

1. I (name): California Steel Industries, Inc.
request that the time to file ☒ appellant's opening brief (AOB) ☐ respondent's brief (RB) ☐ appellant's reply brief (ARB),
now due on (date): Nov. 29, 2010 be extended to (date): Jan. 28, 2011

2. I ☐ have ☒ have not received a rule 8.220 notice.

3. I have received:
☒ no previous extensions to file this brief. ☐ the following previous extensions:
(number of extensions): extensions by stipulation totaling (total number of days):
(number of extensions): extensions from the court totaling (total number of days):

4. I am unable to file a stipulation to an extension because
☒ the other party is unwilling to stipulate to an extension. ☐ other reason (please specify):

5. The reason I need an extension to file this brief is (please specify; see Cal. Rules of Court, rule 8.63, for factors used in determining whether to grant extensions): See attached.

6. The last brief filed by any party was: ☐ AOB ☐ RB filed on (date):

7. The record in this case is:

	Volumes (#)	Pages (#)	Date filed
Appendix/Clerk's Transcript:	est. 7	2,000	
Reporter's Transcript:	1		
Augmentation/other:			

8. ☐ The trial court has ordered the proceedings in this case stayed until this appeal is decided.

9. For attorneys filing application on behalf of client:
☒ I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 8.60).

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.
Date: November 8, 2010

KARIN DOUGAN VOGEL

(TYPE OR PRINT NAME)

► Karin Doreen Vogel
(SIGNATURE OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

EXTENSION OF TIME IS:

☐ Granted to _____☐ Denied

Date:

(SIGNATURE OF PRESIDING JUSTICE)

CASE NAME:
CHINO BASIN MUNICIPAL WATER DISTRICT, et al. v. CITY OF CHINO, et
al.

CASE NUMBER:
E051653

PARAGRAPH 5 CONTINUATION

ATTACHMENT TO

APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF

I, Karin Dougan Vogel, declare:

1. I am an attorney licensed to practice law in the state of California, and am certified as an appellate specialist by the California State Bar. I am an attorney with the law firm of Sheppard, Mullin, Richter & Hampton LLP, attorneys of record for Appellant California Steel Industries, Inc. ("CSI"). I am the attorney who is primarily responsible for drafting the briefing in the Court of Appeal.
2. CSI's Opening Brief on appeal is currently due by November 29, 2010. CSI requests an extension of 60 days to file its Opening Brief so that it would instead be due by January 28, 2011. CSI has not obtained any other extensions for filing its Opening Brief.
3. CSI makes this request for the following reasons:
 - a. On October 19, 2010, the Court mailed notice to the parties that the appellants' opening brief is due 40 days thereafter, on November 29, 2010. Two days later, on October 21, 2010, the Court mailed to the parties the Settlement Conference Information Form, for completion and return by November 5, 2010. It is my understanding from speaking with the settlement program coordinator that the Court will not determine whether this appeal will be placed into the Court's settlement program until after November 15, 2010. If the case is moved into the settlement program, it is my understanding that the briefing deadlines are vacated. In the meantime, CSI does not want to incur the potentially unnecessary costs of briefing the appeal.

b. If the Court does not move the case into the settlement program, CSI will need a full 30-days to prepare its opening brief. I am the attorney primarily responsible for preparing CSI's opening brief, but was not involved in the matter in the trial court. In addition, we estimate the appendix in this appeal will constitute approximately 7 volumes. If the case is not placed in the settlement program, the briefing time period will span the Thanksgiving holiday. Thereafter, in December, I have a pre-paid family vacation out of the country scheduled for December 18 through 30, 2010. A due date of January 29, 2011, for Appellants' Opening Brief would allow me sufficient time to adequately brief the issues on appeal, and for my client to review the brief prior to filing.

4. This application is made in good faith for the reasons stated above and not for purposes of delay.

5. I spoke on the telephone today with John Schatz, counsel for the Appropriative Pool, who was willing to stipulate to the extension of time. I also communicated via email with Allen Hubsch, counsel for the Non-Agricultural Pool, who was willing to stipulate to the extension of time. However, in response to my email to Michael Fife, counsel for the Watermaster, Mr. Fife indicated that the Watermaster opposes the requested extension. Therefore, I was not able to obtain the extension via stipulation.

