58), also referred to as the Bipartisan Infrastructure Law (signed into law Nov. 15, 2021), included \$15 billion specifically appropriated for lead service line replacement projects and associated activities directly connected to the identification and planning for the replacement of lead service lines. Additionally, \$11.7 billion of general Drinking Water State Revolving Funds can be used for lead service line replacement.

EPA held a public informational webinar about the proposed LCRI on December 6, 2023. To help inform its decision making regarding these potential revisions, EPA is also hosting a virtual public hearing on January 16, 2024, to receive public comment and present the proposed requirements of the LCRI. Furthermore, EPA published the LCRI in the Federal Register on December 6, 2023, which started a 60-day public comment period. Public comments are due by February 5, 2024. EPA intends to finalize the LCRI before the LCRR compliance date of October 16, 2024. Metropolitan staff will continue to monitor EPA's proposed LCRI.

Other Matters

Miscellaneous

On December 18, 2023, Metropolitan issued \$120,000,000 of Tax-Exempt Flexible Rate Revolving Note, Series 2023 A-4 (the Notes). The Notes were issued to fund Board-approved debt-financed projects. Legal Department staff attorneys worked with and assisted outside bond counsel with the drafting and negotiation of several contracts and closing certificates.

Legal Department staff worked with Finance staff to prepare and post Metropolitan's annual financial

information filings for fiscal year ended June 30, 2023, pursuant to continuing disclosure requirements for all of Metropolitan's outstanding revenue and general obligation bonds. The annual filings include certain financial and operational disclosures and the Annual Comprehensive Financial Report for Fiscal Years Ended June 30, 2023 and 2022. The annual filings are available at <http://emma.msrb.org> (the Electronic Municipal Market Access system) maintained by the Municipal Securities Rulemaking Board.

Matters Concluded and/or Terminated

AFSCME Local 1902 v. Metropolitan (MOU Hearing Officer Appeal)

On April 30, 2019, AFSCME Local 1902 filed a grievance on behalf of three Equipment Operators who alleged the denial of meal period pay in violation of the AFSCME MOU. Metropolitan denied the grievance and AFSCME appealed the denial to a hearing officer. The parties agreed to

hold the matter in abeyance pending new MOU negotiations in 2023. After completion of negotiations, on December 20, 2023, the parties resolved the grievance. EEO issues were not implicated, the agreement has no confidentiality provisions, the Operators are still employed by Metropolitan, and the Operators received \$500 each to resolve their meal period pay claims. The grievance has been withdrawn pursuant to a written settlement agreement.



Matters Received

<u>Category</u>	<u>Received</u>	<u>Description</u>
Action in which MWD is a party	1	Complaint for Damages: (1) Discrimination on the Bases of Race, Color, and/or National Origin; (2) Discrimination on the Basis of Age; (3) Retaliation; (4) Failure to Prevent Discrimination; (5) Failure to Promote; (6) Failure to Permit Inspection of Personnel Records; (7) Unfair Business Practice, filed in Los Angeles County Superior Court, in the case <i>Harold Jones v. MWD</i> , Case No. 23STCV28217
Government Code Claims	2	Claims relating to: (1) conditions at a District provided employee residence; and (2) accident involving an MWD vehicle

