

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

Coordination Proceeding  
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER CASES**

Included Actions:

*Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.*, Superior Court of California, County of Los Angeles, Case No. BC 325 201

*Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.*, Superior Court of California, County of Kern, Case No. S-1500-CV-254-348

*Wm. Bolthouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist.* Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

*Willis v. Los Angeles County Waterworks District No. 40*, Superior Court of California, County of Los Angeles, Case No. BC 364 553

*Wood v. Los Angeles County Waterworks District No. 40*, Superior Court of California, County of Los Angeles, Case No. BC 391869

*Wood v. A.V. Materials, Inc., et al.*, Superior Court of California, County of Los Angeles, Case No. BC 509546

*Wood v. County of Los Angeles*, Superior Court of California, County of Los Angeles, Case No. BS 143790 [ADD-ON PETITION IS PENDING]

Judicial Council Coordination  
Proceeding No. 4408

For Court's Use Only:  
Santa Clara County Case No.  
1-05-CV-049053  
(for E-Posting/E-Service  
Purposes Only)

Date/Time: Friday, September 26, 2014

10:00 AM

Location: Department 20

Superior Court of California  
County of Santa Clara

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*Antelope Valley Groundwater Cases (JCCP 4408)  
Los Angeles County Superior Court, Case No. BC 325 201  
September 26, 2014 (10:00AM) / Hon. Jack Komar*

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Present: Hon. Jack Komar, Judge  
Lisa Brown, Reporter

Bob Gutierrez, Rowena Walker, Clerks (SC)  
Tyler Fleckner, C.A. Deputy Sheriff (SC)

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MINUTE ORDER:

**Ex Parte Application by Phelan Piñon Hills Community Services District ("PPH") for Continuance of October 7, 2014 Trial and Adoption of Litigation Schedule**

The Court GRANTS the application. The Court sets a conference call for **October 7, 2014 at 1:30 p.m., via CourtCall**, so that parties can provide a status report on trial readiness. The October 7, 2014 trial, as it relates to PPH, is continued to **November 4, 2014 at 9:00 a.m. in Los Angeles**; pretrial documents, including but not limited to, trial briefs and motions in limine, are due by October 31, 2014. PPH may take an additional deposition of District No. 40's expert witness, Dr. Dennis Williams, as soon as possible.

**Ex Parte Application by Blum Trust to Exceed Page Limit in Memorandum of Points and Authorities for Motion for Summary Judgment/Summary Adjudication**

The hearing on the motion by Blum Trust for summary judgment/summary adjudication is reserved for Monday, December 22, 2014 at 10:00 a.m., San Jose, Department TBD. The Court GRANTS five additional pages for the supporting papers.

**Status Conference: Global Settlement and Issue of Wood Class Attorneys' Fees**

Attorney Jeffrey Dunn reported that issues related to the Wood Class attorneys' fees remain unresolved, but that parties continue to meet and confer. Parties are ordered to report to the Court with a status report at the October 7, 2014 conference call.

**Motion by Charles Tapia and the Nellie Tapia Family Trust to Set Aside Default in Cross-Complaint and Request for Sanctions**

The Court GRANTS the motion. The answer will be deemed filed as of today.

**Ex Parte Application by the Wood Class for Order Modifying Court-Appointed Expert Firm Name**

The Court GRANTS the unopposed application. The Court-appointed expert Timothy Thompson, formerly of Cardno-Entrix, has moved to a new firm, GSI Water Solutions, Inc. Accordingly, the Court-appointed expert work will continue under the name of GSI Water Solutions, Inc. Payments for approved invoices will be made payable to GSI Water Solutions, Inc. All other provisions of prior orders relating to the Court-appointed expert will remain the same, including the requirement to transmit checks to the expert to the Law Offices of Michael D. McLachlan for accounting purposes. This order does not change the obligation to pay amounts owed on outstanding invoices from Cardno Entrix.

**Ex Parte Application by the Wood Class for Order Compelling Defendants to Pay Court-Appointed Expert Invoices**

*NO PAPERS FILED; MATTER IS TAKEN OFF CALENDAR.*

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*Antelope Valley Groundwater Cases (JCCP 4408)  
Los Angeles County Superior Court, Case No. BC 325 201  
September 26, 2014 (10:00AM) / Hon. Jack Komar*

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**Motion by Antelope Valley Mobile Estates, LLC to be a Class Member of the "Small Pumpers" (Wood) Class**

The Court sets the matter for hearing on October 31, 2014 at 1:30 p.m.

