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PER GOV. CODE § 6103**

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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 FOR THE COUNTY OF SAN BERNARDINO

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18 CHINO BASIN MUNICIPAL WATER  
DISTRICT,

19 Plaintiff,

20 vs.

21 CITY OF CHINO, ET AL.,

22 Defendants.  
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Case No: RCVRS 51010

*Assigned for All Purposes to:  
Honorable Gilbert G. Ochoa*

**NOTICE OF ORDER TO CONTINUE  
THE HEARING AND SET BRIEFING  
SCHEDULE RE: THE APPROPRIATIVE  
POOL'S MOTION FOR AWARD OF  
EXPENSES, INCLUDING ATTORNEY  
FEES PER CONTRACT AND CIVIL  
CODE SECTION 1717**

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on December 4, 2024, the Court entered an Order (the  
3 “Order”) pursuant to the Stipulation and Proposed Order to Continue the Hearing and Set a Briefing  
4 Schedule Re the Appropriate Pool’s Motion for Award of Expenses, Including Attorney Fees Per  
5 Contract and Civil Code Section 1717 (the “Stipulation”), jointly approved by the parties and  
6 submitted to the Court on December 2, 2024. A true and correct copy of the Order and the  
7 Stipulation is attached hereto as **Exhibit A**.

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9 Dated: December 6, 2024

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By:  \_\_\_\_\_

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VISTA IRRIGATION COMPANY

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# **EXHIBIT A**

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMON DISTRICT  
**FEES EXEMPT**

DEC 04 2024

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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 FOR THE COUNTY OF SAN BERNARDINO  
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18 CHINO BASIN MUNICIPAL WATER  
19 DISTRICT,

20 Plaintiff,

21 vs.

22 CITY OF CHINO, ET AL.,

23 Defendants.  
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Case No: RCVRS 51010

Assigned for All Purposes to:  
Honorable Gilbert G. Ochoa

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE THE HEARING  
AND SET A BRIEFING SCHEDULE RE:  
THE APPROPRIATIVE POOL'S  
MOTION FOR AWARD OF EXPENSES,  
INCLUDING ATTORNEY FEES PER  
CONTRACT AND CIVIL CODE  
SECTION 1717**

Date: December 13, 2024  
Time: 10:00 a.m.  
Department: R17

STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE HEARING AND SET A BRIEFING  
SCHEDULE RE: APPROPRIATIVE POOL'S MOTION

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**STIPULATION**

The Appropriative Pool (“AP”), the Monte Vista Water District and the Monte Vista Irrigation Company (collectively, “Monte Vista”), and the City of Ontario (“Ontario”) (collectively the “Parties”) hereby jointly stipulate as follows:

WHEREAS, on June 26, 2024, the AP filed its Motion for Award of Expenses, Including Attorney Fees Per Contract and Civil Code Section 1717 (“Motion”); and

WHEREAS, the Court conducted a hearing on the Motion at 9:00 a.m. on November 15, 2024 in Department R17 of the above-entitled Court; and

WHEREAS, at the hearing, the Court issued a tentative ruling, attached hereto as **Exhibit A**, directing the Parties that “the requested fee invoices [are] to be provided,” and “once the invoices are provided, the parties [are] to meet and confer as to whether they can come to an agreement over the fees”; and

WHEREAS, consistent with its tentative ruling, the Court also continued the hearing to December 13, 2024 and directed the Parties either to submit supplemental opposition and reply briefs per Code of Civil Procedure section 1005 or to meet and confer about an alternative briefing schedule; and

WHEREAS, consistent with the Court’s direction, the Parties negotiated the principal terms of a settlement and need additional time to document and finalize their proposed settlement; and

WHEREAS, the Parties’ wish to avoid the time and costs of preparing supplemental briefing as directed by the Court while documenting and finalizing their proposed settlement.

IN ACKNOWLEDGEMENT OF THE FOREGOING, THE PARTIES HEREBY AGREE AND STIPULATE AS FOLLOWS:

1. Subject to Court approval, the hearing on the Motion shall be continued to 10:00 a.m. on January 24, 2025 in Department R17 of the above-entitled Court, located at 8303 Haven Avenue, Rancho Cucamonga, California, or at such other next available date/time as the Court may direct.

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2. The Parties agree that, should it become necessary to file supplemental briefing in advance of the continued hearing, Monte Vista and Ontario shall file and serve their brief on or before January 8, 2025, and the AP shall file its brief on or before January 17, 2025.

3. The Parties agree that, if they are able to document and finalize the settlement before January 8, 2025, they will promptly advise the Court and ask that the hearing on the Motion be taken off calendar.

IT IS SO STIPULATED.

Dated: November 27, 2024

NOSSAMAN LLP  
FREDERIC A. FUDACZ  
GINA R. NICHOLLS

By:   
Gina R. Nicholls  
Attorneys for CITY OF ONTARIO, MONTE VISTA WATER DISTRICT and MONTE VISTA IRRIGATION COMPANY

Dated: November 27, 2024

JOHN J. SCHATZ, ESQ.

By:   
John J. Schatz  
Attorney for APPROPRIATIVE POOL

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[PROPOSED] ORDER

IT IS HEREBY ORDERED THAT the hearing on the Motion shall be continued to  
January 24, 2025 at 10:00 a.m. in Department R17, or, alternatively, to the first available court  
date thereafter:           /           at           /           a.m. / p.m.

DATED: 12-4-24    
Hon. Gilbert G. Ochoa  
Judge of the Superior Court

CHINO BASIN WATERMASTER

Case No. RCVRS 51010

Chino Basin Municipal Water District v. City of Chino, et al.

PROOF OF SERVICE

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the action within. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On December 6, 2024 I served the following:

1. NOTICE OF ORDER TO CONTINUE THE HEARING AND SET BRIEFING SCHEDULE RE: THE APPROPRIATIVE POOL'S MOTION FOR AWARD OF EXPENSES, INCLUDING ATTORNEY FEES PER CONTRACT AND CIVIL CODE SECTION 1717

/ X / BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by the United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:  
**See attached service list: Mailing List 1**

/ \_\_\_ / BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

/ \_\_\_ / BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

/ X / BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.  
**See attached service list: Master Email Distribution List**

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

Executed on December 6, 2024 in Rancho Cucamonga, California.

  
\_\_\_\_\_  
By: Ruby Favela Quintero  
Chino Basin Watermaster



PAUL HOFER  
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JEFF PIERSON  
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## **Ruby Favela Quintero**

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