



FILED
Superior Court of California
County of San Francisco

DEC 03 2014

CLERK OF THE COURT
BY: Craig Blackstone
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

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| <p>SAN DIEGO COUNTY WATER AUTHORITY,</p> <p style="text-align: center;">Plaintiff/Petitioner,</p> <p>vs.</p> <p>METROPOLITAN WATER DIST. OF SOUTHERN CALIFORNIA, et al.</p> <p style="text-align: center;">Defendants/Respondents.</p> |
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Case No. CFP-10-510830
Case No. CFP-12-512466

CASE MANAGEMENT ORDER FOR
DECEMBER 2, 2014

I held a case management conference on December 2, 2014.

MWD wishes to re-open expert discovery and tells me the briefing is complete. I asked the parties to provide courtesy copies of the papers within a day, and also allowed MWD to file a very short brief on the impact of *Cottini v. Enloe Med. Ctr.*, 226 Cal. App. 4th 401, 421 (2014) if it desires, within that time period. I will thereafter issue a written order on the issue.

With respect to MWD's request for a further PMQ/PMK on the issue of mutual mistake, I permitted such a deposition not exceed three hours, which should not revisit questions previously asked of the deponent.

After consulting with counsel on their availability I have set the next phased trial for March 30, April 1-2, 2015. Based on information I have now, that appears to be sufficient. I

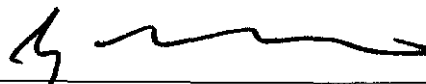
1 will revisit that based on the information gathered in conjunction with the next CMC, discussed
2 below.

3 Motions *in limine* including any to limit or exclude evidence should be filed by January
4 12, 2015, oppositions by January 26, and the hearing will be at the next CMC, February 5, 2015,
5 9 -10 a.m.
6

7 The next CMC is set for February 5, 2015, 9 -10 a.m. The joint CMC statement among
8 other things should describe the live witnesses required at the next phased trial by (i) naming the
9 witness, (ii) the issue the witnesses relates to, i.e., (a) contract damages, (b) affirmative defenses
10 (and which one) or (c) preferential rights, (iii) a reasonable estimate of the time on direct
11 required, and (iv) a brief description of the topics to be covered. The parties should consider
12 which witnesses truly must be presented by live testimony, and where deposition testimony is
13 insufficient should consider presenting direct testimony by declaration with the option of live
14 cross-examination (and re-direct).
15

16 I do not currently plan on further separate hearings on 'legal issues' or 'subject matter
17 jurisdiction' or 'burdens of production or proof,' suggested in the current CMC statement. The
18 parties are free to brief these issues in connection with the March 30, 2015 phased trial.
19
20

21 Dated: December 2, 2014



22 _____
Curtis E.A. Karnow
23 Judge Of The Superior Court
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27

Superior Court of California
County of San Francisco

SAN DIEGO COUNTY WATER
AUTHORITY.,

Plaintiff(s)

vs.

METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA, et al
Defendant(s)

Case Number: CFP- 10-510830

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))


I, Craig Blackstone, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On December 3, 2014, I electronically served the CASE MANAGEMENT ORDER FOR DECEMBER 2, 2014 via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: December 3, 2014

T. Michael Yuen, Clerk

By:



Craig Blackstone, Deputy Clerk