<u>Category</u>	<u>Received</u>	<u>Description</u>																
Subpoenas	2	(1) Deposition Subpoenas for Production of Business Records for employment, payroll, and claims records and (2) records relating to any asbestos-containing products served on two different matters unrelated to Metropolitan																
Requests Pursuant to the Public Records Act	16	<table border="1"> <thead> <tr> <th><u>Requestor</u></th> <th><u>Documents Requested</u></th> </tr> </thead> <tbody> <tr> <td>Andersen Integrate Services (2 requests)</td> <td>(1) Proposals, company scores, and evaluation worksheets for On-Call General Industrial Hygiene and Safety Services; and (2) Proposals, company scores, and total dollar spent under each contract for On-Call Industrial Hygiene Services</td> </tr> <tr> <td>Blair, Church & Flynn Consulting Engineers</td> <td>Records of any existing MWD facilities near project in Irvine</td> </tr> <tr> <td>Brown and Caldwell</td> <td>Request for Qualifications for PDB Services for Sepulveda Feeder Pump Stations</td> </tr> <tr> <td>CCS Global Tech</td> <td>Score sheet, winning proposals, number of task orders, and awarded contracts for Request for Qualifications for On-Call Information Technology Services</td> </tr> <tr> <td>County of San Diego, Department of Public Works, Land Development Division</td> <td>EGIA contract for SoCalWaterSmart Program</td> </tr> <tr> <td>DRMcNatty & Associates</td> <td>Accepted proposal for Data Management and Data Analytics Consulting and Implementation Services</td> </tr> <tr> <td>Los Angeles Times</td> <td>Data on water transfers within Kings County to MWD during the period 2018-2023</td> </tr> </tbody> </table>	<u>Requestor</u>	<u>Documents Requested</u>	Andersen Integrate Services (2 requests)	(1) Proposals, company scores, and evaluation worksheets for On-Call General Industrial Hygiene and Safety Services; and (2) Proposals, company scores, and total dollar spent under each contract for On-Call Industrial Hygiene Services	Blair, Church & Flynn Consulting Engineers	Records of any existing MWD facilities near project in Irvine	Brown and Caldwell	Request for Qualifications for PDB Services for Sepulveda Feeder Pump Stations	CCS Global Tech	Score sheet, winning proposals, number of task orders, and awarded contracts for Request for Qualifications for On-Call Information Technology Services	County of San Diego, Department of Public Works, Land Development Division	EGIA contract for SoCalWaterSmart Program	DRMcNatty & Associates	Accepted proposal for Data Management and Data Analytics Consulting and Implementation Services	Los Angeles Times	Data on water transfers within Kings County to MWD during the period 2018-2023
<u>Requestor</u>	<u>Documents Requested</u>																	
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Blair, Church & Flynn Consulting Engineers	Records of any existing MWD facilities near project in Irvine																	
Brown and Caldwell	Request for Qualifications for PDB Services for Sepulveda Feeder Pump Stations																	
CCS Global Tech	Score sheet, winning proposals, number of task orders, and awarded contracts for Request for Qualifications for On-Call Information Technology Services																	
County of San Diego, Department of Public Works, Land Development Division	EGIA contract for SoCalWaterSmart Program																	
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Los Angeles Times	Data on water transfers within Kings County to MWD during the period 2018-2023																	



<u>Requestor</u>	<u>Documents Requested</u>
Orange County Water District	General Mineral and Physical Analysis of MWD’s Water Supplies for the period July 2022 through June 2023
Private Citizens (3 requests)	Proposals and/or Statements of Qualifications and sign-in sheets for pre-proposal meetings or site visits for the (1) Request for Qualifications for As Needed Engineering Design Services for pipelines, potable and recycled water storage and conveyance facilities and sewage lift stations; and (2) Request for Qualifications for Engineering Services for Water Treatment Facilities, Conveyance, Storage & Distribution Facilities, and Large Rotating Equipment; and (3) List of firms that submitted proposals, list of firms who were prequalified, prequalified firms' proposals, and evaluation tabulation for Request for Qualifications for On-Call General Industrial Hygiene Services
Rist Associates (2 requests)	Proposals and/or Statements of Qualifications and sign-in sheets for pre-proposal meetings or site visits for the (1) Request for Proposal for Desalination Research; and (2) Request for Qualifications for On-Call Engineering Services
Sensis	Winning Proposal and scoring sheets for Request for Proposal for Multi-Media Placement Consulting Services for Water Awareness & Outreach Campaign
SteepSteel	Copies of all active leases/licenses for cell towers, rooftop antennas, or other wireless installations on property owned or managed by MWD, along with 24 months of associated payment histories

