

JUN 01 2010

John A. Glavin, Clerk of the Court

By Raul Sanchez

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER
CASES**

Judicial Council Coordination
Proceeding No. 4408

Included Consolidated Actions:

Lead Case No. BC 325 201

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

**ORDER AFTER CASE
MANAGEMENT CONFERENCE
ON MAY 6, 2010**

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

Hearing Date(s): May 6, 2010
Time: 9:00 a.m.
Location: Department 1, LASC

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

Judge: Honorable Jack Komar

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

Richard A. Wood v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los

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The matter came on as a regularly scheduled telephonic Case Management Conference on May 6, 2010 in Department One in the above entitled Court. All parties appeared by telephone. Those parties appearing are listed in the minutes of the Court prepared by the Clerk of Court.

The parties having briefed and argued the issues, good cause appearing, the Court makes the following Case Management order:

ORDERS AMENDING THE MARCH 22, 2010 ORDER AFTER CASE MANAGEMENT CONFERENCE

The Third Phase of Trial remains scheduled for September 27, 2010 at 9:00 a.m. in Department One of this Court. The time of trial remains estimated at 10 court days. The Court will be in session for trial Monday through Thursday of each week. If additional days of trial are required, the Court will schedule such after conferring with the parties.

The Request of Grimmway Enterprises, Inc., Lapis Land Company, LLC, Crystal Organics, LLC and Diamond Farming Company to Modify the March 22, 2010 Case Management Order, posted on April 30, 2010, is granted as follows: the time for parties to comply with the provisions of Code of Civil Procedure Section 2034.210 and engage in a simultaneous disclosure and exchange of expert information, including any reports prepared by such experts, is extended from July 1, 2010 to **July 15, 2010**. The time for any supplemental disclosures and exchange of information is extended from July 15, 2010 to **July 29, 2010**. The time for expert depositions to be conducted is amended to **between July 29, 2010 and September 13, 2010**.

On July 15, 2010, any party who intends to call non-expert witnesses to provide percipient testimony shall file a statement listing such witness, the subject matter of their testimony, and an estimate of the amount of time required for their testimony on direct.

All discovery shall be completed in compliance with the Code of Civil Procedure 30 days before trial and all motions shall be heard no later than 15 days before trial.

1 Trial briefs and motions in limine shall be filed no later than September 15, 2010 and
2 any responses or opposition shall be filed no later than September 24, 2010.

3 The public water provider parties have essentially alleged that the basin is in overdraft,
4 that extraction of water on an annual basis exceeds recharge, and that the basin will suffer
5 serious degradation and damage unless the Court exercises its equitable jurisdiction. In this third
6 phase of trial, the Court will hear evidence to determine whether the basin, as previously defined
7 by the Court in trial phases one and two, is in such overdraft and to determine whether there is
8 a basis for the Court to exercise its equitable jurisdiction, including the implementation of a
9 “physical solution,” as prayed for by the public water provider parties. The public water
10 providers have the burden of proof.

11 The Court will not hear any evidence concerning prescription claims nor does it expect
12 to hear evidence of individual pumping of water by any party within the basin; rather, it expects
13 to hear evidence concerning total pumping and total recharge from all sources, with a further
14 breakdown showing the amount of imported water on an annual basis.

15 **WOOD PLAINTIFFS’ MOTION TO DISQUALIFY**

16 The Motion by the Wood Plaintiffs to Disqualify the Law Firm of Lemieux & O’Neill is
17 denied based upon the information provided to the Court.

18 **WOOD PLAINTIFFS’ MOTION FOR ALLOCATION OF EXPERT WITNESS**
19 **FEES**

20 On March 25, 2010, the Wood Plaintiffs submitted a Proposed Order re Motion for
21 Allocation of Expert Witness Fees, providing that the twelve named “Public Water Suppliers”
22 equally share the costs of Entrix in the amount of \$4,784.68. Objections thereto were filed by
23 the Cities of Lancaster and Palmdale. After considering the pleadings filed by all parties, the
24 Court finds the fees incurred to date by Entrix, in the amount of \$4,784.68 are reasonable, but
25 modifies the order to exclude the Cities of Lancaster and Palmdale from obligation as neither of
26 those parties are making claims against the these landowners.

27 The Court hereby orders the following public water suppliers to pay this bill directly to
28 Entrix within fourteen days (14) of this order. The following ten public water suppliers are

1 ordered to pay this bill, in equal shares: Rosamond Community Services District, Los Angeles
2 County Waterworks District No. 40, Littlerock Creek Irrigation District, Palm Ranch Irrigation
3 District, North Edwards Water District, Desert Lake Community Services District, California
4 Water Service Company, Quartz Hill Water District, Palmdale Water District and Phelan Pinon
5 Hills Community Services District.

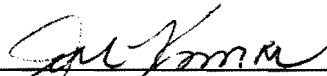
6 Further, the request of Richard Wood to authorize the court-appointed expert to
7 commence the work outlined in the proposal from Entrix, which was attached to the moving
8 papers, is denied without prejudice based on the decision that no evidence of individual
9 pumping will be heard at the Phase III trial, as set forth in the Court's March 22, 2010 Order.

10 **TRANSFeree/TRANSFEROR OBLIGATION**

11 Regarding the Proposed Order submitted by Tejon Ranchcorp on January 4, 2008 re
12 Jurisdiction over Transferees of Property, previously granted by the Court in open hearings, the
13 Court hereby confirms that it will defer signing said Order until further briefing and hearing of
14 the issues by the parties. The Court requests that the proponent of this transfer document file by
15 May 24, 2010, a formal motion to modify it and apply it appropriately; briefing deadlines shall
16 be per Code of Civil Procedure; the hearing date is set for **June 14, 2010 at 9:00 a.m. in**
17 **Department 1, Los Angeles County Superior Court.**

18 SO ORDERED.
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20 Dated: May 25, 2010

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22 Honorable Jack Komar
23 Judge of the Superior Court
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