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TO: Chair Riley, Members of the Board and General Manager Stoldt

FROM: David C. Laredo, Counsel

RE: General Report of Pending Litigation effective November 17, 2025

This memo presents a public summary of litigation matters that are deemed to be open and active. This is a recurring memo; the newly updated data is shown in **highlighted text**.

1 – MPWMD v. Cal-Am; 23CV004102

This lawsuit embodies District efforts to fulfill the electoral mandate of Measure J to acquire ownership and operation of Cal-Am's Monterey Division water supply facilities by eminent domain. Cal-Am's Dec. 16, 2024 Answer contends the District lacks the power to both acquire the water system, or to operate a retail potable water system. The District disputes Cal-Am's contentions and objections. Judge Rivamonte (Department 13A) is assigned as presiding judge for this case.

MPWMD and Cal-Am motions to narrow the scope of this proceeding are presently set for hearing before Judge Rivamonte at 8:30 a.m. on December 12, 2025. On October 28, 2025, Case Management Conference (CMC) also continued this pending CMC to December 12, 2025. The CMC will address progress issues such as pending discovery efforts and trial the anticipated calendar.

2 – MPWMD v. Local Agency Formation Commission (LAFCO); Cal-Am; 22CV000925
6th Dist. Court of Appeal H051849

The District successfully challenged LAFCO's decisions affecting and limiting MPWMD's power to acquire Cal-Am water system facilities as directed by the voter mandate in Measure J. LAFCO and Cal-Am then appealed the 2023 decision of Judge Thomas Wills. The matter is on appeal before the Sixth District Court of Appeal. Appellants.

MPWMD's brief that replied to the opening briefs of LAFCO and Cal-Am was filed last week. LAFCO and Cal-Am will next file their closing reply briefs. These are due in mid-January 2026.

3 – *City of Marina; MPWMD, et al, v. California Coastal Commission (CCC); Cal-Am; Trial Case 22CV004063; 6th District Appellate Case H053560*

The trial court judgment entered on May 29, 2025 found the CCC did not exceed its jurisdiction or abuse its discretion in this matter. Parties City of Marina, Marina Coast Water District (MCWD), and MPWMD jointly filed a Notice of Appeal on July 24, 2025. Appellants are jointly represented by T. Peter Pierce of Richards, Watson Gershon in San Francisco. A briefing schedule has not yet been set by the Appellate Court.

4 – Matters before the California Public Utilities Commission (CPUC) pertaining to Cal-Am.

The following actions are separate proceedings in which MPWMD is involved due to their impact on the Monterey area or upon the Cal-Am water system.

4.a A.21-11-024 Cal-Am Amended Water Purchase Agreement

This action deals with Cal-Am’s water purchase from the Pure Water Replenishment Project, and updates Cal-Am system supplies and demand estimates. The CPUC or Commission issued a Final Decision (Decision) on August 14, 2025. The Decision concluded the firm water supply is 11,114 acre-feet per year (AFY) and the demand in 2050 will be 13,372 AFY.

This is likely our last update on this case as no additional hearings are expected in this matter.

4.b A.25-07-003 Cal-Am 2025 General Rate Case (GRC)

Cal-Am filed its latest triennial rate request with the CPUC on July 1, 2025. This request is part of the regular three-year rate cycle by which the CPUC reviews and authorizes Cal-Am’s rates and charges, and also by which the CPUC authorizes Cal-Am to modify its operating system. MPWMD has been granted full party status in this proceeding, with the right to undertake discovery, and to present witnesses and evidence in forthcoming evidentiary hearings. MPWMD staff and counsel continue to assess issues presented by Cal-Am and points raised by opposing parties.

The next steps in this case will include a Public Participation Hearing (PPH) in Monterey, likely to be held in January 2026. Cal Advocates testimony is due January 23, 2026, and MPWMD testimony will be due February 6, 2026.

Evidentiary Hearings are presently calendared in San Francisco between April 20 – May 1, 2026 (remote appearances have been discontinued). A Scoping Memo will confirm all pending dates in this matter.

4.d R.22-04-003 CPUC Acquisition Rulemaking

This action is a statewide CPUC Rulemaking matter that addresses statewide public utility system policy, and has specific impact on the Cal-Am system. It is unclear when a Proposed Decision will be issued or when the matter may be submitted for consideration by the full Commission. The CPUC’s internal Statutory deadline has been extended to September 30, 2025.

5 –MPWMD v. SWRCB. Case No. 1-10-CV-163328 (Santa Clara County Superior Court) 10/27/2009.

This matter was filed in 2010 to challenge the Cease & Desist Order (CDO) issued by the SWRCB. The case asserted four causes of action against the SWRCB related to the Cease & Desist Order. Originally filed in Monterey County, the case was transferred to Santa Clara County.

In July the Sierra Club (Sierra) and Carmel River Steelhead Association (CRSA) requested the action be dismissed. No parties challenged the request for dismissal and the Court subsequently granted that request.

The Sierra has since filed a Motion for an award of attorney's fees against Cal-Am and MPWMD..

A preliminary date for the court to hear this motion had been set for January 29, 2026, but the hearing is now re-set to March 26, 2026. This hearing will be held before Judge Charles F. Adams, in Dept. 7, at 191 North First Street, San Jose, CA.

Briefs by MPWMD and Cal-Am are to be filed by January 30, 2026; Sierra's reply brief is due February 5, 2026.