

FILE
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NOV 22 2013

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BY: *Haven L. White*
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

SAN DIEGO COUNTY WATER
AUTHORITY,

Plaintiff/Petitioner,

vs.

METROPOLITAN WATER DIST. OF
SOUTHERN CALIFORNIA, et al.

Defendants/Respondents.

Case No. CFP-10-510830

Case No. CFP-12-512466

ORDER REGARDING TIME AT TRIAL

Earlier this year I had set down the trial for December 17-23, a five day trial which, accommodating work on other cases in this Department, includes about five hour per day,¹ for a trial of about 25 hours in total.

At an earlier case management conference Metropolitan Water has expressed concern on the time allocation at trial, and at my request the parties submitted time estimates for trial.

Metropolitan now estimates 11 hours of presentation by counsel, as well as 18 hours² of direct testimony. If we estimate cross examination at about 1/3 the time of direct, that totals

¹ The typical day will include 10-noon and 1.30-4 or 4.30 p.m.

² I exclude deposition testimony which can be submitted in writing.

24+11 hours for Metropolitan's case, or 35 hours. This alone exceeds the *total* time I had allocated.

San Diego estimates about 10-12 hours in total (including for cross).

If I simply combine the requested time, we arrive at a two week trial. This for a case in which for most claims the record is, as Metropolitan has argued, the administrative record. Where other evidence is admissible, it is generally San Diego, not Metropolitan, that has the burden.

I have reviewed the nature of the testimony and presentations offered by Metropolitan, and the time estimates appear exaggerated: (A) In addition to three hours of oral argument, Metropolitan suggests eight hours of "presentation" by counsel. (B) With respect to the record (also it appears the subject of briefs, oral argument, and the "presentation"), Metropolitan also wishes to call witnesses (e.g. Skillman, 4 hours; Yamasaki, 1 hour; Upadhyay, 3 hours; and perhaps others) to provide explanations for Metropolitan's actions which are presumably in the record. (C) Metropolitan plans witnesses testifying on apparently legal issues (Donhoff, Thomas).

Each of the two sides in this case is allocated 12 hours for all purposes, including argument, presentations, and any testimony (direct or cross). Administrative record testimony, depositions, and other documents may be accepted, and this should not require the expenditure of time. The briefs, which have already been extensive, may also be used to guide the court through the record.

Dated: November 21, 2013



Curtis E.A. Karnow
Judge Of The Superior Court