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(SPACE BELOW FOR FILING STAMP ONLY)

9 Attorneys for White Fence Farms Mutual Water Co. Inc., El Dorado Mutual Water Co., West
10 Side Park Mutual Water Co., Shadow Acres Mutual Water Co., Antelope Park Mutual Water
11 Co., Averydale Mutual Water Co., Sundale Mutual Water Co., Evergreen Mutual Water Co.,
12 Aqua J Mutual Water Co., Bleich Flat Mutual Water Co., Colorado Mutual Water Co.,
13 Sunnyside Farms Mutual Water Co., Land Projects Mutual Water Co., Tierra Bonita Mutual
14 Water Co. and Landale Mutual Water Co.; **collectively known as A.V. United Mutual Group**

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

12 **ANTELOPE VALLEY**
13 **GROUNDWATER CASES**

14 Included Actions:
15 Los Angeles County Waterworks District
16 No. 40 v. Diamond Farming Co., Superior
17 Court of California, County of Los Angeles,
18 Case No.: BC 325201;

19 Los Angeles County Waterworks District
20 No. 40 v. Diamond Farming Co., Superior
21 Court of California, County of Kern, Case
22 No.: S-1500-CV-254-348;

23 Wm. Bolthouse Farms, Inc. v. City of
24 Lancaster, Diamond Farming Co. v. City of
25 Lancaster, Diamond Farming Co. v.
26 Palmdale Water Dist., Superior Court of
27 California, County of Riverside, Case Nos.:
28 RIC 353 840, RIC 344 436, RIC 344 668

Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40, et al.

Judicial Council Coordination Proceeding
No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

A.V. UNITED MUTUAL GROUP'S
OBJECTION TO PURVEYORS'
[PROPOSED] CASE MANAGEMENT
ORDER FOR PHASE 2 TRIAL

25 A.V. United Mutual Group hereby objects to Paragraph 6 of the [PROPOSED] CASE
26 MANAGEMENT ORDER submitted by Richards, Watson & Gershon which contains the
27 directive that "a coordination or liaison committee" be formed for the Phase 2 trial. The
28

1 formation of any Designated Counsel among the non-purveyor parties would be cataclysmic for
2 their procedural due process rights and should be stricken from any Case Management Order. In
3 this litigation the purveyors present a united front. Their stance on issues concerning the
4 existence of sub-basins, overdraft and prescription are all the same. If they choose to form
5 litigation committees to streamline their presentations at trial, they should.

6 The non-purveyor parties, conversely, differ considerably on many issues, and due
7 process would not be served if they all were unable to present their cases individually. As an
8 example, in the upcoming Trial Phase 2A, three or four of the non-purveyor parties believe there
9 are distinct sub-basins in the Antelope Valley, while many other non-purveyor parties do not
10 believe such sub-basins exist. In order to provide each party interested in the issue to have an
11 opportunity to be heard, participation must be more than simply "raising issues or concerns to the
12 other parties." Any type of Designated Counsel, whether Liaison, Lead or Trial, is a threat to the
13 due process rights of the non-purveyor parties, and appears to be a "divide and conquer" strategy
14 proposed by the purveyors. The Court should not countenance this type of maneuvering.

15 CONCLUSION

16 Due to serious issues concerning the due process rights of the non-purveyor parties, and
17 the potential for conflicts of interest among the members of that group, A.V. United Mutual
18 Group opposes the nomination of any Designated Counsel for the non-purveyor group of parties
19 in this action. Paragraph 6 of the [PROPOSED] CASE MANAGEMENT ORDER FOR PHASE
20 2 TRIAL should be stricken. If Paragraph 6 is removed from the Order, A.V. United Mutual
21 Group withdraws its objection.

22 Dated: August 13, 2008

COVINGTON & CROWE, LLP

23
24 By: 

ROBERT E. DOUGHERTY

WILLIAM A. HAUCK

JESSE T. MORRISON

25
26 Attorneys for Cross-Defendants and Cross-
27 Complainants A.V. United Mutual Group

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2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

4 I am employed in the County of San Bernardino, State of California. I am over the
5 age of 18 and not a party to the within action; my business address is Covington & Crowe,
6 LLP, 1131 West Sixth Street, Suite 300, Ontario, California 91762.

7 On **August 13, 2008**, I served the foregoing document described as
8 **A.V. UNITED MUTUAL GROUP'S OBJECTION TO PURVEYORS' [PROPOSED]**
9 **CASE MANAGEMENT ORDER FOR PHASE 2 TRIAL** on the interested parties in this
10 action:

11 by posting the document listed above to the Santa Clara County Superior Court e-
12 filing website under the Antelope Valley Groundwater matter pursuant to the
13 Court's Order dated October 27, 2005.

14 by placing the original a true copy thereof enclosed in a sealed envelope
15 addressed as follows:

16 BY MAIL

17 * I deposited such envelope in the mail at Ontario, California. The envelope
18 was mailed with postage thereon fully prepaid.

19 As follows: I am "readily familiar" with the firm's practice of collection and
20 processing correspondence for mailing. Under that practice it would be deposited with
21 U.S. Postal Service on that same day with postage thereon fully prepaid at Ontario,
22 California, in the ordinary course of business. I am aware that on motion of the party
23 served, service is presumed invalid if postal cancellation date or postage meter date is
24 more than one day after date of deposit for mailing in affidavit.

25 **BY PERSONAL SERVICE** I delivered such envelope by hand to the offices of
26 the addressee.

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

Executed on **August 13, 2008**, at Ontario, California.

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DOLORES C. CRUZ