

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 UNITED STATES OF AMERICA,)
4) 51CV1247-GT
5 PLAINTIFF,)
6)
7 - V -) SAN DIEGO, CALIFORNIA
8) FEBRUARY 25, 2008
9 FALLBROOK PUBLIC UTILITY DISTRICT,) 2:00 P.M.
10)
11 DEFENDANT.)
12)
13 * * * * *)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)

11 TRANSCRIPT OF STATUS CALL
12 BEFORE THE HONORABLE GORDON THOMPSON, JR.
13 UNITED STATES DISTRICT JUDGE

25 COURT REPORTER: ISRAEL VAN BRAMER
(619) 696-0080

APPEARANCES:

1
2
3 FOR THE GOVERNMENT:U.S. DEPT. OF JUSTICE
BY: PATRICK BARRY, ESQ.
P.O. BOX 44378
WASHINGTON, D.C. 200264
5
6 FOR THE RAMONA BAND:ALEXANDER BERKEY WILLIAMS
BY: THOMAS WEATHERS, ESQ.
2030 ADDISON ST., STE. 410
BERKELEY, CA 947047
8
9 FOR THE CAHILLA BAND:WILLIAMS & WORKS
BY: SUSAN WILLIAMS, ESQ.
P.O. BOX 1483
CORRALES, NM 8704910
11
12 FOR THE PECHANGA BAND:AKIN GUMP STRAUSS HAUER & FELD
BY: RODNEY LEWIS, ESQ.
2029 CENTURY PARK EAST
LOS ANGELES, CA 9006713
14
15 FOR THE RANCHO CALIFORNIA
WATER DISTRICT:BEST, BEST & KRIEGER
BY: MATTHEW GREEN, ESQ.
655 WEST BROADWAY, 15TH FLR.
SAN DIEGO, CA 9210116
17
18
19
20
21
22
23
24
25

1 P-R-O-C-E-E-D-I-N-G-S

2 DEPUTY CLERK: CALLING ITEM NUMBER FIVE ON THE
3 CALENDAR, CASE NUMBER 51CV1247, U.S.A. VERSUS FALLBROOK
4 PUBLIC UTILITIES DISTRICT, ON FOR A STATUS CONFERENCE.

5 THE COURT: WOULD YOU ANNOUNCE YOUR NAMES FOR THE
6 RECORD AND WHO YOU REPRESENT, PLEASE?

7 MR. BARRY: PATRICK BARRY FOR THE UNITED STATES,
8 YOUR HONOR.

9 THE COURT: ALL RIGHT.

10 MR. WEATHERS: THOMAS WEATHERS FOR THE RAMONA BAND
11 AT CAHUILLA. I'M PINCH HITTING FOR MY PARTNER, CURTIS
12 BERKEY, WHO HAD A FAMILY EMERGENCY.

13 THE COURT: THANK YOU, SIR.

14 MR. LEWIS: RODNEY LEWIS FOR THE PECHANGA TRIBE.

15 THE COURT: THANK YOU.

16 MS. WILLIAMS: GOOD AFTERNOON, YOUR HONOR.

17 SUSAN WILLIAMS FOR THE CAHUILLA BAND COMPANY.

18 THE COURT: GOOD AFTERNOON.

19 MR. GREEN: GOOD AFTERNOON, YOUR HONOR.

20 MATTHEW GREEN FOR THE RANCHO CALIFORNIA WATER
21 DISTRICT.

22 THE COURT: GOOD AFTERNOON.

23 I CALLED THIS SESSION BECAUSE SOMETHING VERY
24 DISTURBING AND STRESSFUL CAME TO ME, SOMETHING THAT I HOPED
25 WOULD NEVER HAPPEN, BUT IT DID IN THIS CASE.

1 IN GIVING THE PLAINTIFF THE 60 DAYS FROM THE 22ND
2 OF FEBRUARY, I TOOK A CHANCE, AND IT WAS PROBABLY MY FAULT.
3 THAT CHANCE FINALLY OCCURRED A COUPLE OF DAYS AGO WHEN I
4 RECEIVED A LETTER.

5 SOME OTHER CONCERNS AROSE RELATIVE TO RECRUITING
6 CLIENTS. THAT IS NOT SOMETHING THAT IS TOLERATED IN MY
7 COURT.

8 MAYBE I AM OLD-FASHIONED, BUT IN MY DAY, THE CLIENT
9 WENT TO THE LAWYER. THE LAWYER DIDN'T GO AND RECRUIT THE
10 CLIENT. THAT'S BEEN HAPPENING, I'M TOLD.

