

Minute Order, JC 4118

The Court is finding that preparing a proposed statement of decision in these coordinated cases is requiring longer than anticipated. The Court has been diligently pursuing the matter as evidenced by the current draft of a proposed statement of decision exceeding 80 pages in length. While the Court is mindful of the need to promptly dispose of these cases, given the extraordinary size of the coordinated cases, along with the variety and complexity of the first impression water law issues needing decision, the Court believes additional time is warranted. The volume of issues present in these cases, along with the Court's need to, on certain issues, independently review almost 130,000 pages of record amounts to good cause for a de minimis extension of the 90 day period to run through March 14, 2003. The Court has conferred with the Presiding Judge and the Presiding Judge is in agreement that the circumstances here are extraordinary. (See attached memo.)

The Court currently anticipates serving parties to these proceedings with a proposed statement of decision in the State Water Resources Control Board Cases, No. JC 4118, and having that posted on the Court's website by close of business Friday, March 7, 2003. Any party to these proceedings may, within 15 days after that service, serve and file objections. Any such objection should pinpoint a specific deficiency in the proposed statement of decision, such as that the statement omits or fails to resolve a specifically identified issue, or is ambiguous, or relies on facts that were outside the record. In this regard, the Court notes that there will be many references to items, such as law review articles, in the Court's historical recitation included in the proposed statement of decision. The Court currently intends to take judicial notice of those matters for their historical value. The Court does not believe that objections that the proposed statement is, in essence, wrong will be helpful.

The Court anticipates setting the matter for a hearing to entertain comments on just how the proposed statement of decision should be reduced to a written judgment and whether there is any agreement among the parties as to

whether the Court should impose any stay on the judgment pending any appeal. Please contact the Court's clerk at 916-874-6697 sometime after March 7, 2003, with information as to what dates you would not be available for a hearing on reducing the proposed statement of decision to judgment and whether the Court should impose any stay on the judgment pending any appeal.

Judge Roland L. Candee
February 20, 2003