

# EXHIBIT E

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MARK L. MOSLEY (SBN 136449)  
BRIAN GEARINGER (SBN 146125)  
STEPHEN F. HENRY, SBN 142336  
MOSLEY & GEARINGER LLP  
825 Van Ness Avenue, Fourth Floor  
San Francisco, California 94109-7837  
Telephone: (415) 440-3102  
Facsimile: (415) 440-3103

LAURENCE O. MASSON (SBN 87794)  
Law Office of Laurence O. Masson  
One Maritime Plaza, Suite 1040  
San Francisco, CA 94114  
Telephone: 415.951.1942  
Facsimile: 415.951.1943  
lomlex@pacbell.net

ATTORNEYS FOR PLAINTIFF

MAYALL, HURLEY, KNUTSEN, SMITH & GREEN  
A Professional Corporation  
2453 Grand Canal Boulevard, Second Floor  
Stockton, California 95207-8253  
Telephone (209) 477-3833  
JOSEPH A. SALAZAR, JR.  
CA State Bar No. 169551

ATTORNEYS FOR DEFENDANTS

IN THE FEDERAL DISTRICT COURT FOR  
THE EASTERN DISTRICT OF CALIFORNIA

SCOTT SHEWBRIDGE, an individual, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
EL DORADO IRRIGATION DISTRICT, a )  
 )  
municipal corporation, ANE DEISTER, )  
 )  
DAVID POWELL, THOMAS CUMPSTON, )  
 )  
GEORGE WHEELDON, GEORGE )  
 )  
OSBORNE, individuals, and Does 1 through )  
 )  
50, inclusive )  
 )  
Defendants. )

**Case No.: CIV 05-00740 FCD EFB**  
**JOINT PRE-TRIAL CONFERENCE**  
**STATEMENT**  
**Date: March 9, 2007**  
**Time: 1:30 p.m.**  
**Dept: 2**

1 **Jurisdiction - Venue**

2 The Parties agree jurisdiction is appropriate before this Court as to the Plaintiff's  
3 Complaint pursuant to 28 U.S.C. §§ 1331. Venue is proper in this district pursuant to 42 U.S.C.  
4 § 9613(b), and 28 U.S.C. § 1391, because the employment relationship between Mr.  
5 Shewbridge and EID that gave rise to this litigation existed within this district, most or all of the  
6 alleged acts and omissions complained of took place here, and all of the defendants reside in the  
7 district.

8 **Jury – Non-Jury**

9 Plaintiff has demanded a trial by jury. Defendant makes the same demand.

10 **Undisputed Facts**

- 11 1. Dr. Scott Shewbridge was hired by the El Dorado Irrigation District on November 11, 2001  
12 as a Senior Engineer for the Water Division.
- 13 2. Dr. Shewbridge was a resident of El Dorado County while employed by EID.
- 14 3. Dr. Shewbridge subsequently became the co-head of the Hydro Division.
- 15 4. At all times relevant, Defendants George Wheeldon and George Osborne were elected  
16 members of the EID Board of Directors.
- 17 5. At all times relevant, defendant Ane Deister was the General Manager for EID.
- 18 6. At all times relevant, defendant Thomas Cumpston was General Counsel for EID.
- 19 7. At all times relevant, defendant David Powell was Dr. Shewbridge's direct supervisor.
- 20 8. Mr. Powell's duties as Dr. Shewbridge's supervisor included preparing written performance  
21 evaluations and discussing those evaluations with Dr. Shewbridge.
- 22 9. On July 21, 2002, Mr. Powell prepared a performance evaluation for Dr. Shewbridge which  
23 stated that, at times, Dr. Shewbridge came on too strong and intimidated his employees and  
24 peers.
- 25 10. The performance evaluation also stated that Dr. Shewbridge should "tone this down a bit  
26 when appropriate."
- 27 11. Mr. Powell discussed the contents of the performance evaluation with Dr. Shewbridge.
- 28 12. On August 14, 2002, Dr. Shewbridge signed the evaluation.

1 13. On September 26, 2002, Dr. Shewbridge left a staff meeting in frustration over comments  
2 made by defendant, Anne Deister, General Manager of EID.

3 14. Dr. Shewbridge was involved in subsequent work related disputes on September 30, 2002,  
4 in a meeting with Board members and other staff, and on October 10, 2002 in a meeting with  
5 Ms. Deister.

6 15. On November 15, 2002 Mr. Powell prepared another performance evaluation for Dr.  
7 Shewbridge.

8 16. The November 15, 2002 evaluation stated that Dr. Shewbridge's performance was  
9 unacceptable.

10 18. Dr. Shewbridge did not sign the November 15, 2002 evaluation.

11 19. On November 15, 2002 Mr. Powell also prepared and presented a Performance  
12 Improvement Plan ("PIP") to Dr. Shewbridge.

13 20. The PIP alleged that it was intended to help Dr. Shewbridge improve his behavior and give  
14 him an opportunity bring that behavior in conformance with EID's expectations.

15 21. On February 27, 2003, Dr. Shewbridge met with Ms. Deister about changes that were made  
16 to the EID Organizational chart.

17 22. Dr. Shewbridge and Ms. Deister had a disagreement at the February 27, 2003 meeting.

18 23. Ms. Deister documented the meeting in a memo to Dr. Shewbridge's personnel file, wherein  
19 she characterized his behavior as combative and argumentative.

20 24. On or about March 4, 2003, Dr. Shewbridge received a "Notice of Two Day Suspension for  
21 Insubordination," authored and delivered by Mr. Powell.

22 25. The Notice listed several alleged incidents of misconduct and insubordination by Dr.  
23 Shewbridge from September 2002 to February 2003.

24 26. The Notice also warned that any further acts of insubordination would result in termination.

25 27. After receiving the "Notice of Two Day Suspension" Dr. Shewbridge continued to have  
26 disagreements and conflicts with his EID supervisors and staff.

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1 28. In April 2003, then Board member, Al Vargas, overheard a conversation between Deister,  
2 Cumpston, Powell, Wheeldon and Osborne, at which they discussed terminating Dr.  
3 Shewbridge.

4 29. Mr. Vargas shared the contents of this discussion with Dr. Shewbridge.

5 30. Mr. Powell began drafting a notice of termination of Dr. Shewbridge in April, 2003.

6 31. The Skelly hearing pertaining to the two (2) day suspension was postponed until May 2,  
7 2003, at the request of Mr. Shewbridge and acquiescence of EID management.

8 32. On May 2, 2003 Dr. Shewbridge was given a Skelly hearing to contest his 2-day suspension  
9 with counsel present.

10 33. Steve Setoodeh, Director of Environmental Compliance and Resource Management, was the  
11 Skelly Officer at the May 2, 2003 hearing.

12 34. At the hearing, Dr. Shewbridge raised questions about Deister's management and behavior.

13 35. The Skelly officer concurred with the 2-day suspension.

14 36. Dr. Shewbridge appealed the 2-day suspension to the Board of Directors.

15 37. During this appeal, Dr. Shewbridge again raised questions about the management style,  
16 ethics and legality of certain decisions taken by Deister.

17 38. Dr. Shewbridge was represented by counsel throughout the appeal.

18 39. On August 4, 2003, the Board issued a decision confirming the suspension.

19 40. On August 8, 2003, Dr. Shewbridge was served with a Notice of Intent to Terminate  
20 prepared by Mr. Powell.

21 41. The bases for the termination set forth in the Notice referred to several instances where it  
22 was alleged that Dr. Shewbridge was insubordinate to defendants Mr. Powell and Ms. Deister,  
23 and verbally abusive to other EID employees, among other items.

24 42. Dr. Shewbridge asked for and received a Skelly hearing regarding Mr. Powell's Notice of  
25 Intent to Terminate Plaintiff.

26 43. The Skelly hearing was held on August 15, 2003, before Stephen Cascioppo, Court  
27 Executive Officer of the El Dorado Superior Court, which is not affiliated with the El Dorado  
28 Irrigation District.

1 44. Dr. Shewbridge was represented by counsel at the August 15, 2003, hearing.

2 45. On September 8, 2003, the Skelly Officer concurred El Dorado Irrigation District's decision  
3 to terminate Dr. Shewbridge.

4 46. In concurring with the termination, the hearing officer stated his opinion that Dr.  
5 Shewbridge did not seem to understand that his behavior was the reason for his termination.

