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6 California corporation dba Joshua Memorial Park

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES**
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11 Coordination Proceeding) Judicial Council Coordination
12 Special Title (Rule 1550(b))) Proceeding No. 4408
13)
14 **ANTELOPE VALLEY**) Santa Clara Case No. 1-05-CV-049053
15 **GROUNDWATER CASES**) Assigned to the Honorable Jack Komar
16) Department 17C
17 Including **Consolidated** Actions:)
18 **Los Angeles County Waterworks District**) **JOINT STATUS CONFERENCE**
19 **No. 40 v. Diamond Farming Co.**) **STATEMENT AND REQUEST FOR**
20 Superior Court of California, County of Los) **PROVE-UP HEARING REGARDING SCI**
21 Angeles, Case No. BC 325 201) **CALIFORNIA FUNERAL SERVICES, INC.,**
22) **A CALIFORNIA CORPORATION DBA**
23 **Los Angeles County Waterworks District**) **JOSHUA MEMORIAL PARK'S**
24 **No. 40 v. Diamond Farming Co.**) **GROUNDWATER PRODUCTION RIGHT**
25 Superior Court of California, County of) **CLAIM**
26 Kern, Case No. S-1500-CV-254-348)
27 **Wm. Bolthouse Farms, Inc. v. City of**) Date: December 8, 2020
28 **Lancaster**) Time: 8:30 a.m.
Diamond Farming Co. v. City of) Judge: Hon. Jack Komar, Judge
Lancaster)
Diamond Farming Co. v. Palmdale) **[Hearing to be conducted by Courtcall]**
Water Dist.)
Superior Court of California, County of)
Riverside, consolidated actions, Case Nos.)
RIC 353 840, RIC 344 436, RIC 344 668)
AND RELATED ACTIONS.)
_____)

1 **JOINT STATUS CONFERENCE STATEMENT AND REQUEST FOR PROVE-UP**
2 **EVIDENTIARY HEARING**

3 The undersigned parties submit the following Joint Status Conference Statement and
4 Request for Prove-up Hearing ahead of the December 8, 2020, status conference hearing, with
5 respect to SCI California Funeral Services, Inc., A California Corporation dba Joshua Memorial
6 Park’s (“Joshua Memorial”) Groundwater Production Right Claim.

7 As set forth more fully herein, the undersigned parties have conducted court-ordered
8 discovery, engaged in substantive negotiations, and have reached a proposed resolution of Joshua
9 Memorial’s Judgment Section 5.1.10 Groundwater Production Right claim. The parties request
10 that the Court expand the December 8, 2020 status conference to include setting an evidentiary
11 “prove-up” hearing as required by Judgment Section 5.1.10, as well as a briefing schedule.

12 **I. STATEMENT OF THE CASE**

13 On November 14, 2019, the Court heard Joshua Memorial’s Motion to Intervene
14 (“Motion”) in the December 23, 2015 Judgment and Physical Solution (“Judgment”) in the above-
15 captioned action, the Antelope Valley Groundwater Adjudication (“Adjudication”).

16 Joshua Memorial sought, by its Motion: (1) to intervene pursuant to Paragraph 20.9 of the
17 Judgment, and (2) to be granted a Production Right of 122 acre-feet per year as a Non-Stipulating
18 Party pursuant to paragraph 5.1.10 of the Judgment.

19 Certain Landowner Parties filed an Amended Joint Opposition to the Motion, opposing the
20 granting of a Production Right. Those Landowner parties included: Tejon Ranchcorp; AVEK;
21 County Sanitation Districts 14 and 20 of Los Angeles County; State of California; Santa Monica
22 Mountains Conservancy; 50th District Agricultural Association; Wm. Bolthouse Farms and
23 Bolthouse Properties, LLC; and, City of Los Angeles and Los Angeles World Airports. Palmdale
24 Water District filed a joinder and the Antelope Valley Watermaster filed a limited joinder to the
25 Amended Joint Opposition. U.S. Borax, Inc., subsequently participated in negotiations discussed
26 further below. The foregoing parties are collectively referred herein to as the “Opposing Parties”.

1 Following the hearing on the Motion, the Court issued its written Order which granted
2 Joshua Memorial's request to intervene in the Judgment pursuant to Section 5.1.10 of the
3 Judgment. The Order directs that a hearing will be scheduled to take evidence and consider
4 objections to the request for specific quantities of pumping rights for Joshua Memorial. The Order
5 further provides that Parties may propose to engage in specified discovery, to be submitted to the
6 Court for approval after the parties have met and conferred.

7 **II. DISCOVERY**

8 Joshua Memorial and the Opposing Parties presented the Court with a Stipulation and
9 Order for Discovery, which Order was entered by the Court on December 10, 2019 ("Discovery
10 Order"). Joshua Memorial represents that it has produced all required documents and
11 information under the Discovery Order on May 14, 2020. The Opposing Parties have evaluated
12 the discovery materials produced by Joshua Memorial.

13 **III. SETTLEMENT**

14 The parties have conducted substantive settlement discussions and have reached a
15 proposed resolution regarding an appropriate Judgment Section 5.1.10 Production Right for
16 Joshua Memorial, including a substantial reduction from Joshua Memorial's historical
17 groundwater production and providing for payment of applicable assessments under the
18 Judgment. No other Stipulating Party has objected to Joshua Memorial's Judgment Section
19 5.1.10 Production Right claim.

