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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9
10 COUNTY OF SAN BERNARDINO

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT,
12 Plaintiff,
13 v.
14 CITY OF CHINO, et al.,
15 Defendants.

CASE NO. RCVRS 51010

[ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE GILBERT G. OCHOA]

**CITY OF ONTARIO'S OPPOSITION
TO CVWD AND FWC'S REQUEST
FOR ORAL TESTIMONY PURSUANT
TO CRC 3.1306(b)**

Hearing:

Date: February 20, 2026
Time: 10:00 a.m.
Dept: R-17

1 The City of Ontario (“Ontario”) opposes and objects to Fontana Water Company and
2 Cucamonga Valley Water District’s (collectively, “Opposing Parties”) Joint Opposition and
3 request to present oral testimony pursuant to California Rules of Court, rule (“CRC”) 3.1306(b)
4 (the “Request”).

5 For the reasons discussed below, the Court should deny Opposing Parties’ Request, which
6 is an attempt to obfuscate the issues, overburden the Court, and deviate from routine motion
7 practice. Opposing Parties seek to present oral testimony to turn a common motion to enforce the
8 Court of Appeal’s April 18, 2025, opinion (“Opinion”) into a days-long, full-scale examination of
9 unidentified “various witnesses,” including the Watermaster,¹ on unspecified “complex issues”
10 and a *de facto* trial on the alleged process and consequences of complying with the Court of
11 Appeal’s Opinion.

12 The Court should not be persuaded by Opposing Parties’ efforts to circumvent the
13 Opinion and Ontario’s simple request for an order enforcing it as directed in the Remittitur.
14 Indeed, this Court is well-suited and fully capable of ruling on Ontario’s straight-forward Motion
15 based on the papers submitted and should deny Opposing Parties’ attempt to introduce *days* of
16 unnecessary testimony and improper attempt to re-litigate issues already adjudicated and disposed
17 of by the Court of Appeal.

18 **I. THE COURT HAS DISCRETION TO DENY OPPOSING PARTIES’ REQUEST**

19 The Court is well within its discretion to deny Opposing Parties’ request for oral
20 testimony and cross-examination because the briefs, declarations, and written evidence—which
21 the Opposing Parties have had ample opportunity to oppose—are sufficient for the Court to rule.
22 CRC 3.1306(b) requires the requesting party to, among other things, “stat[e] the nature and extent
23 of the evidence proposed to be introduced and a reasonable time estimate for the hearing.” “[I]t is
24 well established that a ‘judge is not required to listen to oral argument *on a motion*, but has the
25 discretion to decide the matter solely on the basis of supporting affidavits.’” (*Diaz-Barba v.*

26 _____
27 ¹ Keep in mind that the Chair of the Watermaster Board is a representative of Fontana Water Company, and he serves
28 on the nine-member Watermaster Board with three member agencies of Metropolitan Water District (the holder of
DYY water), including a representative of IEUA. Chino Basin Watermaster, Watermaster Board,
https://cbwm.org/pages/organization/watermaster_board/ (last visited Feb. 9, 2026).

1 *Superior Court* (2015) 236 Cal.App.4th 1470, 1490, citation omitted.) A court does not abuse its
2 discretion in refusing oral testimony or cross-examination when a party has the opportunity to
3 review the opposing party’s declaration and respond in detail. (*Id.* at p. 1491 [court rejecting
4 party’s request to cross-examine expert].) When facts are “adequately presented by the
5 declarations and documents proffered by the parties,” it is proper to deny a request for oral
6 testimony. (*Cal. Sch. Empls. Ass’n v. Del Norte Cnty. Unified Sch. Dist.* (1992) 2 Cal.App.4th
7 1396, 1405 [holding “[t]he trial court did hold an evidentiary hearing based on the many
8 declarations and other documents filed by the parties”].)

9 **II. LEGAL ARGUMENT**

10 Opposing Parties have failed to establish the requisite good cause to permit oral testimony
11 and conduct cross-examinations, as the Court is fully capable of ruling on the instant Motion from
12 the adequate briefing and evidence, which Ontario has submitted in conformance with the law
13 and common motion practice. However, rather than identify the discrete issues of Opposing
14 Parties’ disputes with the instant Motion, the Joint Opposition confuses an otherwise straight-
15 forward motion to enforce the Opinion, and requests that the Court deviate from routine motion
16 practice to conduct an open-ended “mini trial” to (1) resolve alleged “factual disputes on complex
17 financial and hydrologic matters that require determinations of credibility among various
18 witnesses,” (2) hear “detailed testimony both on how Ontario’s complicated seven-step plan will
19 work in practice and the consequences of implementing the plan beyond Ontario’s immediate and
20 parochial interest in securing a windfall through an assessment credit,” and (3) “hear directly
21 from the court-appointed Watermaster before taking action on Ontario’s Motion.” Tellingly, the
22 Watermaster, who has been directed by the Court of Appeal to correct and amend the Assessment
23 Packages, apparently has not joined Opposing Parties’ request for oral testimony. (Watermaster’s
24 Opposition to City of Ontario’s Motion for Order Directing Watermaster to Correct and Amend
25 the FY 2021/2022 and 2022/2023 Assessment Packages.)

