

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO**

**DATE/TIME : MARCH 6, 2013**  
**JUDGE : LLOYD G. CONNELLY**

**DEPT. NO : 47**  
**CLERK : C. BEEBOUT**

**COORDINATED PROCEEDINGS SPECIAL TITLE (RULE 1550(b))**

**QSA COORDINATED CIVIL CASES**

**Case No.: JCCP 4353**

**Nature of Proceedings: ORDER STAYING ISSUANCE OF DECISION UNTIL 6/3/2013**

By minute order issued February 22, 2013, the Court proposed that it refrain from issuing a tentative decision for the 90-day resubmission period beginning March 5, 2013, and terminating June 3, 2013, while the parties seek a global settlement of the coordinated cases. As explained in the minute order, this proposal was prompted by Imperial Irrigation District's motion for a stay of the proceedings, the filing of a tentative decision and/or entry of judgment for a 90-day period.

The Court has received and reviewed a number of responses to its proposal in the February 22, 2013 minute order. In addition to the notice of intent filed by the County of Imperial and Imperial County Air Pollution Control District, the Court has reviewed responses filed by the Morgan/Holtz parties and Cuatro Del Mar supporting the Court's proposal and responses by the San Diego County Water Authority and Coachella Valley Water District objecting to the proposal. Finally, the Court has reviewed Imperial Irrigation District's responses to the objections of San Diego, Coachella Valley and the Departments of Water Resources and Fish and Game and a joinder in Imperial Irrigation District's responses by the County of Imperial and Imperial Air Pollution Control District. (Although Imperial Irrigation District and Imperial County mention an objection by the Departments to the Court's proposal, the Court has not received any papers from the Departments regarding their objection.)

On the basis of this review, the Court confirms its proposal to refrain from issuing a decision for the 90-day resubmission period beginning March 5, 2013, thereby providing the parties to these coordinated cases an opportunity to negotiate and reach a global settlement of the case. Given the strong and prudent public policies supporting negotiated settlements of litigation, the likelihood of settlement should not be a precondition for negotiations, particularly in light of the substantial experience accumulated and the significant circumstances evolving with implementation of the QSA almost a decade ago.

Negotiations should not be discouraged simply because Salton Sea restoration would be a focal point. Whether or not Salton Sea restoration is an issue central to the adjudication of the coordinated cases – a matter of dispute among the parties – the viability of QSA implementation in the long term appears to be intricately intertwined with Salton Sea restoration both legislatively and in

**BOOK : 47**  
**PAGE : 4353MO30613 1**  
**DATE : MARCH 6, 2013**  
**CASE NO. : JCCP 4353**  
**CASE TITLE : QSA COORDINATED CIVIL CASES**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SACRAMENTO**

**BY: C. BEEBOUT,**  
**Deputy Clerk**

CASE NUMBER: JCCP 4353

DEPARTMENT: 33

CASE TITLE: QSA COORDINATED CIVIL CASES

PROCEEDINGS: ORDER STAYING ISSUANCE OF DECISION UNTIL 6/3/2013

the QSA Joint Powers Agreement. A negotiated settlement among all parties is more likely to produce a practical and workable resolution than a judgment entered in the coordinated cases.

Concerns that validation of the QSA can only be determined by a judgment are unfounded. As explained by Imperial Irrigation District, a global negotiated settlement will resolve all issues in the litigation. The Court will reject any settlement presented to it which does not resolve all issues, including the ultimate issue of validation, and will instead issue a decision which adjudicates all issues pending in the litigation.

Finally, a 90-day period for negotiations will not create a significant delay either in this litigation or in the implementation of the QSA. The 90-day period will run concurrently with the 90-day resubmission period provided to the Court for the issuance of its decision. Because the Court has received and accepted a variety of court assignments subsequent to the issuance of its minute order on February 22, 2013, the time available to the Court to work on the decision will be considerably reduced, and the Court expects to need most of the 90 days of the resubmission period to complete the order.

Accordingly, this case is resubmitted for decision effective March 5, 2013. The parties shall have 90 days, from March 5 until June 3, 2013, to engage in negotiations to globally settle all the issues in these coordinated cases, and the court will refrain from issuing a tentative decision during the 90 days. Imperial Irrigation District is directed to file a status report with the Court on April 1, May 1, and June 1, 2013 regarding whether the negotiations are progressing; the status reports should not disclose the substantive content of the negotiations. Any other party may but is not required to file any responses to Imperial Irrigation District's status reports.

Dated: March 6, 2013



*Lloyd G. Connelly*

Lloyd G. Connelly, Retired  
Judge of the Superior Court

BOOK : 47  
PAGE : 4353MO30613 1  
DATE : MARCH 6, 2013  
CASE NO. : JCCP 4353  
CASE TITLE : QSA COORDINATED CIVIL CASES

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SACRAMENTO

BY: C. BEEBOUT,  
Deputy Clerk

---

**CERTIFICATE OF SERVICE BY MAILING (C.C.P. Sec. 1013a(4))**

---

I, the Clerk of the Superior Court of California, County of Sacramento, certify that I am not a party to this cause, and on the date shown below I served the **ORDER STAYING ISSUANCE OF DECISION UNTIL 6/3/2013 and ORDER DENYING REQUEST FOR 90-DAY STAY OF RESUBMISSION AND 90-DAY STAY OF BRIEFING** by depositing true copies thereof, enclosed in separate, sealed envelopes with the postage fully prepaid, in the United States Mail at 720 9<sup>th</sup> Street, Sacramento, California, each of which envelopes was addressed respectively to the persons and addresses shown on the attached service list.