1 California Court of Appeal, Fourth Appellate District, Division Two
2 *Non-Agricultural (Overlying Pool) Committee and California Steel Industries, Inc. v.*
3 *Chino Basin Municipal Water District, et al.*, Case No. E051653

4 PROOF OF SERVICE
5 STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

6 I am employed in the County of San Diego; I am over the age of eighteen years and not a
7 party to the within entitled action; my business address is 501 West Broadway, Suite 1900,
8 San Diego, California 92101.

9 On November 8, 2010, I served the following document(s) described as **APPLICATION**
10 **FOR EXTENSION OF TIME TO FILE BRIEF** on the interested party(ies) in this action by
11 placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

12 John J. Schatz, Esq.
13 P.O. Box 7775
14 Laguna Niguel, CA 92607-7775
15 Telephone: (949) 683-0398
16 Facsimile: (949) 305-6865
17 *Attorneys for Appropriative Pool*

Steven G. Lee, Esq.
Reid & Hellyer
3880 Lemon Street, 5th Floor
P.O. Box 1300
Riverside, CA 92502-1300
Telephone: (951) 682-1771
Facsimile: (951) 686-2415
Attorneys for Agricultural Pool

18 Scott Slater, Esq.
19 Michael T. Fife, Esq.
20 Brownstein Hyatt Farber Schreck, LLP
21 21 East Carrillo Street
22 Santa Barbara, CA 93101-2706
23 Telephone: (805) 963-7000
24 Facsimile: (805) 965-4333
25 *Attorneys for Chino Basin Watermaster*

Chino Basin Watermaster
Kenneth R. Manning, Chief Executive Officer
9641 San Bernardino Road
Rancho Cucamonga, CA 91730
Facsimile: (909) 484-3890

26 Allen Hubsch, Esq.
27 Hogan Lovells US LLP
28 1999 Avenue of the Stars, 5th Floor
Los Angeles, CA 90067
Telephone: (310) 785-4600
Facsimile: (310) 785-4601
Attorneys for Non-Agriculture Pool

☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing
correspondence for mailing. Under that practice it would be deposited with the U.S. postal
service on that same day with postage thereon fully prepaid at San Diego, California in the
ordinary course of business. I am aware that on motion of the party served, service is
presumed invalid if postal cancellation date or postage meter date is more than one day
after date of deposit for mailing in affidavit.

☒ **STATE:** I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct. Executed on **November 8, 2010**, at
San Diego, California.


PAMELA PARKER

* * * COMMUNICATION RESULT REPORT (NOV. 8. 2010 4:43PM) * * *

TRANSMITTED/STORED : NOV. 8. 2010 4:36PM
FILE MODE OPTIONFAX HEADER 1:
FAX HEADER 2:

ADDRESS	RESULT	PAGE
128 MEMORY TX	OK	4/4

 REASON FOR ERROR
 E-1) HANG UP OR LINE FAIL
 E-3) NO ANSWER

 E-2) BUSY
 E-4) NO FACSIMILE CONNECTION

TO BE FILED IN THE COURT OF APPEAL

APP-006

COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION TWO		Court of Appeal Case Number: E051653
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Karin Dougan Vogel, Cal. Bar No. 131768 Sheppard, Mullin, Richter & Hampton LLP 501 West Broadway, Suite 1900 San Diego, CA 92101 TELEPHONE NO.: (619) 338-6500 FAX NO. (Optional): (619) 234-3815 E-MAIL ADDRESS (Optional): kvogel@sheppardmullin.com ATTORNEY FOR (Name): Appellant California Steel Industries, Inc.		Superior Court Case Number: RCVRS51010
APPELLANT: CHINO BASIN MUNICIPAL WATER DISTRICT, et al. RESPONDENT: CITY OF CHINO, et al.		FOR COURT USE ONLY
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE) CSC FORM 1		
Notice: Please read Judicial Council form APP-001 before completing this form.		