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

Consolidated DCP Revenue Bond Validation Action and CEQA Case

Sierra Club, et al. v. California Department of Water Resources (CEQA, designated as lead case)

DWR v. All Persons Interested (Validation)

Sacramento County Superior Ct.
 (Judge Kenneth C. Mennemeier)

• **Validation Action**

- 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
- Dec. 9, 2022 DWR’s motion for summary adjudication of Delta Reform Act and public trust doctrine affirmative defenses granted; NCRA’s motion for summary judgment re same denied
- Trial on the merits held May 15-18, 2023
- Supplemental briefing ordered on three issues with final brief due June 30, 2023
- Tentative Decision/Proposed Statement of Decision against validity issued Aug. 25
- DWR’s objections filed September 18, 2023
- Opponents responses to objections filed September 28, 2023
- Court extended the deadline to issue a judgment to ~~January 22, 2024~~ **December 18, 2023**

• **CEQA Case**

- Sierra Club, Center for Biological Diversity, Planning and Conservation League, Restore the Delta, and Friends of Stone Lakes National Wildlife Refuge filed a



	<p>standalone CEQA lawsuit challenging DWR’s adoption of the bond resolutions</p> <ul style="list-style-type: none"> • 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 • Tentative Decision/Proposed Statement of Decision rejecting CEQA challenge issued Aug. 25, 2023 • DWR’s objections filed September 18, 2023 • Opponents responses to objections filed September 28, 2023 • Court extended the deadline to issue a judgment to January 22, 2024December 18, 2023
Subject	Status
<p>SWP-CVP 2019 BiOp Cases</p> <p><i>Pacific Coast Fed’n of Fishermen’s Ass’ns, et al. v. Raimondo, et al. (PCFFA)</i></p> <p><i>Calif. Natural Resources Agency, et al. v. Raimondo, et al. (CNRA)</i></p> <p>Federal District Court, Eastern Dist. of California, Fresno Division (Judge Thurston)</p>	<ul style="list-style-type: none"> • SWC intervened in both <i>PCFFA</i> and <i>CNRA</i> cases • Federal defendants reinitiated consultation on Oct 1, 2021 • February 24, 2023 court approved the 2023 Interim Operations Plan proposed by federal defendants and state plaintiffs, denied all alternative proposed operations and extended the stay until December 31, 2023 • Nov. 16, 2023 deadline for parties to filed a joint status report • Federal defendants and state plaintiffs seek another 1-year stay and proposed a 2024 Interim Operations Plan (IOP); PCFFA seeks to extend the 2023 IOP until the court rules on the 2024 IOP • Briefing on stay extension and 2024 IOP concludes March 6, 2024 • Dec. 29, 2023 order extended the stay and 2023 IOP until March 2024 or new order, whichever is earlier
<p>CESA Incidental Take Permit Cases</p> <p>Coordinated Case Name <i>CDWR Water Operations Cases, JCCP 5117</i> (Coordination Trial Judge Gevercer)</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



Metropolitan & Mojave Water Agency v. Calif. Dept. of Fish & Wildlife, et al. (CESA/CEQA/Breach of Contract)

State Water Contractors & Kern County Water Agency v. Calif. Dept. of Fish & Wildlife, et al. (CESA/CEQA)

Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources (CEQA)

San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al. (CEQA/CESA/ Breach of Contract/Takings)

Sierra Club, et al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust)

North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust)

Central Delta Water Agency, et. al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust/ Delta Protection Acts/Area of Origin)

San Francisco Baykeeper, et al. v. Calif. Dept. of Water Resources, et al. (CEQA/CESA)