11 I HAVE A LETTER HERE THAT SAYS IT HAS: WHAT ARE
12 YOU GOING TO DO ABOUT IT?

13 THIS IS WHAT I'M GOING TO DO ABOUT IT: AS OF NOW,
14 THAT ORDER IS VACATED.

15 THE PLAINTIFFS ARE ORDERED TO SERVE ALL PERSONS WHO
16 HAVE WATER RIGHTS OR WHO ARE WATER RIGHTS HOLDERS THAT ARE
17 SUBJECT TO THE COURT'S JURISDICTION.

18 I APOLOGIZE FOR MY ERROR IN GIVING YOU THE TIME TO
19 SETTLE THE CASE. THAT WAS INAPPROPRIATE UNDER THESE
20 CIRCUMSTANCES BECAUSE IT LED TO THIS OTHER THING THAT I
21 FEARED WOULD OCCUR.

22 SO I DON'T KNOW HOW LONG IT'S GOING TAKE YOU TO DO
23 THIS SERVICE, BUT AT THE LAST HEARING, I WAS TOLD THAT YOU
24 WERE PREPARED TO SERVE, THE PLAINTIFFS WERE PREPARED TO
25 SERVE.

1 NOW, I'M ORDERING THEM TO SERVE ALL OF THE
2 DEFENDANTS WHO HOLD WATER RIGHTS, ALL THE WATER-RIGHT HOLDERS
3 SUBJECT TO THE COURT'S JURISDICTION.

4 THAT MEANS WHAT THE COURT SAYS, NOT WHAT THE
5 ATTORNEYS INTERPRET THE COURT SAYS. IT'S WHAT THE COURT
6 SAYS.

7 THERE IS A JUDGMENT. I WOULD THINK THAT IT WOULD
8 BE REASONABLE THAT THIS COULD BE ACCOMPLISHED WITHIN 30 DAYS.

9 SO I WOULD SUGGEST YOU GET AT IT AND GET AT IT
10 RIGHT WAY.

11 YES, MA'AM.

12 MS. WILLIAMS: YOUR HONOR, IF I MAY?

13 THE COURT: CERTAINLY.

14 MS. WILLIAMS: TO CLARIFY WHAT THE PLAINTIFF SAID
15 IN THE LAST HEARING OR AMPLIFY ON IT.

16 WE SAID THAT WE HAD -- THE UNITED STATES HAD GIVEN
17 US MONEY TO IDENTIFY ALL OF THE LANDOWNERS IN THE BASIN, AND
18 WE DO HAVE THAT LIST.

19 BUT WHAT WE DON'T HAVE, YOUR HONOR, THE TRIBES,
20 THAT IS, WHO ARE NOW OBLIGATED TO SERVE, IS THAT WE WOULD
21 REQUEST A BIT MORE TIME, YOUR HONOR.

22 WE DON'T HAVE THE FUNDS RIGHT NOW TO DO THIS; AND
23 WE'RE GOING TO HAVE TO SEEK GRANTS FROM THE UNITED STATES.
24 THEY'RE IN PROGRESS, BUT WE JUST DON'T HAVE THEM IN HAND.

25 AND I'M WONDERING IF THE COURT WOULD INDULGE US

1 WITH A PERIOD OF UP TO SIX MONTHS --

2 THE COURT: NO.

3 MS. WILLIAMS: TO COMPLETE SERVICE?

4 THE COURT: NO.

5 THE LAWSUIT WAS BROUGHT BY THE PLAINTIFFS. THE
6 PLAINTIFFS SHOULD HAVE BEEN PREPARED AT THAT TIME. BUT THEY
7 ASSURED ME THAT THEY THOUGHT THEY COULD SETTLE IT.

8 I WAS AND STILL AM VERY, VERY INTERESTED IN
9 SETTLING THE CASE. I THINK IT COULD BE AND SHOULD BE
10 SETTLED, BUT NOT AT THE COST OF THE RIGHTS OF OTHERS.
11 NO WAY.

12 MS. WILLIAMS: THIRTY DAYS. OKAY.

13 MR. BARRY: YOUR HONOR?

14 THE COURT: YES, SIR.

15 MR. BARRY: I UNDERSTAND YOUR RULING AND I JUST
16 WANT TO TELL YOU ABOUT A MECHANICAL PROBLEM THAT WE HAVE.

17 I REPRESENT THE UNITED STATES, AND WE HAVE FUNDED
18 OUR CONSULTANTS APPROXIMATELY \$50,000 TO GATHER ALL OF THE
19 NAMES, BECAUSE THE SERVICE LIST WITH THE WATER MASTER IS
20 INSUFFICIENT.