6 47. On September 11, 2003, Dr. Shewbridge was served with a letter terminating his  
7 employment effective September 10, 2003.

8 48. Dr. Shewbridge appealed the hearing officer's decision, and on March 29, 2004 had a  
9 hearing before the Board of Directors.

10 49. Dr. Shewbridge was represented by counsel at this hearing.

11 50. On April 6, 2004, the Board issued a written decision upholding the termination effective  
12 September 10, 2003.

13 51. Dr. Shewbridge never challenged the findings of the Skelly Officer Stephen Cascioppo, nor  
14 the denial of the appeal by the El Dorado Irrigation Districts Board of Directors in the  
15 California Superior Court.

16 52. Prior to his termination, Dr. Shewbridge:

17 (a) expressed concern about participation by three Board members, including Wheeldon and  
18 Osborne, in a participation meeting regarding access to the Crawford Ditch;

19 (b) complained that he felt that Mr. Powell misrepresented the amount of losses of water  
20 flowing through Crawford Ditch at a pre-Board meeting and Board meeting;

21 (c) complained to Deister that he thought she was withholding information from the Board in  
22 November 2002 through January 2003;

23 (d) on May 14, 2003, sent a letter to the Department of Health Services with a copy to the  
24 Department of Fish and Game, and the State Water Board alleging that he was "concerned that  
25 the District has imprudently taken a public health risk by continuing to sell meters to developers  
26 in El Dorado Hills." This letter was transmitted to EID on May 15, 2005 by one of its recipients,  
27 Carl Lischeske.

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1 (e) participated in a presentation regarding water supply, demand and diversion issues to  
2 citizens of El Dorado County through the Maidu Group of the Sierra Club;  
3 (f) participated at Board meetings following his being placed on administrative leave, to voice  
4 concerns regarding issues of water supply and demand;  
5 (g) wrote letters to the editor and had discussions with reporters regarding his concerns about  
6 water supply and demand issues; and  
7 (h) participated in the EID Citizen's Water Advisory Group.

8 53. On August 8, 2003, EID received a letter in the mail from the Department of Labor (U.S.)  
9 advising EID that Dr. Shewbridge had filed a complaint and that the Department was  
10 commencing an investigation of the complaint.

11 54. The complaint was filed with the Department of Labor (U.S.) on August 5, 2003.

12 55. For seventeen months the Department's investigator interviewed at least fifteen District  
13 employees and consultants, both telephonically and in person.

14 56. The Department's investigator interviewed Mr. Cumpston, Ms. Deister, and Mr. Powell  
15 several times throughout the investigation.

16 57. The investigator regularly posed and received answers to numerous written questions to  
17 interviewees, and requested, received and reviewed thousands of District documents.

18 58. The investigation ended on January 26, 2005, when Dr. Shewbridge's complaint was  
19 dismissed, with prejudice, at his attorney's request.

20 59. Thereafter, Dr. Shewbridge filed this action.

21 **Disputed Factual Issues**

22 **a. Core Disputed Facts for All Claims:**

23 1. Whether Dr. Shewbridge's workplace demeanor, actions and communication style were  
24 appropriate and whether he was terminated because of his workplace demeanor, actions and  
25 communication style.

26 2. Whether the fact or substance of Dr. Shewbridge's protected speech was a substantial factor  
27 is his termination.

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- 1 3. Whether statements made by Plaintiff were matters of public concern . [Plaintiff contends
- 2 that this issue has already been decided by the Court in its Order re Motion for Summary
- 3 Judgment]
- 4 4. Whether drinking water issues were part of Dr. Shewbridge's job duties.
- 5 5. Whether water meter sales were part of Dr. Shewbridge's job duties.
- 6 6. Whether Dr. Shewbridge was terminated by David Powell or David Powell played a
- 7 substantial role in causing Dr. Shewbridge's termination.
- 8 7. Whether Dr. Shewbridge was terminated by Ane Deister or Ane Deister played a substantial
- 9 role in causing Dr. Shewbridge's termination.
- 10 8. Whether Dr. Shewbridge was terminated by George Osborne or George Osborne played a
- 11 substantial role in causing Dr. Shewbridge's termination.
- 12 9. Whether Dr. Shewbridge was terminated by George Wheeldon or George Wheeldon played a
- 13 substantial role in causing Dr. Shewbridge's termination.
- 14 10. Whether Dr. Shewbridge was terminated by Thomas Cumpston or Thomas Cumpston
- 15 played a substantial role in causing Dr. Shewbridge's termination.
- 16 11. Whether David Powell had the authority to terminate Dr. Shewbridge.
- 17 12. Whether Ane Deister had the authority to terminate Dr. Shewbridge.
- 18 13. Whether George Osborne had the authority to terminate Dr. Shewbridge.
- 19 14. Whether George Wheeldon had the authority to terminate Dr. Shewbridge.
- 20 15. Whether Thomas Cumpston had the authority to terminate Dr. Shewbridge.
- 21 16. Whether defendants engaged in other acts of retaliatory actions against Dr. Shewbridge as a
- 22 result of his protected speech.
- 23 17. Whether the issues pertaining to water supply in the El Dorado Hills area were already a
- 24 matter of public concern prior to Dr. Shewbridge's public statements about the same. [Plaintiff
- 25 contends that this question is irrelevant]
- 26 18. Whether the issues pertaining to water meter sales in the El Dorado Hills area were already
- 27 a matter of public concern prior to Dr. Shewbridge's public statements about the same. [Plaintiff
- 28 contends that this question is irrelevant]



- 1 19. Whether Dr. Shewbridge has suffered damages.
- 2 20. Whether Dr. Shewbridge's damages are recoverable.
- 3 21. Whether Dr. Shewbridge mitigated his damages.
- 4 22. Whether Dr. Shewbridge's complaints were a pretext to try and protect his employment.
- 5 23. Whether Dr. Shewbridge's actions were an attempt to paint himself as a "whistleblower" so  
6 as to avoid termination or further discipline.
- 7 24. Whether any of the Defendants acted with malice, oppression or fraud and in conscious  
8 disregard and deliberate indifference for Dr. Shewbridge's protected rights.
- 9 25. Whether, prior to Dr. Shewbridge's termination:
- 10 (a) he complained to Deister and Powell about Deister's treatment of other employees;
- 11 (b) defendant Cumpston threatened Dr. Shewbridge with loss of his job if he participated in a  
12 May 2003 public water conference as a private citizen.
- 13 26. Whether Dr. Shewbridge had a direct interest in issues of water quality, water availability,  
14 water delivery and the effect of EID's management of water resources on the environment in  
15 which he lived.
- 16 27. Whether the District's characterizations of work related disputes on September 26, 2002,  
17 September 30, 2002 and October 10, 2002 are accurate.
- 18 28. Whether Dr. Shewbridge had the authority to accept or not accept the November 15, 2002  
19 performance evaluation.
- 20 29. Whether the Performance Improvement Plan presented to Dr. Shewbridge on November 15,  
21 2002 was warranted.
- 22 30. Whether Dr. Shewbridge acted appropriately in his February 27, 2003 meeting with Ms.  
23 Deister.

24 **b. Core Disputed Facts for Conspiracy Claim:**

- 25 1. Whether any of the defendants conspired to terminate Dr. Shewbridge because of issues  
26 related to protected speech.