- Certified administrative records lodged March 4, 2022
- State Water Contractors et al. granted leave to intervene in Sierra Club, North Coast Rivers Alliance, Central Delta Water Agency, and San Francisco Baykeeper cases by stipulation
- SWC, et al. granted leave to intervene as respondents in *Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources* CEQA case
- SWC’s renewed motion to augment the administrative records granted in part; a court-appointed referee will review withheld records to determine if the deliberative process privilege applies
- Sept. 8, 2023 hearing on DWR’s and CDFW’s motion to modify the referral to exclude certain withheld records
- CDFW’s motion denied, DWR’s motion subject to the Court’s in camera review of records proposed for exclusion
- Referee’s recommendation is to grant in part, deny in part SWC parties’ motion to augment the administrative records
- Oct. 13, 2023 objections or responses to Referee’s recommendation due
- Oct. 27, 2023 court’s ruling granting in part, and denying in part, the SWC parties’ motion to augment DWR’s and CDFW’s administrative records became final
- Parties are conferring on a merits briefing schedule



<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> <p>(Judge Arguelles)</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 • May 11, 2022, court of appeal reversed the trial court’s denial of attorney fees and costs in an unpublished opinion • Opinion ordered published • Coordinated cases remitted to trial court for re-hearing of fee motions consistent with the court of appeal’s opinion • Sept.15, 2023 re-hearing on fee motions • Dec. 26, 2023 order denying fee motions • Jan. 11, 2024 deadline to file motion for reconsideration • Feb. 26, 2024 deadline to file notice of appeal
<p>COA Addendum/ No-Harm Agreement</p> <p><i>North Coast Rivers Alliance v. DWR</i> Sacramento County Superior Ct. (Judge Rockwell)</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 last extended to Nov. 18, 2022



<p>SWP Contract Extension Validation Action Court of Appeal for the Third App. Dist. Case No. C096316 <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 entered and served • C-WIN et al., County of San Joaquin et al. and North Coast Rivers Alliance et al. filed notices of appeal • Validation and CEQA cases consolidated on appeal • Briefing completed May 30, 2023 • Oral argument held recalendared for November 15, 2023; 30 minutes per side
<p>SWP Contract Extension CEQA Cases Court of Appeal for the Third App. Dist. Case Nos. C096384 & C096304 <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 entered and served • North Coast Rivers Alliance et al. and PCL et al. filed notices of appeal • Appeals consolidated with the validation action above



<p>Delta Conveyance Project Soil Exploration Cases</p> <p><i>Central Delta Water Agency, et al. v. DWR</i> Sacramento County Superior Ct. (Judge Chang)</p> <p><i>Central Delta Water Agency, et al. v. DWR (II)</i>, Sacramento County Super. Ct. (Judge Acquisto)</p>	<ul style="list-style-type: none"> • Original case filed August 10, 2020; new case challenging the second addendum to the CEQA document filed Aug. 1, 2022 • 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 • 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 • Hearing on the merits held Oct.13, 2022 • Dec. 2, 2022 ruling on the merits granting the petition with respect to two mitigation measures and denying on all other grounds • Dec. 23, 2022 court order directing DWR to address the two mitigation measures within 60 days while declining to order DWR to vacate the IS/MND • March 27, 2023 court entered judgment and issued a writ after ordering and considering supplemental briefing • May 5, 2023 court granted DWR's motion to discharge the writ and dismiss the case • May 18, 2023 Notice of Appeal filed • Hearing on motion for attorneys' fees continued to February 29, 2024
<p>Water Management Tools Contract Amendment</p> <p><i>California Water Impact Network et al. v. DWR</i> Sacramento County Superior Ct. (Judge Aquisto)</p> <p><i>North Coast Rivers Alliance, et al. v. DWR</i> Sacramento County Super. Ct. (Judge Aquisto)</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 • SWC motion to intervene in both cases granted • Dec. 20, 2022 DWR filed notice of certification of the administrative record and filed answers in both cases



<i>San Diego County Water Authority v. Metropolitan, et al.</i>		
Cases	Date	Status
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.
	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.