21 WE HAVE DELIVERED TO THE TWO TRIBES ALL THE NAMES
22 OF THE UPPER BASINS, EVERYTHING ABOVE VALE LAKE.

23 THE COURT: I KNOW WHAT YOU'RE SAYING.

24 MR. BARRY: WE WILL NOT COMPLETE THE GATHERING OF
25 ADDRESSES UNTIL APRIL 1ST FOR THE LOWER BASIN. AND I WONDER

1 IF WE MIGHT ASK THE COURT FOR 30 DAYS FROM APRIL 1ST TO
2 COMPLETE THE SECOND TIER OF SERVICE?

3 THE COURT: WELL, THE COMPLAINTS ARE COMING FROM
4 THE LOWER BASIN. IN EFFECT, YOU WANT THE MONTH OF APRIL.

5 MR. BARRY: JUST FOR EVERYTHING BELOW VALE LAKE.

6 THE COURT: GRANTED.

7 MR. BARRY: THANK YOU.

8 THE COURT: YOU CAN HAVE THE MONTH OF APRIL.

9 BUT THOSE PEOPLE UP THERE, YOU HAVE DIFFERENT
10 INTERESTS, YOU PEOPLE AND THOSE PEOPLE UP THERE. THOSE
11 PEOPLE UP THERE, BY MY INQUIRIES, ARE RUNNING SCARED.

12 OF COURSE, I CAN'T ANSWER THE LETTERS. I CAN'T DO
13 ANYTHING. MY HANDS ARE TIED.

14 BUT I CAN GET THEM SERVED SO AT LEAST THEY KNOW
15 WHAT'S HAPPENING RATHER THAN ALL THE SPINNING AROUND THAT'S
16 GOING ON. THAT'S WHAT I UNDERSTAND IS HAPPENING, IS GOING
17 ON.

18 SO THAT'S THE ORDER OF THE COURT.

19 INsofar AS THE LOWER PEOPLE ARE CONCERNED, YOU'RE
20 TALKING, WHAT, BELOW WHAT?

21 TELL ME WHERE THE LINE IS. I THINK I KNOW BUT I
22 WANT YOU TO SAY IT.

23 MR. BARRY: I HOPE I GET IT RIGHT, YOUR HONOR.

24 THE COURT: GET IT AS CLOSE AS YOU CAN.

25 MR. BARRY: THOSE PARTIES TO THE FALLBROOK DECREE

1 THAT ARE ON DECREED LANDS BELOW VALE LAKE.

2 THE COURT: BELOW VALE LAKE.

3 MR. BARRY: YES. LET ME CHECK WITH COUNSEL, BUT WE
4 HAVE DELIVERED ALL THE NAMES OF THE PARTIES WHO ARE ABOVE
5 VALE LAKE.

6 THE COURT: ALL RIGHT. YOU'LL SERVE THOSE
7 FORTHWITH.

8 THEN, THE ONES BELOW VALE LAKE, YOU'LL HAVE UNTIL
9 THE END OF APRIL TO SERVE ALL OF THEM.

10 MR. BARRY: THANK YOU.

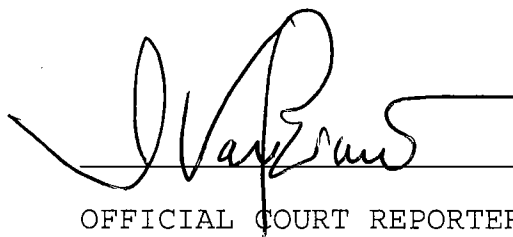
11 THE COURT: OKAY. THAT'S IT, LADIES AND
12 GENTLEMEN. THANK YOU VERY MUCH FOR COMING IN.

13 * * * * *

14 (HEARING RECESSED AT 2:10 P.M.)

15 REPORTER'S CERTIFICATE

16 I, ISRAEL VANBRAMER, CERTIFY THAT THE FOREGOING IS THE
17 OFFICIAL TRANSCRIPT OF THE PROCEEDINGS IN THE ABOVE-ENTITLED
18 MATTER; AND THAT IT IS COMPLETE AND ACCURATE, TO THE BEST OF
19 MY KNOWLEDGE AND ABILITY.

20
21 
22
23 OFFICIAL COURT REPORTER
24
25