27 **Disputed Evidentiary Issues**

28 The following evidentiary issues will be the subject of a motion in limine:

- 1 1. Defendants will seek to exclude Dr. Shewbridge's legal conclusions, for instance that EID
- 2 violated the Brown Act.
- 3 2. Defendants will seek to exclude testimony that the Skelly hearings were improper in any
- 4 fashion and/or that the Skelly officers disregarded Dr. Shewbridge's claims and/or were biased.
- 5 3. Defendants will seek to exclude evidence regarding Ms. Deister's alleged behavior.
- 6 4. Defendants will seek to exclude evidence regarding Ms. Brookshire's past or present dislike
- 7 or personal opinion of Ms. Deister.
- 8 5. Defendants will seek to exclude evidence regarding the facts and incidents underlying the
- 9 indictment of Bill Perley.
- 10 6. Defendants will seek to exclude evidence regarding the factual findings or opinions of the
- 11 California Department of Labor offered for the truth of the matter.
- 12 7. Defendants will seek to exclude evidence regarding any alleged improprieties by any
- 13 members of the Board of Directors relative to the Skelly hearings.
- 14 8. Defendants will seek to exclude evidence regarding legal conclusions regarding any alleged
- 15 violation of the Brown Act or the violations of any regulations, statutes, or Rule 2.
- 16 9. Defendants will seek to exclude evidence regarding the facts or incidents underlying the
- 17 termination of Mike Dugan.
- 18 10. Defendants will seek to exclude evidence regarding the alleged facts or incidents
- 19 underlying any discipline of any El Dorado Irrigation District employee due to employee
- 20 privacy rights.
- 21 11. Defendants will seek to exclude evidence regarding any allegation that Dr. Shewbridge was
- 22 not properly paid while placed on leave.
- 23 12. Defendants will seek to exclude evidence regarding legal conclusions regarding any alleged
- 24 violation of law by El Dorado Irrigation District and/or any of the individually named
- 25 Defendants.
- 26 13. Defendants will seek to exclude evidence regarding any findings and conclusions of the
- 27 Citizen Water Advisory Committee.
- 28

1 14. Plaintiff will seek to exclude the testimony of Michelle Ludwig on the basis that defendants'  
2 information about her location was incorrect, plaintiff's process servers were twice unable to  
3 serve a deposition subpoena upon her at either location provided by defendants, and plaintiff  
4 was unfairly denied an opportunity to depose her.

5 **Relief Sought**

- 6 1) Lost income of \$180,000 plus lost benefits.  
7 2) Damages for loss of reputation.  
8 3) Consequential damages of \$81,397 related to moving and housing expenses.  
9 4) Emotional distress damages.  
10 5) Attorneys fees and litigation costs.  
11 6) Punitive damages.  
12 7) Interest

13 **Points of Law**

14 Plaintiff's only remaining causes of action are for retaliation in violation of First  
15 Amendment Free Speech Rights and conspiracy to violate the same. Both causes of action are  
16 based on 42 USC § 1983. To establish a claim for retaliation in violation of free speech rights,  
17 plaintiff must demonstrate the following: (1) he engaged in constitutionally protected speech;  
18 (2) the public employer took adverse employment action against the employee; and (3) the  
19 employee's speech was a "substantial or motivating" factor in the adverse action. *Freitag v.*  
20 *Ayers*, 468 F.3d 528, 543 (9th Cir. 2006).

21 In resolving the first issue, whether plaintiff's speech was constitutionally protected, the  
22 court engages in a three-step analysis: (1) did plaintiff speak as a employee pursuant to his  
23 official duties, (2) did plaintiff's speech touch on matters of public concern, and (3) did the  
24 value of plaintiff's speech outweigh the government's interest in the effective and efficient  
25 fulfillment of its public objectives. *Garcetti v. Ceballos*, 126 S.Ct. 1951 (2006); *Connick v.*  
26 *Meyers*, 462 U.S. 138, 146, 150. If the Court answers "yes" to the first inquiry, or "no" to any of  
27 the others, then plaintiff's speech is not constitutionally protected. Ordinarily these are issues  
28 for the court to resolve, but in its order denying summary judgment, the court indicated that

1 there were factual issues that precluded it from ruling on this issue. See also *Connick v. Meyers*,  
2 461 U.S. 138, 148 n. 7; *Kodrea v. City of Kokomo*, 2006 WL 1750071 (S.D. Ind. June 22,  
3 2006.).

4 To establish liability for conspiracy to violate his first amendment rights, plaintiff must  
5 prove the existence of an agreement or meeting of the minds to violate constitutional rights.  
6 *Mendocino Environmental Center v. Mendocino County*, 192 F.3d 1282, 1301 (9th Cir. 1999).  
7 Whether or not there was an agreement to violate a person's civil rights under § 1983 is  
8 generally a question of fact to be resolved by the jury.

9 Defendants have also raised several affirmative defenses based on theories of *res*  
10 *judicata*, unclean hands, and failure to mitigate. Under the doctrine of *res judicata*, Federal  
11 courts give preclusive effect to administrative adjudications, even if unreviewed, so long as the  
12 proceeding satisfies fairness requirements that the administrative agency has acted in a judicial  
13 capacity, the agency has resolved disputed issues of fact properly before it, and the parties have  
14 had an adequate opportunity to litigate. *Miller v. County of Santa Cruz*, 39 F.3d 1030, 1032-  
15 1033 (9th Cir. 1994).

16 Under the "clean hands" doctrine, "one who does not come into equity with clean hands,  
17 and keep them clean, must be denied all relief, whatever may have been the merits of his  
18 claim." *Hall v. Wright*, 240 F.2d 787, 794-795 (9th Cir. 1957). As to defendants' failure to  
19 mitigate theory, defendants must establish "(1) that the damage suffered by plaintiff could have  
20 been avoided, i.e. that there were suitable positions available which plaintiff could have  
21 discovered and for which he was qualified; and (2) that plaintiff failed to use reasonable care  
22 and diligence in seeking such a position." *Sias v. City Demonstration Agency*, 588 F.2d 692,  
23 696 (9th Cir. 1978).

#### 24 **Joint Statement of the Case**

25 Dr. Shewbridge was an engineer hired by the El Dorado Irrigation District (EID) in  
26 November of 2001. Dr. Shewbridge was subject to the District's personnel policies including a  
27 progressively escalating disciplinary program. During the course of his employment, Mr.  
28 Shewbridge had disputes with Board members and staff. Eventually Mr. Shewbridge was

1 terminated. EID argues that it terminated Dr. Shewbridge because he could not work with  
2 others. Dr. Shewbridge contends that he was terminated in retaliation for complaints that he  
3 made regarding mismanagement of EID, EID's inadequate water supply and water quality  
4 issues. He brings this suit against the El Dorado Irrigation District, its General Manager Ane  
5 Deister, General Counsel Thomas Cumpston, Dr. Shewbridge's former supervisor David  
6 Powell, and Board members George Osborne and George Wheeldon. The primary issue for trial  
7 will be whether Dr. Shewbridge was terminated for his alleged inability to work with others or  
8 whether the termination was because of alleged First Amendment activities.

9 **Abandoned Issues**

10 Defendant is not asserting 11th amendment immunity.

11 **Witnesses**

12 Pursuant to Page 5, line 25 of the Court's August 18, 2005, Status (Pretrial Scheduling)  
13 Order, Plaintiff's and Defendants' Witness Lists are attached as Attachment A and B hereto as  
14 separate document to be used as addenda to the Final Pretrial order.

15 **Exhibits – Schedules and Summary**

16 Plaintiff intends to offer the writings listed in Attachment C into evidence.

17 Defendants intend to offer the writings listed in Attachment D into evidence.

18 **Discovery Documents**

19 Plaintiff intends to use the following sets of Responses to Interrogatories:

20 Defendant El Dorado Irrigation District's Response to Plaintiff's First Set of Special  
21 Interrogatories

22 Defendant David Powell's Response to Plaintiff's First Set of Special Interrogatories

23 Defendant Ane Deister's Response to Plaintiff's First Set of Special Interrogatories

24 Defendant Tom Cumpston's Response to Plaintiff's First Set of Special Interrogatories

25 Defendant George Wheeldon's Response to Plaintiff's First Set of Special Interrogatories

26 Defendants intend to us the following Discovery documents:

27 Plaintiff's Amended Response to Defendants' First Set of Special Interrogatories

28 Plaintiff's Response to Defendants' First Set of Requests for Production of Documents

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**Further Discovery Motions**

No further discovery and/or discovery related law and motion, other than motions in limine, are anticipated at this time.

**Stipulations**

No stipulations are requested or sought at this time. Immediately prior to trial, counsel for plaintiff will endeavor to work with counsel for defendants to stipulate to admissibility of as many documents as possible to reduce some or all of the necessity to lay foundation during the jury's time.

**Amendments – Dismissals**

No amendments or dismissals are requested by either party at this time.

**Settlement Negotiations**

There have been no settlement negotiations. If the Court is amenable, counsel for plaintiff and plaintiff will attend a settlement conference before a Magistrate Judge.

**Agreed Statements**

Presentation of this case upon an Agreed Statement of Facts is neither possible nor advisable.

**Separate Trial of Issues**

Neither plaintiff nor defendants request a separate trial of any issues.