1. I (name): California Steel Industries, Inc.
request that the time to file ☒ appellant's opening brief (AOB) ☐ respondent's brief (RB) ☐ appellant's reply brief (ARB),
now due on (date): Nov. 29, 2010 be extended to (date): Jan. 28, 2011
2. I ☐ have ☒ have not received a rule 8.220 notice.
3. I have received:
☒ no previous extensions to file this brief. ☐ the following previous extensions:
(number of extensions): extensions by stipulation totaling (total number of days):
(number of extensions): extensions from the court totaling (total number of days):
4. I am unable to file a stipulation to an extension because
☒ the other party is unwilling to stipulate to an extension. ☐ other reason (please specify):
5. The reason I need an extension to file this brief is (please specify; see Cal. Rules of Court, rule 8.63, for factors used in determining whether to grant extensions): See attached.
6. The last brief filed by any party was: ☐ AOB ☐ RB filed on (date):
7. The record in this case is:
- | | Volumes (#) | Pages (#) | Date filed |
|-----------------------------|-------------|-----------|------------|
| Appendix/Clerk's Transcript | est. 7 | 2,000 | |
| Reporter's Transcript | 1 | | |
| Augmentation/other: | | | |
8. ☐ The trial court has ordered the proceedings in this case stayed until this appeal is decided.
9. For attorneys filing application on behalf of client:
☒ I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 8.60).

 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.
 Date: November 8, 2010

KARIN DOUGAN VOGEL

(TYPE OR PRINT NAME)

ORDER

(SIGNATURE OF PARTY OR ATTORNEY)

EXTENSION OF TIME IS:

☐ Granted to☐ Denied

Date:

(SIGNATURE OF PRESIDING JUSTICE)

CASE NO. E051613

IN THE COURT OF APPEAL, STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION TWO

OVERLYING (NON-AGRICULTURAL) POOL,

Appellants

vs.

CHINO BASIN WATERMASTER,

Respondents.

Appeal from the Superior Court for San Bernardino County
Superior Court Case No. RCVRS 51010

STANFORD E. REICHERT-DEPARTMENT C1

**OBJECTION TO APPLICATION OF CALIFORNIA
STEEL INDUSTRIES, INC. FOR EXTENSION OF
TIME TO FILE BRIEF**

BROWNSTEIN HYATT FARBER SCHRECK, LLP
SCOTT S. SLATER (SBN 117317)
MICHAEL T. FIFE (SBN 203025)
21 E. Carrillo Street
Santa Barbara, CA 93101
Tel. No.: (805) 963-7000; Fax: (805) 965-4333

Attorneys for Respondent, Chino Basin Watermaster

**OBJECTION TO APPLICATION OF CALIFORNIA STEEL
INDUSTRIES, INC. FOR EXTENSION OF TIME TO FILE BRIEF**

Chino Basin Watermaster ("Watermaster") opposes the Application for Extension of Time to File Brief ("Application") filed by California Steel Industries, Inc. ("CSI") on November 8, 2010. The basis for this opposition is as follows:

1. The appeal in this matter arises from an exhaustive trial court opinion rejecting appellants' contentions in all regards. Long-term systemic drought conditions in California require Watermaster to prudently manage groundwater resources within the Inland Empire. However, maintenance of the appeal continues a cloud on Watermaster's ability to make use of a substantial quantity of water acquired for fair consideration under a Purchase and Sale Agreement. The absence of a definitive judicial disposition of the appeal continues to inhibit Watermaster's ability to design, plan and finance complementary recharge improvements. It is therefore of the utmost importance that this dispute be resolved as soon as possible.

2. The Application cites to the possibility that the case will be moved into the Court of Appeal settlement process. If the case is moved into the settlement process, then the current briefing schedule will be vacated and the Application will be moot.

For the reasons referenced above, Watermaster has recommended against moving this case into the settlement program. Watermaster seeks an

expeditious disposition of this matter and it is not aware of any basis for settlement between the parties. Watermaster believes that moving the case into the settlement process would be futile and would only result in delay toward full resolution.

3. The Application cites to the personal vacation schedule of CSI's attorney. Watermaster is sympathetic with this concern, especially since it involves the winter holidays and that professional courtesy should generally be accorded reasonable requests. However, the scheduled vacation begins three weeks *after* the current deadline. Thus, the identified vacation is relevant only if the Court grants the Application. If the Court denies the Application, then there will be no conflict with the scheduled vacation.

4. The Application cites to the need to prepare a multi-volume record. However, in the Superior Court it was the Overlying (Non-Agricultural) Pool that primarily prepared and submitted the exhibits for the matter. The Overlying (Non-Agricultural) Pool is the other appellant on this appeal and it has already filed a notice that it intends to complete the record for appeal. Since it would be unnecessarily duplicative for two complete records to be submitted for the same appeal, Watermaster reasonably believes that it will be the Overlying (Non-Agricultural) Pool that will submit the record in the instant case and that all parties will agree upon that record. Unless the Overlying (Non-Agricultural) Pool will not file the record as

planned or CSI has some reason to believe the record will not be adequate, there is no need to prepare a duplicate record in the same proceeding.

