

Town of Apple Valley

NEWS RELEASE

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Apple Valley water trial testimony ends

Apple Valley, CA – July 20, 2020: After nearly ten months, the testimony phase of the water acquisition trial has concluded. The trial began in October 2019 but had been delayed recently due to COVID-19-related court closures.

Both the Town and Liberty Utilities, a subsidiary of Canadian-based Algonquin Power and Utilities, have now presented their cases and Liberty has finished with its rebuttal case.

“I’m pleased we have reached the conclusion of this phase of the trial,” said Mayor Scott Nassif. “I’m confident we have clearly presented our case to the court that the Apple Valley water system will be better managed locally, by the Town, and not by a foreign corporate interest motivated by profits to the great cost of our community, our residents, and our businesses. We’re optimistic that lower rates and local ownership are just around the corner.”

In the next phase of the trial, each side will present a maximum 100-page brief to the court and Liberty will submit a reply brief. The Honorable Judge Donald Alvarez has set the briefing schedule as follows:

- August 28 – Liberty’s opening brief is due
- October 13 – Town’s response brief is due
- November 13 – Liberty’s reply brief is due (maximum 50 pages)

Both sides must also submit a proposed statement of decision by November 13. Closing arguments will be scheduled once the briefings are submitted and are likely to occur in early December.

The Court is also expected to consider possible mechanisms to allow for improved public access to the court for closing argument, which may include use of a larger courtroom or online streaming.

As a bench trial, the case has been heard by a judge, and not by a jury. Judge Alvarez will ultimately decide whether the Town has the right to acquire the Liberty Utilities water system by eminent domain.

Following the conclusion of the right-to-take phase, if the judge finds in favor of the Town, there will be a valuation phase where a jury will be selected to determine the value of the water system. The trial date for the valuation phase will be set at a later time.

For more information please contact the Town’s Public Information Office at info@applevalley.org

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