**Impartial Experts – Limitation of Experts**

No impartial experts are offered by either side. All individuals whose opinion testimony will be offered are percipient witnesses with expert knowledge. Plaintiff will seek to exclude the testimony of Michelle Ludwig on the basis that defendants' information about her location was incorrect, plaintiff's process servers were twice unable to serve a deposition subpoena upon her at either location provided by defendants, and plaintiff was unfairly denied an opportunity to depose her.

**Attorney's Fees**

Attorneys' fees are sought by plaintiff. Attorneys' fees will be determined by the Court by motion within 30 days of judgment pursuant to L.R. 54-293.

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**Trial Exhibits**

Plaintiff will require no special handling of trial exhibits which will be presented, properly marked with exhibit stickers to be provided by the Court, to the Court’s clerk, Maureen Price, on the Friday prior to trial in three ring binders for ease of use. Plaintiff’s exhibits will be marked numerically, pursuant to the Court’s Status Order, and defendants’ exhibits will be marked alphabetically. Defendants may utilize a power point and/or time liner presentation. Defendants will contact Maureen Price to make arrangements for this prior to trial.

**Non-Discovery Motions and Resolutions**

Defendants’ filed a motion to dismiss pursuant to FRCP 12(b)(6). The court granted defendant’s motion, dismissing plaintiff’s wrongful termination cause of action. Defendant’s also filed a Motion for Summary Judgment, or in the alternative, Summary Adjudication as to plaintiff’s remaining causes of action. The Court granted the motion as to plaintiff’s cause of action for violation of due process and plaintiff’s claim for punitive damages against defendant EID, but denied the motion as to plaintiff’s cause of action for retaliation in violation of his first amendment rights and conspiracy to violate said rights.

**Miscellaneous**

The Parties have no other matters to bring to the Court’s attention at this time.

DATED: February 23, 2007

\_\_\_\_\_  
/Stephen F. Henry  
MOSLEY & GEARINGER LLP  
STEPHEN F. HENRY  
Attorney for Plaintiff

DATED: February 23, 2007

\_\_\_\_\_  
/Joseph A. Salazar  
MAYALL, HURLEY, KNUTSEN, SMITH & GREEN  
JOSEPH A. SALAZAR, JR.  
Attorney for Defendants

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**Attachment A**

**Plaintiff's Witness List**

**Plaintiff intends to call:**

Scott Shewbridge. Dr. Shewbridge will testify concerning his employment with and termination by EID, the matters of public concern that he raised to EID management and others, and the reactions to those concerns.

David Powell. This defendant will be called to testify regarding his interactions with and actions toward plaintiff and his alleged reasons therefore.

Ane Deister. This defendant will be called to testify regarding her interactions with and actions toward plaintiff and her alleged reasons therefore.

Thomas Cumpston. This defendant will be called to testify regarding his interactions with and actions toward plaintiff and his alleged reasons therefore.

George Osborne. This defendant will be called to testify regarding his interactions with and actions toward plaintiff and his alleged reasons therefore.

Stafford Lehr. California Department of Fish and Game. Mr. Lehr will be called to provide information regarding Dr. Shewbridge's complaints of environmental violations to public agencies.

Carl Lischeske. California Department of Health Services. Mr. Lischeske will be called to provide information regarding public complaints by Dr. Shewbridge about EID management and environmental violations.

Brian Kinney. California Department of Health Services. Mr. Kinney will be called to provide information regarding public complaints by Dr. Shewbridge about EID management, misrepresentation regarding meter sales, and environmental violations.

Jim Cannaday. State Water Control Board. Mr. Cannaday will be called to provide information regarding complaints about EID management, environmental violations, and the Crawford Ditch.



1 Robert McFarland. Mr. McFarland will be called to provide information regarding complaints  
2 about EID management, environmental violations, and the Crawford Ditch.

3 Alice Howard. Member of Citizen's Advisory Board. Ms. Howard will be called to testify  
4 about Dr. Shewbridge's participation with the Citizen's Advisory Board and Dr. Shewbridge's  
5 concerns about water supply and quality.

6 Bill Hetland. Member of Citizen's Advisory Board. Mr. Hetlnd will be called to testify about  
7 Dr. Shewbridge's participation with the Citizen's Advisory Board and Dr. Shewbridge's  
8 concerns about water supply and quality.

9 Albert Hazbun. Mr. Hazbun will be called to testify about Dr. Shewbridge's participation with  
10 the Citizen's Advisory Board and Dr. Shewbridge's concerns about water supply and quality.

11 Liz Malloy. Ms. Malloy will be called to testify about Dr. Shewbridge's participation with the  
12 Citizen's Advisory Board and Dr. Shewbridge's concerns about water supply and quality.

13 Al Vargas. Mr. Vargas will be called to provide information about retaliatory behavior by  
14 defendants toward Dr. Shewbridge and the conspiracy among the defendants to terminate Dr.  
15 Shewbridge.

16 Matthew Wadleigh. Mr. Wadleigh will be called to testify about EID's handling of Human  
17 Resources issues, including those involving Dr. Shewbridge.

18 Mary Egan. Human Resources Consultant to EID. Ms. Egan will be called to testify about  
19 EID's handling of Human Resources issues, including those involving Dr. Shewbridge.

20 Dick Akin. EID Board Member. Mr. Akin will be called to testify regarding Board  
21 process/procedure issues, defendants Deister and Powell's authority to discipline/and terminate,  
22 and defendant Deister's "management style" and interactions with Board members.

23 Roy Leidy. Mr. Leidy will be called to testify regarding threats made by defendant Deister to  
24 dissuade him from allowing Dr. Shewbridge to speak at the ACWA conference.

25 Steve Setoodeh. Director of Environmental Compliance at EID. Dr. Setoodeh will be called to  
26 testify concerning his experience with EID's compliance issues.

27 Martha Brookshire. Former employee of EID. Ms. Brookshire will be called to testify regarding  
28 her interactions with defendant Deister.

1 Sharon Fraser. Associate Engineer. Ms. Fraser will be called to testify regarding her  
2 interactions with defendant Deister.

3 Linda McDonald. Financial Analyst at EID. Ms. McDonald will be called to testify regarding  
4 her interactions with defendant Deister.

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**Attachment B**

**Defendants' Witness List**

1. Dee Brookshire, Director of Finance(former)
2. Ms. Brookshire will refute Mr. Shewbridge's allegations of wrongdoing with respect to Ane Deister and EID.
3. Jim Cannaday – State Water Resources Control Board
4. Mr. Cannaday will testify regarding complaints received from Mr. Shewbridge that EID was operating illegally.
5. Steven Cascioppo, Executive Officer of El Dorado County courts  
Mr. Cascioppo will testify regarding the Skelly procedures, including his findings and conclusions pertaining to the Notice of Intent to Terminate Mr. Shewbridge.
6. Thomas Cumpston, General Counsel:  
Tom Cumpston will testify about the incidents that formed the bases for Mr. Shewbridge's termination, refute Mr. Shewbridge's claims of First Amendment violations, conspiracy, and other such collateral issues offered by Mr. Shewbridge to the extent the court allows them into evidence. Mr. Cumpston will also testify about the validity of Mr. Shewbridge's claims of alleged violations of law. He will also testify regarding EID's employment policies and how they were employed with respect to the facts of this case.
7. Ane Deister, General Manager  
Ane Deister will testify about the incidents that formed the bases for Mr. Shewbridge's termination, refute Mr. Shewbridge's claims of First Amendment violations, conspiracy, and other such otherwise collateral issues offered by Mr. Shewbridge to the extent the court allows them into evidence.
8. Dan Downey, Co-Head of Hydro Operations  
Mr. Downey will testify about specific behavioral incidents involving Mr. Shewbridge and EID staff.
9. Mary Egan, Human Resources Consultant

1 Ms. Egan will testify regarding her workings with Mr. Shewbridge to help him control his  
2 temper and interact with staff and management in a positive manner.

3 10. Inez Frankel, Outside Counsel

4 Ms. Fraenkel will testify concerning the procedures taken during the disciplinary process for Mr.  
5 Shewbridge as well as the bases for these actions. Ms. Fraenkel will also testify as the Skelly  
6 hearings she attended as well as the appeals to the Board of Directors.