5. The Application requests an extension of time only for CSI and does not mention the brief by the Overlying (Non-Agricultural) Pool. The Overlying (Non-Agricultural) Pool has not requested an extension. If the Court believes that an extension for CSI is appropriate, then Watermaster requests confirmation that the Overlying (Non-Agricultural) Pool is required to comply with the originally scheduled deadline. This will resolve CSI's issue with regard to preparation of the record and will prevent duplication of briefing as between CSI and the Overlying (Non-Agricultural) Pool. In addition, since none of the parties currently know the issues on appeal, an opening brief by the Overlying (Non-Agricultural) Pool will at least help to focus the issues and will facilitate discussions should the Court decide to move the case into the settlement process.

DATED: November 10, 2010

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By 

Scott S. Slater

Michael T. Fife

*Attorneys for Respondent,
Chino Basin Watermaster*

PROOF OF SERVICE

I am over the age of eighteen years and not a party to the within-entitled action. My business address is Brownstein Hyatt Farber Schreck, LLP, 21 East Carrillo Street, Santa Barbara, CA 93101. On November 10, 2010, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**OBJECTION TO APPLICATION OF CALIFORNIA STEEL INDUSTRIES,
INC. FOR EXTENSION OF TIME TO FILE BRIEF**

in a sealed envelope, postage fully paid, addressed as follows:

See attached Service List

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

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

Executed on November 10, 2010, at Santa Barbara, California.



Maria Klachko-Blair

**IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
FOURTH APPELLATE DISTRICT**

SERVICE LIST

Allen Waverly Hubsch Hogan Lovells US LLP 1999 Avenue of the Stars, 15th Floor Los Angeles, CA 90067	Karin Dougan Vogel Sheppard, Mullin, Richter & Hampton 501 West Broadway, Suite 1900 San Diego, CA 92101
John Joseph Schatz P.O. Box 7775 Laguna Niguel, CA 92607-7775	Steven G. Lee Reid & Hellyer 3880 Lemon Street, Fifth Floor P.O. Box 1300 Riverside, CA 92502-1300

**Brownstein I Hyatt
Farber I Schreck**

*A Strategic
California Merger
with Hatch & Parent*

21 East Carrillo Street
Santa Barbara, CA 93101
Telephone: (805) 963-7000
Fax: (805) 965-4333

FACSIMILE TRANSMISSION

FROM: Maria Klachko
PHONE: 805-882-1452

DATE: 11/10/2010
CLIENT MATTER #: 008350-0020

RE: Case No. E051613: Respondent's Objection to Application of CA Steel Industries, Inc. for Extension of Time to File Brief

PLEASE DELIVER AS SOON AS POSSIBLE TO:

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
Clerk of the Court		951-248-0235	

Total number of pages including this page: 8.

If you do not receive all of the pages, please call (805) 963-7000.

Dear Clerk of the Court,

Please file the attached Respondent Chino Basin Watermaster's Objection to Application of CA Steel Industries, Inc. for Extension of Time to File Brief, Case No. **E051613**. If there are any issues with the filing, please call attorney Ryan C. Drake at 805-882-1446. Thank you very much for your time.

Maria Klachko-Blair
Legal Assistant

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**Maria I. Klachko-Blair****Inbox****Outbox****Sent Items****Resend** **Print** **Delete**

	Job ID	Faxed To	Completed	Status	Pages	Billing Code	Subject
	59524	951-248-0235	11/10/2010 1:48:34 PM	Delivery - Successful	7	MIK-008350-0020	Case No. E051613: Respondent's Objectio
	59101	415-538-2368	10/18/2010 4:34:13 PM	Delivery - Successful	4	MIK-000009-0001	Cancellation Request from Amy Steinfeld
	58965	805-560-8399	10/8/2010 5:23:08 PM	Delivery - Successful	2	MIK-000009-0001	Russell McGlothlin

CASE NO. E051613

**IN THE COURT OF APPEAL, STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION TWO**

OVERLYING (NON-AGRICULTURAL) POOL

Appellants

vs.

CHINO BASIN WATERMASTER,

Respondents.