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**NOTICES OF INTENT TO PARTICIPATE IN TRIAL ON THE ISSUES RELATED TO PPH FILED BY:**

- Phelan Piñon Hills Community Services District – **Attorney Wesley Miliband**
- City of Los Angeles – **Attorney Janet Goldsmith**
- Los Angeles County Waterworks District No. 40 – **Attorney Jeffrey Dunn**
- Palmdale Water District – **Attorney Thomas Bunn**
- Rosamond Community Services District and City of Lancaster – **Attorney Douglas Evertz**
- The George and Charlene Lane Family Trust; Landinv, Inc.; Burrows, Bruce - 300 A 40 H, LLC; A. V. Materials, Inc.; The Frank and Yvonne Lane Family Trust, Dated March 5, 1993 as Restated July 20, 2000; LITTLE ROCK SAND AND GRAVEL, INC. – **Attorney Theodore Chester**
- State of California and State of California's 50<sup>th</sup> District Agricultural Association – **Attorney Noah Golden-Krasner**
- City of Palmdale – **Attorney James Markman**
- North Edwards Water District; Big Rock Mutual Water Company; Palm Ranch Irrigation District; Llano-Del Rio Water Company; Littlerock Creek Irrigation District; Llano Mutual Water Company; Desert Lakes Community Services District – **Attorney Wayne Lemieux**
- Gertrude J. Van Dam; Craig Van Dam; Gary Van Dam; WDS California II, LLC; Delmar Van Dam – **Attorney Scott Kuney**
- United States of America – **Attorney Lee Leininger, Attorney James Dubois**
- Antelope Valley East-Kern Water Agency – **Attorney William Brunick**
- Lapis Land Company, LLC; Diamond Farming Company; Crystal Organic Farms LLC; Grimmway Enterprises, Inc. – **Attorney Bob Joyce**
- Granite Construction Company; Tejon Ranchcorp – **Attorney Robert Kuhs**
- Antelope Valley Ground Water Agreement Association – **Attorney Michael Fife**
- U.S. Borax, Inc. – **Attorney William Sloan**
- Wm. Bolthouse Farms, Inc.; Bolthouse Properties, LLC. – **Attorney Richard Zimmer**
- West Valley County Water District – **Attorney Arnold Graham**

**PARTIES/ATTORNEYS OF RECORD:**

By CourtCall:

Barnes, Marlon  
Blum, Sheldon  
Brady, Andrew  
Brumfield, \*Robert - L'James, Heather  
Brunick, William  
Bunn, Thomas  
Carlson, William  
Chester, Theodore  
Donato, Frank  
Evertz, Douglas  
Fife, Michael  
Flory, Dan  
Golden-Krasner, Noah  
Graham, Arnold  
Hoffman, Derek  
Holmes, Kyle  
Hughes, Joseph  
Joyce, Bob  
Kalfayan, Ralph  
Kuhs, Robert  
Kuney, Scott  
Leggio, Anthony  
Leininger, Lee  
Lemeiux, W. Keith  
Levin, Marilyn  
Markman, \*James, with Skahan, Patrick  
Nelson, Bruce  
O'Leary, Daniel  
Parris, Rob  
Powell, Stanley  
Ramos, Andrew  
Renwick, Edward  
Rudderow, Daniel  
Rusinek, Walter  
Sanders, Christopher  
Satalino, Frank  
Sloan, William  
Ukkestad, John

Wang, Wendy  
Wellen, Warren  
Wilson, Walter  
Wood, Richard  
Worth, James

Appearing in Court are Jeffrey V. Dunn on behalf of L.A. County Waterworks District No. 40 and Wesley A. Miliband on behalf of Phelan Piñon Hills Community Services District.

**REPORTER:**

Lisa Brown - (408) 882-2125

**EVENT CALENDAR:**

October 7, 2014 Via CourtCall	1:30pm	Conference Call with the Court
October 10, 2014 Location TBD	No Time	Due Date for Settlement Submission, after which the Court will set a hearing date
October 31, 2014	No Time	Due Date for Submission of Pretrial Documents for Trial (PPH)
October 31, 2014 Via CourtCall	1:30pm	Motion by Antelope Valley Mobile Estates, LLC to be a Class Member of the "Small Pumpers" (Wood) Class
November 4, 2014 Los Angeles, Room 222	9:00am	Trial/PPH (3 days)
December 22 2014 (San Jose, Dept TBD)	10:00am	Hearing on Blum Trust motion for summary judgment – date/time/location TBD

**MATTERS OFF CALENDAR AND CONTINUED UNTIL FURTHER ORDER OF THE COURT:**

<del>April 4, 2014</del>	9am	Ex Parte Application by the United States to continue briefing schedule on the Federal Reserve Right Claim (currently: closing brief due April 2, 2014; opposition brief due April 22, 2014; reply brief due 5/1/14; stands submitted as of 5/1/14.  Ex Parte Application by the Public Water Suppliers to Extend Date to Respond to Phase 6 Discovery Order
<del>April 7, 2014</del> Dept 41, Room 417, 4 <sup>th</sup> Fl. Los Angeles	9am	AGWA's Motions, including, but not limited to: (1) Motion for Judgment on the Pleadings; (2) Motion in Limine for an Order Establishing the Evidentiary Standard for Notice for Proof of Prescription by the Public Water Purveyors; (3) Motion in Limine for an Order Establishing the Necessity of the Public Water Purveyors Proving the Elements of Prescription as to Each Landowner; and (4) Motion for Order Setting Matter for Jury Trial  Joinders to the above motion by the Bolthouse Entities  (Continued) Trial, Phase 5 (return flows, federal reserve rights); Wm. Bolthouse Farms, Inc.'s Motion for Non-Suit on the Federal Reserve Right Claim
<del>August 4, 2014</del> Old Dept 1, Los Angeles	9am	Trial, Phase 6 (prescription + remaining issues)