7 11. Sharon Fraser, Associate Engineer

8 Ms. Fraser will testify generally about her interactions with Mr. Shewbridge, Ms. Deister and  
9 Plaintiff's allegations of impropriety at EID.

10 12. John Fraser, Board President

11 Mr. Fraser will testify regarding the basis of Mr. Shewbridge's termination, the lack of any  
12 conspiracy against Mr. Shewbridge and the lack of validity of some of Mr. Shewbridge's claims  
13 against defendants.

14 13. Bill Hetland – Member of the Citizens Advisory Board

15 Mr. Hetland will testify concerning the Citizens' Advisory Board interactions with EID as they  
16 pertain to Mr. Shewbridge's allegations of wrongdoing

17 14. David Herrmann, Water and Wastewater/Recycled Water Co-Division Manager

18 This will testify about of the working relationship between Mr. Shewbridge and EID  
19 management and staff.

20 15. Larry Hull, Right-of-Way Agent

21 Mr. Hull will testify about specific behavioral incidents involving Mr. Shewbridge and EID  
22 staff.

23 16. Cheri Jagers, Project 184 Relicense Coordinator

24 This witness will testify about Mr. Shewbridge's interaction with EID staff.

25 17. Patricia Johnson

26 Ms. Johnson will testify regarding Mr. Shewbridge's interaction with EID management.

27 Pamela Karwacki, Information Support Technician

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1 Ms. Karwacki will testify about specific behavioral incidents involving Mr. Shewbridge and  
2 EID staff.

3 18. Phil Knapik, Director of Finance

4 This witness will testify regarding the Mr. Shewbridge's working relationship with EID  
5 management and staff.

6 19. Holly LaBass, Administrative Assistant to the General Manager (former)

7 Ms. LaBass witnessed Mr. Shewbridge become abusive towards at Ane Deister.

8 20. Stafford Lehr – Fish and Game,

9 Mr. Lehr will testify concerning communications from Mr. Shewbridge regarding alleged  
10 wrongdoing at EID and Fish & Game's reaction to these allegations including investigation of  
11 problems with Crawford Ditch diversions.

12 21. Steve Lindstrom, Water Systems Supervisor

13 Mr. Lindstrom worked for Mr. Shewbridge and witnessed Mr. Shewbridge's behavior with  
14 staff.

15 22. Carl Lische – California Department of Health Services

16 Mr. Lische will testify about communications from Mr. Shewbridge that EID was operating  
17 illegally and was placing the public in danger and DHS findings thereafter. Mr. Lische will also  
18 testify regarding his participation on the Citizens Advisory Board at the request of EID.

19 23. Michelle Ludwig, Interim HR Manager (former)

20 Ms. Ludwig will testify regarding her workings with Mr. Shewbridge to help him control his  
21 temper and interact with staff and management in a positive manner. She will also testify  
22 regarding the procedural aspects of Mr. Shewbridge's discipline and observations pertaining to  
23 Mr. Shewbridge's interaction with staff and management.

24 24. Linda McDonald, Financial Analyst

25 Ms. McDonald will testify generally about interactions with Mr. Shewbridge and Ms. Deister as  
26 they pertain to water meter sales in El Dorado County.

27 25. Brian Mueller, EID employee

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1 Mr. Mueller will testify about Mr. Shewbridge's actions at EID, interaction with staff and  
2 management and EID cooperation with investigations following Mr. Shewbridge's allegations  
3 of impropriety.

4 26. George Osborne, Board Member

5 Mr. Osborne will testify regarding Mr. Shewbridge's interaction with staff, management, the  
6 Board and matters pertaining to Mr. Shewbridge's termination and the alleged conspiracy. Mr.  
7 Osborne will also testify regarding Mr. Shewbridge's claims to the press.

8 27. Cheryl Pebley, Human Resources (former)

9 Ms. Pebley will testify regarding Mr. Shewbridge's interaction with staff and management.

10 28. Dave Powell, PE, Director of Facilities Mgmt, Mr. Shewbridge's direct supervisor

11 Dave Powell will testify about the incidents that formed the bases for Mr. Shewbridge's  
12 termination, refute Mr. Shewbridge's claims of First Amendment violations, conspiracy, and  
13 such otherwise collateral allegations by Mr. Shewbridge to the extent the court allows them into  
14 evidence.

15 29. Scott Shewbridge, Mr. Shewbridge

16 Mr. Shewbridge will testify regarding all allegations in the complaint including Defendants'  
17 defenses thereto.

18 30. Steve Setoodeh, Ph.D., Director of Environmental Compliance

19 Dr. Setoodeh will testify about specific behavioral incidents involving Mr. Shewbridge and EID  
20 staff as well as the facts and circumstances pertaining to Mr. Shewbridge's Skelly hearing  
21 regarding the two day suspension.

22 31. Tina Sievert, Clerk to the Board

23 Ms. Sievert will testify regarding Mr. Shewbridge's interaction with Ms. Deister and  
24 Boardmembers.

25 32. Whitney Smith, Consulting Engineer

26 Mr. Smith is a witness to some of Mr. Shewbridge's behavior that became the basis for his  
27 termination.

28 33. George Wheeldon, Board Member

1 George Wheeldon will testify regarding the basis of Mr. Shewbridge's termination, the lack of  
2 any conspiracy against Mr. Shewbridge and the lack of validity of some of Mr. Shewbridge's  
3 claims against defendants.

4 34. Michelle Weimer

5 Ms. Weimer will testify regarding the actions of Mr. Shewbridge.

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**Attachment C**  
**Plaintiff's Exhibit List**

The following are the documents which Plaintiff intends to offer into evidence on direct examination or use in cross examination in his case in chief. Plaintiff provides this list on the assumption that the Court will allow use of additional, unknown exhibits for purposes of impeachment, rebuttal and refreshing the recollection of witnesses. If this assumption is not correct, Plaintiff requests that he be permitted to compile and file a substantially longer list of documents that may be used for impeachment, rebuttal and refreshing the recollection of witnesses.

1. September 25, 2001 letter from Shewbridge to EID
2. Shewbridge's Curriculum Vitae
3. EID Personnel Action Form dated January 12, 2002
4. EID Personnel Action Form dated may 3, 2002
5. EID Irrigation District Performance Evaluation signed August 14, 2002
6. Memorandum from Powell to Shewbridge, September 29, 2002
7. Ditch Workshop and Customer Requests for Service Powerpoint, October 7, 2002
8. Memorandum from Deister to Personnel File, October 10 2002
9. Memorandum from Shewbridge to Deister, et al, October 15, 2002
10. Memorandum from Deister to Powell, October 22, 2002
11. Performance Improvement Plan from Powell to Shewbridge, October 31, 2002
12. EID Irrigation District Performance Evaluation, dated November 15, 2002
13. Memorandum from Shewbridge to Powell and Egan, November 17, 2002
14. Memorandum from Deister to Powell, et al, February 27, 2003
15. Memorandum from Deister to Powell, March 1, 2003
16. Letter from Powell to Shewbridge, March 4, 2003
17. Fax from Shewbridge to Powell, March 4, 2003
18. Recap of Events by Pamela Karwacki, February 27, 2003
19. Memo by Tina Sievert, March 3, 2003



- 1 20. Memorandum, March 4, 2003
- 2 21. Memorandum by Holly LeBass
- 3 22. Declaration of Patricia Johnson, March 5, 2003
- 4 23. Signed memorandum
- 5 24. Overview of Management Observations and Specific Encounters with Scott
- 6 Shewbridge, 2002 – 2003
- 7 25. Letter from Powell to Shewbridge, March 4, 2003
- 8 26. Response to EID Disciplinary Notice, April 25, 2003
- 9 27. Handwritten notes, March 7, 2003
- 10 28. Collection of newspaper articles referring to Shewbridge, March 21, 2003 to April
- 11 30, 2004
- 12 29. Memo by Michelle Ludwig, March 28, 2003
- 13 30. Memo by Michelle Ludwig, April 15, 2003
- 14 31. Memorandum from Larry Hull to Powell, April 21, 2003
- 15 32. Memorandum from Brookshire to Ludwig, April 21, 2003
- 16 33. Memo, June 17, 2003
- 17 34. Severance Agreement and Release of All Claims
- 18 35. Notes, May 2, 2003
- 19 36. Complaint Form to the El Dorado County Grand Jury
- 20 37. Email from Shewbridge to Stafford Lehr, May 12, 2003
- 21 38. Memorandum from Setoodeh to Ludwig, May 12, 2003
- 22 39. Letter from Shewbridge to Kinney, Lischeske, May 14, 2003
- 23 40. Letter from Lischeske to Deister, May 15, 2003
- 24 41. Letter from Brian Kinney of the Department of Health services to Scott Shewbridge
- 25 42. Letter from Carl Lischeske of Department of Health Services to El Dorado Irrigation
- 26 District
- 27 43. Memo to Michelle Ludwig from Steve Setoodeh
- 28 44. Letter from Shewbridge to Deputy Attorney General