Appeal from the Superior Court for San Bernardino County
Superior Court Case No.: RCVRS 51010

STANFORD E. REICHERT-DEPARTMENT C1

**NON-OPPOSITION TO APPLICATION OF
CALIFORNIA STEEL INDUSTRIES, INC. FOR
EXTENSION OF TIME TO FILE BRIEF**

JOHN J. SCHATZ

P.O. Box 7775

Laguna Niguel, Ca. 92607-7775

Tel. No.: (949) 683-0398; Fax: (949) 305-6865

Attorney for Respondent, Appropriative Pool

**NON-OPPOSITION TO APPLICATION OF CALIFORNIA STEEL
INDUSTRIES, INC. FOR EXTENSION OF TIME TO FILE BRIEF**

Subject to the following, the Appropriative Pool does not oppose the Application for Extension of Time to File Brief ("Application") filed by California Steel Industries, Inc. ("CSI") on November 8, 2010.

The Appropriative Pool's non-opposition to the 60-day extension is solely for the purpose of accommodating Ms. Vogel's personal schedule as stated in CSI's Application. The Appropriative Pool's non-opposition is not for other purposes, including settlement discussions or a settlement process, or with respect to implying non-opposition to a similar request which may be made by Appellant Overlying (Non-Agricultural) Pool.

Notwithstanding the courtesy to Ms. Vogel, the Appropriative Pool desires that the Appeal move forward as quickly as possible to enable the parties to determine the status and disposition of the water subject to the transaction at issue in this case.

DATED: November 10, 2010

By John J. Schatz
John J. Schatz
*Attorney for Respondent,
Appropriative Pool*

PROOF OF SERVICE

I am over the age of eighteen years and not a party to the within-entitled action. My business address is 26111 Antonio Parkway, Rancho Santa Margarita Ca. 92688. On November 10, 2010, I placed at 28562 Oso Parkway, Suite D, Rancho Santa Margarita, Ca. 92688 for deposit with the United States Postal Service a true and correct copy of the within document(s):

NON-OPPOSITION TO APPLICATION OF CALIFORNIA STEEL INDUSTRIES, INC. FOR EXTENSION OF TIME TO FILE BRIEF

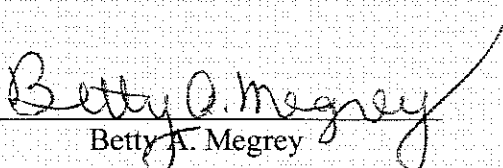
in a sealed envelope, postage fully paid, addressed as follows:

See attached Service List

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

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

Executed on November 10, 2010, at Rancho Santa Margarita, California.


Betty A. Megrey

**IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
FOURTH APPELLATE DISTRICT**

SERVICE LIST

Allen Waverly Hubsch Hogan Lovells US LLP 1999 Avenue of the Stars, 15th Floor Los Angeles, CA 90067	Karin Dougan Vogel Sheppard, Mullin, Richter & Hampton 501 West Broadway, Suite 1900 San Diego, CA 92101
Scott S. Slater Michael T. Fife Brownstein Hyatt Farber Schreck, LLP 21 E. Carillo Street Santa Barbara, Ca. 93101	Steven G. Lee Reid & Hellyer 3880 Lemon Street, Fifth Floor P.O. Box 1300 Riverside, CA 92502-1300

CHINO BASIN WATERMASTER
Case No. RCV 51010
Chino Basin Municipal Water District v. The City of Chino

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 within action. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On November 12, 2010 I served the following:

1. APPLICATION BY CALIFORNIA STEEL FOR EXTENSION OF TIME TO FILE OPENING BRIEF
2. OPPOSITION BY WATERMASTER TO CSI APPLICATION
3. NON-OPPOSITION BY APPROPRIATIVE POOL TO CSI APPLICATION

/_x_/ BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by 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.

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

Executed on November 12, 2010 in Rancho Cucamonga, California.



Janine Wilson
Chino Basin Watermaster

MICHAEL CAMACHO
6055 ZIRCON AVE.
RANCHO CUCAMONGA, CA 91701

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1425 WEST FOOTHILL BLVD.
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UPLAND, CA 91786

ROBERT BOWCOCK
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10575 CENTRAL AVE.
P.O. BOX 71
MONTCLAIR, CA 91763

GLEN DURRINGTON
5512 FRANCIS ST
CHINO, CA 91710

BOB FEENSTRA
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ANAHEIM HILLS, CA 92817

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Karin Vogel	KVogel@sheppardmullin.com
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smt@tragerlaw.com	smt@tragerlaw.com
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Tom McPeters	THMcP@aol.com
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William J. Brunick	bbrunick@bbmblaw.com
William P. Curley	wcurley@rwglaw.com

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