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9 Attorneys for Cross-Defendants,  
10 Service Rock Products Corporation, as successor-  
11 in-interest to Owl Properties, Inc., and Sheep  
12 Creek Water Company, Inc.

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **IN AND FOR THE COUNTY OF LOS ANGELES**

15 Coordination Proceeding ) Judicial Council Coordination  
16 Special Title (Rule 1550(b)) ) Proceeding No. 4408  
17 )  
18 **ANTELOPE VALLEY GROUNDWATER** ) Santa Clara Case No. 1-05-CV-049053  
19 **CASES** ) Assigned to the Honorable Jack Komar  
20 ) Department 17  
21 **INCLUDING ACTIONS:** ) **OBJECTIONS TO [PROPOSED] CASE**  
22 ) **MANAGEMENT ORDER FOR PHASE 2**  
23 ) **TRIAL BY CROSS-DEFENDANTS,**  
24 ) **SERVICE ROCK PRODUCTS**  
25 ) **CORPORATION AND SHEEP CREEK**  
26 ) **WATER COMPANY**  
27 ) **PHASE 2 TRIAL: October 6, 2008**  
28 ) **DEPT.: LASC Dept. 1**  
29 ) **JUDGE: Hon. Jack Komar**  
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1 Cross-Defendants, Service Rock Products Corporation (“Service Rock”) and Sheep  
2 Creek Water Company (“Sheep Creek”), submit the following objections to the [Proposed] Case  
3 Management Order for Phase 2 Trial (“Proposed Order”) that was submitted by Counsel for City  
4 of Palmdale:

5 **1. Paragraph 2 [Scope of Issues]:** The Proposed Order, at Paragraph 2, on Page 1,  
6 lines 21-22, is an overly broad statement of the scope of the Phase 2 Trial. Specifically it states  
7 that the “Phase 2 Trial address the characteristics of the Antelope Valley Area of Adjudication  
8 (“Basin”), including whether hydrologic sub-basins exist”; whereas the Court clearly stated that  
9 the sole issue for determination in Phase 2 is whether the Basin has any hydrologically distinct  
10 sub-basins, and that he would determine an appropriate definition of “sub-basins” based on the  
11 testimony of the experts, case authority and his experience in groundwater adjudications. It is  
12 submitted that this Paragraph should be modified to restrict the scope to “whether the Basin is  
13 composed of or contains hydrologically distinct sub-basins.

14 **2. Paragraph 3 [Service and Jurisdiction]:** The Proposed Order, at Paragraph 3, on  
15 Page 1, lines 23-24, reflects the Court’s direction that counsel for Los Angeles County  
16 Waterworks District No. 40 is to submit a declaration regarding status of service; however, it  
17 does not reflect the Court’s instruction that counsel for Los Angeles County Waterworks District  
18 No. 40 make a diligent effort to identify and name all of the un-named land owners not included  
19 within the two classes, as certified, to effect service on those parties as soon as possible. Further,  
20 counsel was also directed to provide served parties with the required notice of trial, including a  
21 copy of the signed Case Management Order. It is submitted that the Proposed Order should also  
22 provide that “[c]ounsel for Los Angeles County Waterworks District No. 40 shall make a  
23 diligent effort to identify and name all of the un-named land owners not included within the two  
24 classes, as certified, and to effect service on those parties on or before September 1, 2008.  
25 Counsel or Los Angeles County Waterworks District No. 40 shall also provide served parties  
26 with the required notice of trial, including a copy of the signed Case Management Order.

1 **3. Paragraph 4 [Experts / Concurrently Prepared Reports]:** The Proposed Order, at  
2 Paragraph 4, on Page 2, lines 1-2, provides that the designation of any expert shall be  
3 accompanied by a copy “of any reports prepared concurrently (emphasis added) with his or her  
4 designation.” The Court had already clarified this provision, stating that he expected that any  
5 reports prepared by the designated expert in connection with or for the instant action was to  
6 accompany the designation. The proposed language would allow a party designating an expert  
7 to severely restrict the production of reports by limiting the reports prepared “concurrently” with  
8 the designation. It is submitted that the Proposed Order should provide that “the designation of  
9 any expert shall be accompanied by a copy of any reports that were prepared by the designated  
10 expert in connection with or in preparation for the instant action.”

11 **4. Paragraphs 4 and 13 [Non-Expert Witnesses]:** The Proposed Order, at Paragraph 4, on  
12 Page 2, lines 3-5, purports to require parties to identify and make available “non-expert  
13 witnesses,” by posting their names and statements of availability for deposition on the Court’s  
14 website on August 15, 2008. In apparent conflict with this provision of Paragraph 4, the  
15 Proposed Order, at Paragraph 13, on Page 4, lines 4-9, requires parties to post a list of their  
16 witnesses along with a short summary of testimony and a time estimate, on September 15, 2008.  
17 Not only does this conflict need to be resolved, the Court’s directives at the hearing focused on  
18 expert (not non-expert) designations by August 15. It is therefore submitted that the portion of  
19 Paragraph 4, on Page 2, lines 3-5, that purports to require parties to identify and make available  
20 “non-expert witnesses,” by posting their names and statements of availability for deposition on  
21 the Court’s website on August 15, 2008 be stricken or that the date be changed to September 15,  
22 2008.