- 1 45. Technical Conclusions by Shewbridge, June 25, 2003 with supporting  
2 documentation
- 3 46. Binder of documents (Bates 1-135), El Dorado irrigation District El Dorado Hills  
4 Water Treatment Plant Chronology of Water Supply and Demand and Treatment  
5 Capacity, prepared by Scott Shewbridge October 1, 2003
- 6 a. Binder of documents (Bates 136-782) related to: Shewbridge correspondence  
7 with DHS re water supply adequacy
- 8 b. Meeting with Leisz and Jones on May 16, 2003
- 9 c. The 2003 Update to the Water Supply & Demand Report
- 10 d. The Water Advisory Committee
- 11 e. Presentation to The Maidu Group
- 12 f. Correspondence with Citizens for Water
- 13 47. Memorandum from Cumpston to Powell, July 18, 2003
- 14 48. Email re meeting, March 26, 2003
- 15 49. Letter from Powell to Shewbridge, August 4, 2003
- 16 50. Letter from Smith to “Dave, Mark and Steve”
- 17 51. Notice of Intended Disciplinary Action, August 8, 2003
- 18 52. Letter from Cascioppo to Cumpston, September 8, 2003
- 19 53. Group of identical letters from Deister to members of EID Board, January 29, 2004
- 20 54. Opinion by Scott Shewbridge, August 17, 2004
- 21 55. Letter to Mountain Democrat from George Wheeldon, April 19, 2004
- 22 56. Collection of paystubs, January 3, 2003 to August 15, 2003
- 23 57. EID Organization Structure, 2003
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**Attachment D**  
**Defendants' Exhibit List**  
**Shewbridge v. El Dorado Irrigation District**  
**Defendants' Exhibit List**

<b>Defendants' Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
A	2/22/95	Letter from Mark Stretars of SWRCB to Robert Alcott of EID
B	3/1/95	Issue Paper – Division of Water Rights Complaint on Crawford Ditch
C	3/18/96	Memorandum from Edward Anton of SWRCB to Walt Pettit
D	4/96 (approx)	Undated Issue Memo from Walt Pettit of WRCB to James Strock, Secretary for Environmental Protection
E	4/18/96	State Water Resources Control Board Resolution No. 96-028
F	12/3/99	Memorandum of understanding between El Dorado Irrigation District and El Dorado Irrigation District Employees Association
G	8/14/01	Compliance Order for the El Dorado Irrigation District
H	9/25/01	Letter from Shewbridge to EID & Application for Employment with CV
I	10/1/01	Amendment for the 2001 Update to the Water Supply & Demand Report

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<b>Defendants' Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
J	11/2001	Shewbridge's timecards for November '01 through December '02
	11/8/01	Letter from EID to Shewbridge
K	11/16/01	Employee Orientation Check List
L	1/12/02	Personnel Action Form re: Scott Shewbridge – Title Change
M	3/22/02	Letter from Scott Shewbridge to Ane Deister
N	4/12/02	Letter from Steve Setoodeh of Department of Health Services to El Dorado Irrigation District
O	4/29/02	Memo by Linda McDonald, Edited by Sharon Fraser
P	4/29/02	Email from Linda McDonald to Sharon Fraser
Q	4/29/02	Email from Linda McDonald to Sharon Fraser
R	5/3/02	Memorandum from Scott Shewbridge
S	7/19/02	EID Evaluation of Scott Shewbridge
T	7/19/02	Letter from Steve Setoodeh of Department of Health Services to El Dorado Irrigation District
U	7/21/02	EID Evaluation of Scott Shewbridge
V	8/30/02	Letter from Steve Setoodeh of Department of Health Services to El Dorado Irrigation District
W	9/25/02	Personnel Action Form
X	9/29/02	Memorandum from Scott Shewbridge to Dave Powell

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<b>Defendants' Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
Y	10/1/02	Personnel Action Comments
Z	10/7/02	Presentation: Ditch Workshop and Customer Requests for Service
AA	10/8/02	Letter from Jeff Smith to EID
BB	10/9/02	Shewbridge's Evaluation of Lindstrom
CC	10/10/02	Memorandum to File from Scott Shewbridge
DD	10/11/02	Memorandum to official District personnel file for Scott Shewbridge from Ane Deister
EE	10/15/02	Memorandum from Scott Shewbridge to Ane Deister, Dave Powell and Cheryl Pebley
FF	10/21/02	Shewbridge's Calendar 11/01 – 1/02
GG	10/21/02	Shewbridge's Calendar 7/02 – 4/03
HH	10/31/02	Confidential Performance Improvement Plan
II	11/15/02	Employee Evaluation of Scott Shewbridge
JJ	11/15/02	Confidential Performance Improvement Plan
KK	11/17/02	Memorandum to Dave Powell and Mary Egan from Scott Shewbridge
LL	1/23/03	Re-cap of events from 1/23/03
MM	2/26/03	Email to Egan from Shewbridge enclosing memorandum
NN	2/27/03	Email to Egan from Shewbridge
OO	2/27/03	Confidential personnel related information – memorandum to David Powell, Michelle Ludwig and Tom Cumpston from Ane

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<b>Defendants' Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
		Deister
PP	2/27/03	Memorandum to District Personnel File for Scott Shewbridge from Ane Deister
QQ	2/27/03	Confidential Memo from Tina Stewart re: Shewbridge
RR	2/27/03	Documentation of Events on February 27, 2003 written by Holly D. LaBass
SS	3/3/03	Letter to Scott Shewbridge from Dave Powell
TT	3/3/03	Confidential Memo from Tina Sievert
UU	3/4/03	Email exchange between Dave Powell, Scott Shewbridge, Michelle Ludwig
VV	3/4/03	Letter to Scott Shewbridge from Dave Powell hand delivered
WW	3/4/03	Handwritten note to Dave Powell from Scott Shewbridge
XX	3/5/03	Handwritten Notes of Scott Shewbridge re attorney qualifications
YY	3/5/03	Declaration of Patricia Johnson signed 3/5/03
ZZ	3/7/03	Agenda-Closed Session
AAA	3/7/03	Letter from George Osborn of the El Dorado Irrigation District to Helen Baumann of the El Dorado county Board of Supervisors
BBB	3/12/03	Email to and from Scott Shewbridge and Michelle Ludwig with cc to Dave Powell and Tom Cumpston

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<b>Defendants' Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
CCC	3/21/03	Emails exchange between Dave Powell, Ane Deister, Tom Cumpston & Michelle Ludwig
DDD	3/26/03	Meeting Maker – Request for meeting with Michael Rucker of APX
EEE	3/28/03	Memorandum Prepared by Michelle Ludwig
FFF	4/4/03	Email from Scott Shewbridge to Michelle Ludwig with Copy to Tom Cumpston and Dave Powell
GGG	4/4/03	Email from Michelle Ludwig to Scott Shewbridge with Copy to tom Cumpston, Dave Powell and Steve Setoodeh
HHH	4/10/03	SacBee.com Article: Irrigation board, longtime critics settle differences
III	4/15/03	Memorandum from Michelle Ludwig
JJJ	4/19/03	Letter from Scott Shewbridge to El Dorado Irrigation District Board of Directors
KKK	4/21/03	E-Mail to Dave Powell from Larry Hull
LLL	4/21/03	Memo to Michele Ludwig from Dee Brookshire
MMM	4/21/03	E-mail to Dave Powell from Larry Hull
NNN	4/25/03	Shewbridge's response to EID disciplinary notice of 3/4/03
OOO	4/25/03	Letter from Ane Deister of El Dorado Irrigation District to Mr. Thomas Aiken of the US Bureau of Reclamation