Cases	Date	Status
2018 (cont.)	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.
	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.
	April 11, 2022	Court entered order of voluntary dismissal of parties’ WaterFix claims and cross-claims.
2014, 2016, 2018	June 11, 2021	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.



Cases	Date	Status
2014, 2016, 2018 (cont.)	Feb. 22	Court issued order resetting pre-trial deadlines as proposed by the parties.
	Feb. 22	Metropolitan and SDCWA each filed motions for summary adjudication.
	April 13	Hearing on Metropolitan’s and SDCWA’s motions for summary adjudication.
	April 18	Parties filed supplemental briefs regarding their respective motions for summary adjudication, as directed by the court.
	April 18	Court issued order resetting pre-trial deadlines as proposed by the parties.
	April 29	Parties filed pre-trial briefs.
	April 29	Metropolitan filed motions in limine.
	May 4	Court issued order granting Metropolitan’s motion for summary adjudication on cross-claim for declaratory relief that the conveyance facility owner, Metropolitan, determines fair compensation, including any offsetting benefits; and denying its motion on certain other cross-claims and an affirmative defense.
	May 11	Court issued order granting SDCWA’s motion for summary adjudication on cross-claim for declaratory relief in the 2018 case regarding lawfulness of the Water Stewardship Rate’s inclusion in the wheeling rate and transportation rates in 2019-2020; certain cross-claims and affirmative defenses on the ground that Metropolitan has a duty to charge no more than fair compensation, which includes reasonable credit for any offsetting benefits, with the court also stating that whether that duty arose and whether Metropolitan breached that duty are issues to be resolved at trial; affirmative defenses that SDCWA’s claims are untimely and SDCWA has not satisfied claims presentation requirements; affirmative defense in the 2018 case that SDCWA has not satisfied contract dispute resolution requirements; claim, cross-claims, and affirmative defenses regarding applicability of Proposition 26, finding that Proposition 26 applies to Metropolitan’s rates and charges, with the court also stating that whether Metropolitan violated Proposition 26 is a separate issue; and cross-claims and affirmative defenses regarding applicability of Government Code section 54999.7, finding that section 54999.7 applies to Metropolitan’s rates. Court denied SDCWA’s motion on certain other cross-claims and affirmative defenses.
	May 13	Pre-trial conference; court denied Metropolitan’s motions in limine.
	May 16	Court issued order setting post-trial brief deadline and closing arguments.
	May 16-27	Trial occurred but did not conclude.



Cases	Date	Status
2014, 2016, 2018 (cont.)	May 23, June 21	SDCWA filed motions in limine.
	May 26, June 24	Court denied SDCWA's motions in limine.
	June 3, June 24, July 1	Trial continued, concluding on July 1.
	June 24	SDCWA filed motion for partial judgment.
	July 15	Metropolitan filed opposition to motion for partial judgment.
	Aug. 19	Post-trial briefs filed.
	Sept. 14	Court issued order granting in part and denying in part SDCWA's motion for partial judgment (granting motion as to Metropolitan's dispute resolution, waiver, and consent defenses; denying motion as to Metropolitan's reformation cross-claims and mistake of fact and law defenses; and deferring ruling on Metropolitan's cost causation cross-claim).
	Sept. 21	Metropolitan filed response to order granting in part and denying in part SDCWA's motion for partial judgment (requesting deletion of Background section portion relying on pleading allegations).
	Sept. 22	SDCWA filed objection to Metropolitan's response to order granting in part and denying in part SDCWA's motion for partial judgment.
	Sept. 27	Post-trial closing arguments.
	Oct. 20	Court issued order that it will rule on SDCWA's motion for partial judgment as to Metropolitan's cost causation cross-claim simultaneously with the trial statement of decision.
	Dec. 16	The parties' filed proposed trial statements of decision.
	Dec. 21	SDCWA filed the parties' stipulation and proposed order for judgment on Water Stewardship Rate claims for 2015-2020.
	Dec. 27	Court entered order for judgment on Water Stewardship Rate claims for 2015-2020 as proposed by the parties.
	March 14, 2023	Court issued tentative statement of decision (tentatively ruling in Metropolitan's favor on all claims litigated at trial, except for those ruled to be moot based on the rulings in Metropolitan's favor)
	March 14	Court issued amended order granting in part and denying in part SDCWA's motion for partial judgment (ruling that Metropolitan's claims for declaratory relief regarding cost causation are not subject to court review).