26 Opposing Parties seek to avoid enforcement of the Opinion and subject this Court to *days*
27 of oral testimony and cross-examinations of multiple witnesses, including Ms. Jones and the
28 Watermaster. The Request is a slippery slope that will likely result in hours of cross and re-direct

1 examinations of multiple witnesses, all of which is unnecessary, time-consuming, costly, and
2 amounts to an inappropriate hearing designed to relitigate previously adjudicated issues.

3 As to the first point, the Joint Opposition fails to establish good cause (a condition
4 precedent pursuant to CRC 3.1306(a)) and fails to identify the nature and extent of the financial
5 and hydrologic issues and disputes necessitating oral testimony (pursuant to CRC 3.1306(b)),
6 except for a vague request to examine various witnesses on complex matters, such as Ms. Jones
7 on her “assumptions” for some undetermined amount of time and subject to an undetermined
8 scope. Ms. Jones’ declaration sets forth the accounting process of the necessary steps to correct
9 and amend the Assessment Packages in compliance with the Opinion. It is clear from the Joint
10 Opposition’s lack of specificity that Opposing Parties do not know the evidence or testimony they
11 propose to elicit, let alone a reasonable time estimate for the examination of “various witnesses”
12 for their improper fishing expedition based on vague, overbroad hypotheticals regarding
13 unspecified alleged complex matters, credibility determinations, and assumptions. Here, the Court
14 can properly address Opposing Parties’ objections, if any, to Ms. Jones’ testimony through their
15 briefing and oral argument at the hearing.

16 As to the second point, Opposing Parties again fail to make the showing required by
17 CRC 3.1306, and improperly cast Ontario’s Motion as an effort to secure a windfall through an
18 assessment credit when, in fact, Ontario simply seeks to have the Watermaster correct and amend
19 the Assessment Packages *consistent with the original DYY Program agreements, the Judgment,*
20 *and prior court orders* as directed by the Court of Appeal. Opposing Parties seek to obfuscate the
21 Motion by claiming that “detailed testimony” is needed on “how” the plan will work and the
22 “consequences of implementing the plan.” Ontario’s moving papers clearly address these issues,
23 which the Court of Appeal adjudicated in issuing its Opinion, and Opposing Parties’ Request is
24 devoid of any specific testimony it intends to introduce, or a reasonable estimate for the “detailed
25 testimony” of several *unidentified* sources. Opposing Parties then make a conclusory claim,
26 without any evidence or support, that it would be “too cumbersome” for this Court to rule on
27 these issues, despite the extensive briefs and supporting evidence proffered in combination with
28 the Court of Appeal’s clear directive to amend the Assessment Packages consistent with the

1 original DYY Program agreements. This Request is not the proper procedure to challenge the
2 Opinion.

3 Finally, as to the third point, Opposing Parties believe the Court cannot rule on this
4 Motion without hearing from the Watermaster. However, the Court of Appeal has already heard
5 from the Watermaster and mandated the Watermaster to correct and amend the Assessment
6 Packages consistent with the Opinion. Moreover, it is important to note the Watermaster has not
7 requested an evidentiary hearing, and the Watermaster's own "understanding of the issues and its
8 own approach" is wholly irrelevant and cannot override the directive in the Court of Appeal's
9 Opinion.

10 The Court should deny Opposing Parties' Request for unlimited witness examinations
11 because it has failed to establish a showing of good cause under CRC 3.1306(a), and
12 alternatively, failed to adequately state the nature and extent of the evidence proposed to be
13 introduced, and a reasonable estimate for the hearing under CRC 3.1306(b).

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15 Dated: February 11, 2026

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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 February 11, 2026, I served the following:

1. CITY OF ONTARIO'S OPPOSITION TO CVWD AND FWC'S REQUEST FOR ORAL TESTIMONY PURSUANT TO CRC 3.1306(B)

/ 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.

/ ___ / 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 February 11, 2026, in Rancho Cucamonga, California.



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