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<b>Defendants' Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
PPP	4/28/03	E-mail from Scott Shewbridge to Staff at EID with a copy to Ane Deister
QQQ	5/1/03	Letter report to Ane Deister from Dave Herrmann
RRR	5/2/03	Letter from David Powell to Scott Shewbridge
SSS	5/2/03	DRAFT Memorandum to Scott Shewbridge from Dave Powell
TTT	5/5/03	Email from Scott Shewbridge to Tom Cumpston and Michelle Ludwig
UUU	5/5/03	Slide Show: Project 184 Update
VVV	5/6/03	Citizen Complaint Form to the El Dorado County Grand Jury signed by Shewbridge
WWW	5/7/03	Letter from Scott Shewbridge to Thomas Cumpston
XXX	5/12/03	Memorandum from Steve Setoodeh, Director of Environmental Compliance and Resource Management to Michele Ludwig, HR Manager
YYY	5/12/03	Email from Scott Shewbridge to Stafford Lehr of the California Dept. of Fish and Game
ZZZ	5/14/03	Letter from Scott Shewbridge to Mr. Brian Kinney and Carl Lischeske of the Department of Health Services
AAAA	5/14/03	Letter from Brian Kinney of the Department of Health services to Scott Shewbridge
BBBB	5/15/03	Letter from Carl Lischeske of Department of Health Services to El Dorado Irrigation District
CCCC	5/20/03	Memo to Michelle Ludwig from Steve Setoodeh



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<b>Defendants’ Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
DDDD	5/20/03	Letter to Scott Shewbridge from Michelle Ludwig
EEEE	5/20/03	Letter from Scott Shewbridge to Gordon Burns, Deputy Attorney General
FFFF	5/22/03	Letter from Thomas Aiken of the US Bureau of Reclamation to Ane Deister of the El Dorado Irrigation District
GGGG	5/24/03	Email from Albert Hazbun to Scott Shewbridge
HHHH	5/27/03	Email from Albert Hazbun to Scott Shewbridge
IIII	5/28/03	Letter from Carl Lischeske of Department of Health Services to El Dorado Irrigation District
JJJJ	5/29/03	Letter from Ane Deister to Carl Lischeske at Department of Health Services
KKKK	5/29/03	Letter from Ane Deister to Steve Setoodeh of the Department of Health Services
LLLL	5/30/03	Certified letter to Scott Shewbridge from Michelle Ludwig
MMMM	5/30/03	Email from Al Vargas to Shewbridge
NNNN	5/30/03	Mountain Democrat Article: Hydro co-chief disputes water supply figures
OOOO	6/1/03	Sacramento Bee Article: “El Dorado Water Supply at Issue: A State agency Seeks further documents after a district official alleges overselling.
PPPP	6/1/03	Email from Al Vargas to Shewbridge and others
QQQQ	6/1/03	Email from Shewbridge to Al Vargas
RRRR	6/2/03	2003 Update to the Water Supply & Demand Report
SSSS	6/2/03	Letter from Carl Lischeske of Department of Health Services to El Dorado Irrigation District
TTTT	6/3/03	Letter from Felix Poggemann to Ines Fraenkel

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<b>Defendants’ Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
UUUU	6/5/03	Sacramento Bee Article: EID OKs report despite questions: The district may bring back a panel to address adequate water supplies
VVVV	6/11/03	Letter from Ines Fraenkel to Felix Poggemann
WWWW	6/30/03	Letter to Felix Poggemann from Thomas Cumpston
XXXX	7/4/03	Email from Albert Hazbun to Scott Shewbridge
YYYY	7/10/03	E-Mail To and from Scott Shewbridge and Tom Cumpston
ZZZZ	7/11/03	El Dorado Irrigation District’s Agenda – Special Meeting and Special Closed Session
AAAAA	7/11/03	Slide Show Presentation “Appeal to the EID Board of Directors”
BBBBB	7/11/03	List of Supporting Documents and Witness Contact Information – Appeal to Disciplinary Action
CCCCC	7/11/03	Notice of Paid Administrative Leave
DDDDD	7/11/03	Email from Tom Cumpston to Scott Shewbridge
EEEEE	7/12/03	Email from Alice Howard to Shewbridge
FFFFF	7/13/03	Email from Albert Hazbun to Scott Shewbridge
GGGGG	7/14/03	Mountain Democrat Article: On Leave, employee questions practices
HHHHH	7/17/03	Sacramento Bee Article: Whistle-blower rips irrigation district: Appealing action against him, Scott Shewbridge levels new allegations
IIIII	7/17/03	Memorandum to Board of Directors from Ane Deister
JJJJJ	7/17/03	Email to and from Alice Howard and Shewbridge

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<b>Defendants' Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
KKKKK	7/18/03	Memo from Tom Cumpston to Dave Powell
LLLLL	7/21/03	Letter from Scott Shewbridge to George Osborne of the El Dorado Irrigation District Board of directors
MMMMM	7/22/03	Shewbridge's Statement Regarding Public Comments Made During EID's July 21, 2003 Board Meeting
NNNNN	7/23/03	Email to and from Alice Howard and Shewbridge
OOOOO	7/24/03	Sacramento Bee Article: Employees Defend EID manager
PPPPP	7/24/03	Email from Scott Shewbridge to Matt Campbell, and Lynn Thorpe of the Department of Justice (CC: to attorney Pogemann)
QQQQQ	7/25/03	Email from Albert Hazbun to Scott Shewbridge
RRRRR	7/28/03	Redacted letter to OSHA from Shewbridge.
SSSSS	8/4/03	Decision of the Board of Directors of EID on Shewbridge's appeal from two-day suspension
TTTTT	8/4/03	Notice of Paid Administrative Leave
UUUUU	8/5/03	Letter from Brian Kinney of Department of Health Services to David Hermann at El Dorado Irrigation District
VVVVV	8/6/03	Letter from Lawrence Ricci to Ane Deister at EID
WWWWW	8/7/03	Letter to Shewbridge from Cumpston
XXXXX	8/7/03	Letter from Ane Deister to Jonathan Schwarzberg of the Mt. Democrat
YYYYY	8/8/03	Memorandum to Scott Shewbridge from David Powell

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<b>Defendants' Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
<i>ZZZZZ</i>	8/8/03	Receipt of Notice of Intended Disciplinary Action
AAAAAA	8/10/03	Email from Scott Shewbridge to Al Vargas
BBBBBB	8/14/03	Email from Scott Shewbridge to Jeff Meyer
CCCCCC	8/15/03	Letter from Cumpston to Shewbridge
DDDDDD	8/18/03	Letter to Poggemann and Shewbridge from Cumpston
EEEEEE	8/19/03	Letter from El Dorado Irrigation District to Department of Labor
FFFFFF	8/20/03	Letter from Cumpston to Poggemann
GGGGGG	8/21/03	Letter from Cumpston to Poggemann and Shewbridge
HHHHHH	8/25/03	Letter to Cascioppo from Tom Cumpston
IIIIII	8/25/03	Letter from Rob Paine to Tom Cumpston at EID
JJJJJJ	9/2/03	Letter to Rob Paine of DOL from Cumpston
KKKKKK	9/4/03	Letter to Poggemann from Cumpston
LLLLLL	9/8/03	Letter from Stephen Cascioppo to Tom Cumpston
MMMMMM	9/8/03	Email from Al Vargas to Scott Shewbridge and others

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<b>Defendants’ Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
NNNNNN	9/10/03	Email from Scott Shewbridge to Al Vargas
OOOOOO	9/11/03	Letter from Cumpston to DOL
PPPPPP	9/16/03	Letter from Rob Paine to Tom Cumpston at EID
QQQQQQ	9/17/03	Outline: Suggestions for Supply/Demand Report
RRRRRR	9/22/03	Letter from Ane Deister of El Dorado Irrigation District to Carl Lischeske, of Department of Health Services
SSSSSS	9/22/03	Email from Alice Howard to Scott Shewbridge
TTTTTT	9/26/03	Letter to Felix Poggemann from Tom Cumpston
UUUUUU	10/7/03	Letter from Ines Fraenkel to Rob Paine
VVVVVV	10/14/03	Letter to Felix Poggemann from Thomas Cumpston – RE Post Disciplinary Appeal
WWWWWW	10/16/03	Shewbridge’s comments on the statement of Mary Egan
XXXXXX	10/28/03	Email to and from Al Vargas and Scott Shewbridge
YYYYYY	10/31/03	Letter from Felix Poggemann to Tom Cumpston
<i>ZZZZZZ</i>	11/3/03	Petition for Write of Mandate
AAAAAAA	11/5/03	Ex Parte Minute Order and RULING ON WRIT OF MANDATE
BBBBBBB	11/7/03	Scott Shewbridge’s comments on the statement of