I, the undersigned Deputy Clerk, declare under penalty of perjury that the foregoing is true and correct.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

Dated: March 7, 2013

By: C. BEEBOUT, *C. B. B.*  
Deputy Clerk

**Coordination Proceeding Special Title (Rule 1550(b))**  
**QSA COORDINATION CIVIL CASES**  
**SERVICE LIST (revised 2/19/2013)**

Chair, Judicial Council of California Administrative Office of the Courts Attn: Court Programs and Services Division (Civil Case Coordination) 455 Golden Gate Avenue San Francisco, CA 94102-3688	Daniel M. Fuchs Attorney General 1300 I St PO Box 944255 Sacramento, CA 94244-2550
Clifford T. Lee Attorney General 455 Golden Gate Ave #11000 San Francisco, CA 94102	Gary Tavetian Attorney General 300 S. Spring St #5000 Los Angeles, CA 90013
Donald R. Lincoln 6065 Avenida Chamnez La Jolla, CA 92037	Steven B. Abbott Redwine & Sherrill 1950 Market St Riverside, CA 92501-1720
Michelle Ouellette Melissa R. Cushman Best Best & Krieger LLP 3390 University Ave, 5 <sup>th</sup> Fl Riverside, CA 92501 OR PO Box 1028 Riverside, CA 92502-1028	Antonio Rossmann Roger B. Moore Barton Lounsbury Rossmann & Moore LLP 380 Hayes St #1 San Francisco, CA 94102
Malissa Hathaway McKeith Lewis Brisbois Bisgaard & Smith LLP 221 N. Figueroa St #1200 Los Angeles, CA 90012	Alene M. Taber Kathryn M. Casey Jackson DeMarco Tidus Peckenpaugh 2030 Main St, 12 <sup>th</sup> Fl Irvine, CA 92614
Mark J. Hattam Kathryn D. Horning Jeffrey A. Chine Allen Matkins Leck Gamble Mallory & Natsis LLP 501 W. Broadway, 15 <sup>th</sup> Fl San Diego, CA 92101-3541	Linus Masouredis Deputy General Counsel Metropolitan Water District of Southern California 1121 L St #900 Sacramento, CA 95814-3974
Patrick J. Maloney Thomas S. Virsik Law Offices of Patrick J. Maloney 2425 Webb Ave #100 Alameda, CA 94501-2922	Rose M. Zoia 50 Old Courthouse Square #401 Santa Rosa, CA 95404

Lisabeth D. Rothman Brownstein Hyatt Farber Schreck 2029 Century Park East #2100 Los Angeles, CA 90067-3007	Daniel S. Hentschke San Diego County Water Authority 4677 Overland Ave San Diego, CA 92123
Joel D. Kuperberg Rutan & Tucker LLP 611 Anton Blvd #1400 Costa Mesa, CA 92626	Lowell F. Sutherland Sutherland & Gerber 2299 W. Adams Ave #102 El Centro, CA 92243
Michael L. Rood Katherine Turner County Counsel 940 Main St #205 El Centro, CA 92243	Jeffrey Epp City Attorney 201 N. Broadway Escondido, CA 92025
Marcia L. Scully, General Counsel Metropolitan Water District of Southern California 700 N. Alameda St. Los Angeles, CA 90012 OR PO Box 54153 Los Angeles, CA 90054-0153	Joseph Salazar Lewis Brisbois Bisgaard & Smith LLP 2850 Gateway Oaks Dr #450 Sacramento, CA 95833
Lisa W. Cooney Lewis Brisbois Bisgaard & Smith LLP 701 B St #1900 San Diego, CA 92101	John P. Carter Horton Knox Carter & Foote 1221 W. State Street El Centro, CA 92243
Cressey H. Nakagawa, Esq. 5 Third St #1208 San Francisco, CA 94103-3213	Michael E. Busch Kathleen A. Cashman-Kramer Pyle Sims Duncan & Stevenson 401 B St #1500 San Diego, CA 92101
Larry Porter c/o Christina Bahr, CPA 1501 Westcliff Dr #201 Newport Beach, CA 92660	Barbara E. Karshmer c/o Hester & Zehren LLC 726 Front St, Ste B Louisville, CO 80027
Elizabeth McFarland 3220 Lakeside Village Dr Prescott, AZ 86305	Ronald C. Leimgruber Laura L. Leimgruber 646 Olive Ave Holtville, CA 92250
Alex Jack PO Box 116 Brawley, CA 92227	Stuart L. Somach Somach Simmons & Dunn 500 Capitol Mall #1000 Sacramento, CA 95814