

1 ANDREW TAURIAINEN (SBN 214837)
JOHN PRAGER (SBN 289610)
2 Office of Enforcement
State Water Resources Control Board
3 1001 I Street, 16th Floor
Sacramento, California 95814
4 Telephone: (916) 341-5445
Fax: (916) 341-5896
5 E-mail: andrew.tauriainen@waterboards.ca.gov

6 Attorneys for the Prosecution Team

7 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

8	In the Matter of the Administrative Civil)	PROSECUTION TEAM'S MOTION TO STRIKE SAN JOAQUIN TRIBUTARIES AUTHORITY PRE-HEARING BRIEF AS NON-RESPONSIVE
9	Liability Complaint Against Byron)	
10	Bethany Irrigation District)	
11	In the Matter of the Draft Cease and)	
	Desist Order Against the West Side)	
	Irrigation District)	

12 **MOTION TO STRIKE SAN JOAQUIN TRIBUTARIES AUTHORITY BRIEF**

13 The Prosecution Team hereby moves to strike the January 25, 2016, Brief submitted
14 by the San Joaquin Tributaries Authority (SJTA). The SJTA Brief is a litany of motions to
15 dismiss and other arguments unrelated to the specific pre-hearing legal issues directed for
16 briefing by Hearing Officer Doduc on October 30, 2015. The Hearing Team's January 14,
17 2016, email states that only BBID and WSID may file motions to dismiss, and only in their
18 respective matters. The January 14 email provides that all parties may file pre-hearing briefs
19 of the specific legal issues in the BBID matter, but cautions that:

20 The submission of these additional pre-hearing briefs regarding legal issues
21 was authorized only in the BBID proceeding and only with respect to the listed
22 issues. The parties may raise additional legal issues relevant to the WSID or
23 BBID proceedings in their written opening statement, or in a motion to dismiss,
24 motion for summary judgment, or response to a motion, as applicable.

25 The SJTA Brief does not analyze, or even mention, the BBID pre-hearing legal issues
26 directed for briefing. In accordance with the clear direction in the January 14 email, SJTA
27 should have submitted these motions and arguments as a written opening statement.

28 The Prosecution Team respectfully requests that the Hearing Officer strike the SJTA
Brief in its entirety as non-responsive to the Hearing Officer's direction. Given that the
issues in the SJTA Brief seem most relevant to Phase I, the Prosecution Team alternatively

1 requests that the Hearing Officers accept the SJTA Brief as SJTA's Phase I Opening
2 Statement, and prohibit SJTA from providing any additional written opening statement.

3 The Prosecution Team makes this motion in good faith based on the clear direction in
4 the October 30, 2015, and January 14, 2016, Hearing Team communications. If the Hearing
5 Officers are not inclined to grant the motion, then the Prosecution Team requests the
6 opportunity to respond to the SJTA Brief separately, or in the closing brief.

7 Date: February 22, 2016

Respectfully Submitted,

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9 Andrew Tauriainen
10 **OFFICE OF ENFORCEMENT**
11 Attorney for the Prosecution Team