23 **5. Paragraph 8 [Witness Testimony]:** The Proposed Order, at Paragraph 8, on Page 3,  
24 lines 11-12, purports to give a party the ability to “notice” a date for an expert witness  
25 deposition, in the event the parties cannot agree to a date, then seek to have that witness excluded  
26 from testifying at trial. No recognition is given to the Court’s clear directive that the parties  
27  
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1 coordinate the scheduling of depositions (and in particular, expert depositions) to accommodate  
2 the schedules of the experts and parties. This language should be softened.

3 **6. New Paragraph [Posting of Identification of Data]:** The Court instructed counsel  
4 for Los Angeles County Waterworks District No. 40, on behalf of the public water purveyors, to  
5 post and file a list that identifies and summarily describes the data that the public water  
6 purveyors and their experts have generated and obtained, and to make the data on the hard drive  
7 more readily available to all parties; however, the [Proposed] Case Management Order makes no  
8 reference to that directive. It is therefore submitted that a new paragraph (suggested to be  
9 numbered 4 and inserted before the series of paragraphs respecting experts witnesses) that reads  
10 as follows: "Counsel for Los Angeles County Waterworks District No. 40, on behalf of the  
11 public water purveyors, shall post and file a list that identifies and summarily describes the data  
12 that any of the public water purveyors and/or their experts have generated and obtained, whether  
13 or not they intend to rely upon or introduce that data in the Phase 2 Trial. Counsel for Los  
14 Angeles County Waterworks District No. 40, on behalf of the public water purveyors, shall also  
15 promptly make the computer data described as being 'on the hard drive' available to all parties  
16 and counsel, without need for a formal request."

17  
18 Dated: August 12, 2008.

Respectfully Submitted,

19 GRESHAM SAVAGE NOLAN & TILDEN,  
20 a Professional Corporation

21 By: 

22 Michael Duane Davis  
23 Attorneys for Service Rock Products  
24 Corporation and Sheep Creek Water Company

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**CONCURRED IN / JOINED IN**

**Antelope Valley Groundwater Agreement Association:**

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**

By: 

Michael T. Fife, Attorneys for Antelope Valley  
Groundwater Agreement Association

**Diamond Farming Company and Crystal Organic Farms, LLC:**

**LEBEAU-THELEN, LLP**

By: \_\_\_\_\_

Bob H. Joyce, Attorneys for Diamond Farming  
Company and Crystal Organic Farms, LLC

**Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc.:**

**CLIFFORD & BROWN, APC**

By: \_\_\_\_\_

Richard G. Zimmer, Attorneys for Bolthouse  
Properties, LLC and Wm. Bolthouse Farms, Inc.

**Van Dam Family:**

**YOUNG WOOLDRIDGE, LLP**

By: \_\_\_\_\_

Scott K. Kuney, Attorneys for Craig Van Dam,  
Delmar D. Van Dam, Gary Van Dam and  
Gertrude J. Van Dam

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Michael T. Fife, Attorneys for Antelope Valley  
Groundwater Agreement Association

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**LEBEAU-THELEN, LLP**

By:  \_\_\_\_\_  
Bob H. Joyce, Attorneys for Diamond Farming  
Company and Crystal Organic Farms, LLC

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**CLIFFORD & BROWN, APC**

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**Van Dam Family:**

**YOUNG WOOLDRIDGE, LLP**

By: \_\_\_\_\_  
Scott K. Kuney, Attorneys for Craig Van Dam,  
Delmar D. Van Dam, Gary Van Dam and  
Gertrude J. Van Dam

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Bob H. Joyce, Attorneys for Diamond Farming  
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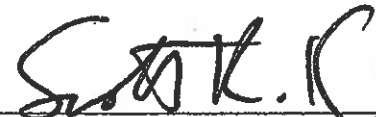
**Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc.:**

**CLIFFORD & BROWN, APC**

By: \_\_\_\_\_  
Richard G. Zimmer, Attorneys for Bolthouse  
Properties, LLC and Wm. Bolthouse Farms, Inc.

**Van Dam Farms:**


**YOUNG WOOLDRIDGE, LLP**

By:  \_\_\_\_\_  
Scott K. Kuney, Attorneys for Craig Van Dam,  
Delmar D. Van Dam, Gary Van Dam and  
Gertrude J. Van Dam

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**Willis Class:**

**KRAUSE KALFAYAN BENINK &  
SLAVENS, LLP**

By:   
Ralph B. Kalfayan, Esq.  
David B. Zlotnick, Esq.  
Attorneys for Plaintiff, Rebecca Lee Willis  
and the Class



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**PROOF OF SERVICE**  
**STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

Re: *ANTELOPE VALLEY GROUNDWATER CASES*  
Los Angeles County Superior Court Judicial Council Coordinated  
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 3750 University Avenue, Suite 250, Riverside, CA 92501-3335.

On August 12, 2008, I served the foregoing document(s) described as **OBJECTIONS TO [PROPOSED] CASE MANAGEMENT ORDER FOR PHASE 2 TRIAL BY CROSS-DEFENDANTS, SERVICE ROCK PRODUCTS CORPORATION AND SHEEP CREEK WATER COMPANY** on the interested parties in this action in the following manner:

( X ) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases,

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 12, 2008, at Riverside, California.

  
TERI D. GALLAGHER