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<b>Defendants’ Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
		Creamer and Hance
CCCCCCC	12/2/03	Amended Petition for Writ of Mandate
DDDDDDD	2003	2003 Supply, Demand and Treatment Calculations
EEEEEEE	2003, 4	Grand Jury Report(s)
FFFFFFF	1/6/04	Memorandum from Scott Shewbridge to Whom it May Concern at the State Water Resources Control Board
GGGGGGG	1/27/04	Shewbridge’s comments on the statement of Dave Powell
HHHHHHH	1/27/04	Shewbridge’s comments on the statement of Tom Cumpston
IIIIII	1/27/04	Shewbridge’s comments on the statement of Ane Deister
JJJJJJ	1/29/04	Letter from Ane Deister to El Dorado Irrigation District President George Wheeldon
KKKKKKK	2/27/04	Questions for Michelle Weimer prepared by Scott Shewbridge
LLLLLLL	3/8/04	Letter from George Wheeldon, President to Felix Poggemann and Ines Vargas Fraenkel
MMMMMMM	3/11/04	Letter from Shewbridge to Cathy Locke, Sacramento Bee
NNNNNNN	3/15/04	Questions prepared for Al Vargas by Scott Shewbridge
OOOOOOO	3/15/04	Questions for Richard (Dick) Akin prepared by Scott Shewbridge
PPPPPPP	3/22/04	Letter to G. Richard Brown, Inez Vargas Fraenkel, Members of the Board of Directors of EID from Felix Poggemann

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<b>Defendants’ Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
QQQQQQQ	3/29/04	El Dorado Irrigation District Agenda Special Closed/Open Session
RRRRRRR	4/2004	Letter to the editor from Scott Shewbridge
SSSSSSS	4/1/04	Email from Scott Shewbridge to Mr. Cumpston and Ms. Sievert
TTTTTTT	4/5/04	Email to and from Scott Shewbridge and Al Hazbun
UUUUUUU	4/5/04	Email to and from Scott Shewbridge and Al Hazbun
VVVVVVV	4/5/04	Letter from Scott Shewbridge to El Dorado Irrigation District
WWWWWWW	4/6/04	Fax transmittal sheet To Felix Poggemann, Ines Vargas Fraenkel, and Ane Deister from Richard Brown, Special Counsel to the EID Board attaching DECISION OF THE BOARD
XXXXXXXX	4/7/04	Fax from Scott Shewbridge to Carl Lischeske of Department of Health Services
YYYYYYY	4/8/04	Comments on the statement of Michelle Ludwig
ZZZZZZZ	4/9/04	Letter from Scott Shewbridge to Michael Raffety/Editor of Mountain Democrat
AAAAAAAA	4/14/04	Letter to the editor from Scott Shewbridge
BBBBBBB	4/15/04	Minute Order – Petition for Writ of Mandate
CCCCCCC	4/19/04	Letter from Scott Shewbridge to El Dorado Irrigation District
DDDDDDD	4/20/04	Fax from Scott Shewbridge to Carl Lischeske of Department of Health Services

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<b>Defendants’ Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
EEEEEEEE	4/21/04	Letter from Carl Lischeske of the Department of Health Services to Ane Deister at El Dorado Irrigation District
FFFFFFFF	4/22/04	EID Letter to Mt. View Democrat Editor with Handwritten Notes of Scott Shewbridge
GGGGGGGG	4/22/04	Email from Shewbridge to Al Hazbun
HHHHHHHH	4/22/04	Letter to the Editor from George Wheeldon
IIIIIIII	4/23/04	Email to and from Scott Shewbridge and Al Hazbun
JJJJJJJJ	5/3/04	Letter to EID board of directors from Scott Shewbridge
KKKKKKKK	5/3/04	Fax from Scott Shewbridge to Carl Lischeske of Department of Health Services
LLLLLLLL	5/4/04	Letter with the recipient and sender redacted
MMMMMMMM	5/5/04	Citizen Complaint Form to the El Dorado County Grand Jury signed by Shewbridge
NNNNNNNN	5/5/04	Letter to the El Dorado County Grand Jury from Scott Shewbridge
OOOOOOOO	5/11/04	Email from Scott Shewbridge to Carl Lischeske
PPPPPPPP	5/11/04	Fax from Scott Shewbridge to Carl Lischeske of Department of Health Services
QQQQQQQQ	5/18/04	Shewbridge’s comments on the statement of Martha “Dee” Brookshire
RRRRRRRR	5/18/04	Comments on the statement of Sharon Fraser
SSSSSSSS	5/20/04	Shewbridge’s comments on the statement of Michele Weimer
TTTTTTTT	5/20/04	Shewbridge’s comments on the statement of Dick Akin
UUUUUUUU	5/20/04	Comments on the statement of Linda McDonald



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<b>Defendants' Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
VVVVVVVV	5/21/04	Shewbridge's comments on the statement of Matthew Wadleigh
WWWWWWW	6/1/04	Email to and from Carl Lisheske and Scott Shewbridge
XXXXXXXX	6/3/04	Email to and from Carl Lisheske and Scott Shewbridge
YYYYYYYY	6/4/04	Fax from Scott Shewbridge to Carl Lisheske
ZZZZZZZZ	6/14/04	Letter from Rob Paine to Scott Shewbridge and Ines Fraenkel
AAAAAAAA	7/6/04	Letter from Ines Vargas Fraenkel to Rob Paine
BBBBBBBB	7/12/04	Letter from Tom Cumpston of El Dorado Irrigation District to Scott Shewbridge
CCCCCCCC	7/13/04	Email from Scott Shewbridge to Carl Lisheske
DDDDDDDD	7/17/04	Fax from Scott Shewbridge to Carl Lisheske
EEEEEEEE	7/29/04	Email from Shewbridge to Al Hazbun
FFFFFFFF	8/5/04	Memorandum from Albert Hazbun to Sharon Fraser
GGGGGGGG	8/9/04	Redacted e-mail regarding a letter documenting the meeting with Mr. Bolanos (obviously from Shewbridge)
HHHHHHHH	8/9/04	Email to and from Scott Shewbridge and Al Hazbun
IIIIIIII	8/17/04	Memorandum drafted by Scott Shewbridge
JJJJJJJJ	8/27/04	Email to and from Scott Shewbridge and Carl Lisheske
KKKKKKKK	8/27/04	Fax from Scott Shewbridge to Carl Lisheske
LLLLLLLL	11/17/04	Letter from Rob Paine to Scott Shewbridge and

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<b>Defendants’ Ex. No.</b>	<b>Date</b>	<b>Document Name</b>
		Richard Bolanos
MMMMMMMMMM	1/31/05	Letter from Rob Paine, Regional Investigator, to Richard Bolanos and Stephen Henry
NNNNNNNNNN	5/22/06	Defendant’s Request for Production of Documents, Set One, propounded to Scott Shewbridge
OOOOOOOOOO	2006	Scott Shewbridge’s Response to Defendant’s Request for Production of Documents, Set One
PPPPPPPPPP	6/13/06	Defendant’s Special Interrogatories, Set One, propounded to Scott Shewbridge
QQQQQQQQQQ	7/21/06	Scott Shewbridge’s Response to Special Interrogatories, Set One
RRRRRRRRRR	8/1/06	Scott Shewbridge’s Amended Response to Special Interrogatories, Set One
SSSSSSSSSS		Demonstrative Map of El Dorado Irrigation District Infrastructure
TTTTTTTTTT		Timeline(s) of Events
UUUUUUUUUU	Unknown	Presentation: “EDU Allocation Workshop/2004 Water Resources & Service Reliability Report
VVVVVVVVVV	Unknown	Handwritten Notes by Shewbridge re Proposal
WWWWWWWWWW		Audio and Video recordings of Shewbridge’s appearances before the El Dorado Irrigation District Board of Directors
XXXXXXXXXX		Audio and Video recordings of the Skelly Hearings held in relationship to Shewbridge’s Disciplinary Proceedings.
YYYYYYYYYY		El Dorado Irrigation District Personnel Policies