	March 29	SDCWA filed objections to tentative statement of decision
	April 3	Metropolitan filed response to amended order granting in part and denying in part SDCWA's motion for partial judgment (requesting deletion of Background section portion relying on pleading allegations).
	April 25	Court issued statement of decision (ruling in Metropolitan's favor on all claims litigated at trial, except for those ruled to be moot based on the rulings in Metropolitan's favor)
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
Albright, Yee & Schmit, APC	Employment Matter	211923	05/23	\$60,000
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	\$1,277,187
	Delta Conveyance Project Bond Validation-CEQA Litigation	185899	09/21	\$250,000
	MWD Drone and Airspace Issues	193452	08/20	\$50,000
	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
Best, Best & Krieger	Bay-Delta Conservation Plan/Delta Conveyance Project (with SWCs)	170697	08/17	\$500,000
	Environmental Compliance Issues	185888	05/20	\$100,000
	Grant Compliance Issues	211921	05/23	\$75,000
	Pure Water Southern California	207966	11/22	\$100,000
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



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Burke, Williams & Sorensen, LLP	Real Property – General	180192	01/19	\$100,000
	Labor and Employment Matters	180207	04/19	\$75,000
	General Real Estate Matters	180209	08/19	\$200,000
	Rancho Cucamonga Condemnation Actions (Grade Separation Project)	207970	05/22	\$100,000
Law Office of Alexis S.M. Chiu*	Bond Counsel	200468	07/21	N/A
Cislo & Thomas LLP	Intellectual Property	170703	08/17	\$100,000
Curls Bartling P.C.*	Bond Counsel	200470	07/21	N/A
Duane Morris LLP	SWRCB Curtailment Process	138005	09/14	\$615,422
Duncan, Weinberg, Genzer & Pembroke	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
Erin Joyce Law, PC	Employment Matter	216039	11/23	\$100,000
Greines, Martin, Stein & Richland LLP	SDCWA v. MWD	207958	10/22	\$100,000
	Colorado River Matters	207965	11/22	\$100,000
Haden Law Office	Real Property Matters re Agricultural Land	180194	01/19	\$50,000
Hanna, Brophy, MacLean, McAleer & Jensen, LLP	Workers' Compensation	211926	06/23	\$100,000
Hanson Bridgett LLP	SDCWA v. MWD	124103	03/12	\$1,100,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
	Finance Advice	158024	12/16	\$100,000
	Deferred Compensation/HR	170706	10/17	\$500,000
	Tax Issues	180200	04/19	\$50,000
	Alternative Project Delivery (ADP)	207961	10/22	\$250,000
	Ad Valorem Property Taxes	216042	11/23	\$100,000
Hausman & Sosa, LLP	MOU Hearing Officer Appeal	201892	09/21	\$95,000
	MOU Hearing Officer Appeal	207949	07/22	\$25,000
Hawkins Delafield & Wood LLP*	Bond Counsel	193469	07/21	N/A
Hemming Morse, LLP	Baker Electric v. MWD	211933	08/23	\$100,000
Horvitz & Levy	SDCWA v. MWD	124100	02/12	\$1,250,000
	General Appellate Advice	146616	12/15	\$200,000 \$100,000
	Colorado River	203464	04/22	\$100,000
Innovative Legal Services, P.C.	Employment Matter	211915	01/19/23	\$100,000
Internet Law Center	Cybersecurity and Privacy Advice and Representation	200478	04/13/21	\$100,000
	Systems Integrated, LLC v. MWD	201875	05/17/21	\$100,000
Amira Jackmon, Attorney at Law*	Bond Counsel	200464	07/21	N/A
Jackson Lewis P.C.	Employment: Department of Labor Office of Contract Compliance	137992	02/14	\$45,000
Jones Hall, A Professional Law Corp*	Bond Counsel	200465	07/21	N/A
Kronenberger Rosenfeld, LLP	Systems Integrated, LLC v. MWD	211920	04/23	\$250,000
Kutak Rock LLP	Delta Islands Land Management	207959	10/22	\$10,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Liebert Cassidy Whitmore	Labor and Employment	158032	02/17	\$229,724
	FLSA Audit	180199	02/19	\$50,000
Manatt, Phelps & Phillips	SDCWA v. MWD rate litigation	146627	06/16	\$4,400,000
	Raftelis-Subcontractor of Manatt, Agr. #146627: Per 5/2/22 Engagement Letter between Manatt and Raftelis, MWD paid Raftelis Financial Consultants, Inc.	Invoice No. 23949		\$56,376.64 for expert services & reimbursable expenses in SDCWA v. MWD
Marten Law LLP	PFAS Multi-District Litigation	216034	09/23	\$100,000 \$400,000
Martenson, Hasbrouck & Simon LLP	Employment Matter	211932	08/23	\$50,000
Meyers Nave Riback Silver & Wilson	Pure Water Southern California	207967	11/22	\$100,000
	PFAS Compliance Issues	207968	11/14/22	\$100,000
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	\$2,500,000
	Arvin-Edison v. Dow Chemical	203452	01/22	\$100,000
	Semitropic TCP Litigation	207954	09/22	\$75,000
Nixon Peabody LLP*	Bond Counsel [re-opened]	193473	07/21	\$100,000
	Special Finance Project	207960	10/22	\$50,000
Norton Rose Fulbright US LLP*	Bond Counsel	200466	07/21	N/A