20 **IV. REQUEST FOR EVIDENTIARY HEARING SETTING CONFERENCE,
21 ORDER SCHEDULING HEARING FOR PRESENTATION OF
22 EVIDENCE, AND BRIEFING SCHEDULE**

23 Joshua Memorial and the Opposing Parties request an evidentiary hearing to prove-up the
24 proposed resolution of Joshua Memorial's Production Right claim, as provided under Judgment
25 Section 5.1.10. Specifically, the parties propose the following process for the Court's
26 consideration and approval:

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- The Court expand the December 8, 2020, status conference for the purpose of setting a Section 5.1.10 evidentiary prove-up hearing.
- The Court schedule the Section 5.1.10 evidentiary prove-up hearing in late January, and that notice be given to all parties.
- Sixteen (16) court days prior to the evidentiary prove-up hearing, Joshua Memorial shall file and serve a “prove-up package” including a written brief, declarations in lieu of live testimony, and related evidence, and a stipulation with the Opposing Parties, supporting Joshua Memorial’s Section 5.1.10 Production Right claim.
- Nine (9) court days prior to the evidentiary prove-up hearing, any Stipulating Party with standing to object to Joshua Memorial’s claim or evidence shall file and serve objections thereto, together with the legal, technical and factual basis for such objections, and shall give notice of intent to appear at the hearing.
- If no such objections are filed, and if the Court has no objection, the parties would request the Court deem the Joshua Memorial evidence and declarations in lieu of testimony admitted into evidence, and enter an order establishing Joshua Memorial’s right to produce groundwater and pay any applicable assessments.

V. CONCLUSION

Joshua Memorial and the Opposing Parties respectfully request the Court consider the process and schedule outlined herein for proving up the settlement of Joshua Memorial’s Section 5.1.10. Production Right claim.

November 30, 2020

GRESHAM SAVAGE NOLAN & TILDEN, PC

By: /s/ *Derek R. Hoffman*
Derek R. Hoffman,
Attorneys for SCI CALIFORNIA FUNERAL
SERVICES, INC., a California Corporation dba
JOSHUA MEMORIAL PARK

1 November 30, 2020

KUHS & PARKER

2 By: /s/Robert G. Kuhs
3 Robert G. Kuhs,
4 Attorneys for TEJON RANCHCORP

5 November 30, 2020

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6 By: /s/James L. Markman
7 James L. Markman,
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9 WATER AGENCY

10 November 30, 2020

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11 By: /s/Christopher Sanders
12 Christopher Sanders,
13 Attorneys for COUNTY SANITATION DISTRICTS 14
14 AND 20 OF LOS ANGELES COUNTY

15 November 30, 2020

STATE OF CALIFORNIA OFFICE OF
16 ATTORNEY GENERAL

17 By: /s/Noah Golden Krasner
18 Noah Golden-Krasner,
19 Attorneys for STATE OF CALIFORNIA; SANTA
20 MONICA MOUNTAINS CONSERVANCY; 50th
21 DISTRICT AGRICULTURAL ASSOCIATION

22 November 30, 2020

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23 By: /s/Richard G. Zimmer
24 Richard Zimmer,
25 Attorneys for Wm. BOLTHOUSE FARMS AND
26 BOLTHOUSE PROPERTIES, LLC

1 November 30, 2020

KRONICK MOSKOVITZ TIEDEMANN & GIRARD

2 By: /s/Stanley C. Powell
3 Stanley C. Powell,
4 Attorneys for CITY OF LOS ANGELES AND LOS
5 ANGELES WORLD AIRPORTS

6 November 30, 2020

MORRISON & FOERSTER LLP

7 By: /s/William M. Sloan
8 William M. Sloan,
9 Attorneys for U.S. BORAX INC.

10 November 30, 2020

LAGERLOF, LLP

11 By: /s/Thomas S. Bunn
12 Thomas S. Bunn III,
13 Attorneys for PALMDALE WATER DISTRICT

14 November 30, 2020

PRICE, POSTEL & PARMA LLP

15 By: /s/Craig A. Parton
16 Craig A. Parton,
17 Attorneys for ANTELOPE VALLEY WATERMASTER
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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

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 San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 550 East Hospitality Lane, Suite 300, San Bernardino, CA 92408-4205.

On November 30, 2020, I served the foregoing document(s) described **JOINT STATUS CONFERENCE STATEMENT AND REQUEST FOR PROVE-UP HEARING REGARDING SCI CALIFORNIA FUNERAL SERVICES, INC., A CALIFORNIA CORPORATION DBA JOSHUA MEMORIAL PARK'S GROUNDWATER PRODUCTION RIGHT CLAIM** on the interested parties in this action in the following manner:

(X) **BY ELECTRONIC SERVICE** – I caused such document(s) listed above to be electronically served, via One Legal, to all parties appearing on the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases; proof of electronic-filing through One Legal is then printed and maintained with the original documents in our office. Electronic service is complete at the time of transmission. My electronic notification email address is dina.snider@greshamsavage.com,

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

Executed on November 30, 2020 at San Bernardino, California.


DINA M. SNIDER