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Olson Remcho LLP	Government Law	131968	07/14	\$400,000
	Executive Committee/Ad Hoc Committees Advice	207947	08/22	\$60,000
	Public Records Act	207950	08/22	\$45,000
	Advice/Assistance re Proposition 26/Election Issues	211922	05/23	\$100,000
Pearlman, Brown & Wax, L.L.P.	Workers' Compensation	216037	10/23	\$100,000
Rains Lucia Stern St. Phalle & Silver, PC	Employment Matter	211919	4/23	\$60,000
Renne Public Law Group, LLP	ACE v. MWD (PERB Case No. LA-CE-1574-M)	203466	05/22	\$100,000
	ACE v. MWD (PERB Case No. LA-CE-1611-M)	207962	10/22	\$50,000
Ryan & Associates	Leasing Issues	43714	06/01	\$200,000
	Oswalt v. MWD	211925	05/23	\$100,000
Seyfarth Shaw LLP	Claim (Contract #201897)	201897	11/04/21	\$350,000
	Claim (Contract #203436)	203436	11/15/21	\$350,000
	Claim (Contract #203454)	203454	01/22	\$210,000
	Reese v. MWD	207952	11/22	\$750,000
	General Labor/Employment Advice	211917	3/23	\$100,000
	Civil Rights Department Complaint	211931	07/23	\$100,000
	Crawford v. MWD	216035	09/23	\$100,000
Sheppard Mullin Richter & Hampton	Rivers v. MWD	207946	07/22	\$250,000
	Lorentzen v. MWD	216036	09/23	\$100,000
Stradling Yocca Carlson & Rauth*	Bond Counsel	200471	07/21	N/A
Theodora Oringher PC	Construction Contracts - General Conditions Update	185896	07/20	\$100,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Thompson Coburn LLP	NERC Energy Reliability Standards	193451	08/20	\$300,000
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
	Colorado River Issues	211924	05/23	\$100,000

*Expenditures paid by Bond Proceeds/Finance

**Expenditures paid by another group