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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER  
CASES**

Included Consolidated 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

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

Judicial Council Coordination  
Proceeding No. 4408

Lead Case No. BC 325 201

**ORDER AFTER HEARINGS HELD  
ON NOVEMBER 18, 2010**

Hearing Date(s): November 18, 2010  
Time: 9:00 a.m.  
Location: Department 1, LASC

Judge: Honorable Jack Komar

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3 The Court heard the following regularly noticed and served motions on November 18,  
4 2010 at 9:00 a.m. in Department 1 of the Los Angeles County Superior Court. Counsel who  
5 appeared in person and by telephone are listed in the clerk's minutes. All matters were briefed,  
6 oral argument was had, the matters were submitted, and the Court made the following Orders:

- 7
- 8 1. **Motion by Willis Class for Preliminary Approval of Class Action.** The motion is  
9 granted in a separate detailed order. Plaintiff shall modify the Notice to Class to  
10 permit mailing of objections to Court/counsel rather than a filing date, to advise that  
11 class members may attend the hearing without prior notice, and that even if all parties  
12 agree as to safe yield, the Court ultimately must decide safe yield and overdraft issues  
13 based on evidence to be presented in open court. The notice to class members must  
14 reflect that court determination of physical solution cannot be limited by the Class  
15 Settlement. Finally, if the settlement is approved as an interim or interlocutory  
16 judgment, the settlement must ultimately be incorporated into a final judgment in the  
17 coordinated cases dealing with correlative water rights within the Antelope Valley  
18 adjudication matter. It must reflect in the Order and any judgment that the settlement  
19 between the parties may not affect parties who are not parties to the settlement,  
20 notwithstanding any future incorporation into an interim, interlocutory or final  
21 judgment.
  - 22 2. **Motion by New Anaverde to substitute parties and to file supplemental Cross**  
23 **Complaint to conform to new party.** Granted by separate order filed herein.
  - 24 3. **Motion by Tejon to declare Burrows v. Tejon (MC 021281 Los Angeles County)**  
25 **a related case to JCCP 4408.** Motion denied for the reasons stated on the record by  
26 the Court at the time of hearing the motion.  
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1 A case management conference was heard following the hearing on the above motions.  
2 The Court made the following orders:

3 A pretrial conference is scheduled for December 15, 2010 at 9:00 a.m. in Department 1  
4 of the Los Angeles Superior Court. The parties shall file pretrial statements describing each  
5 witness any party intends to call during the Phase 3 trial, describe briefly the nature of such  
6 witnesses intended testimony, and the length of time expected to be used by such witness on  
7 direct testimony. Any party wishing to have *in limine* motions heard and considered at the pre-  
8 trial conference shall file the same promptly. Oppositions to any such motions *in limine* shall be  
9 filed within seven (7) days of receipt of such motions. This hearing of *in limine* motions does  
10 not supplant the dates previously scheduled for filing and hearing in *in limine* motions but any  
11 party filing such motion for hearing on December 15, 2010 shall not re-file such motions but  
12 may object to or offer evidence in the ordinary course of the trial bearing in mind any previously  
13 made orders on such evidence.

14 All parties who have served complaints or cross-complaints against parties who have not  
15 answered or otherwise appeared shall ensure that appearances have been made or defaults have  
16 been taken so that the Court has jurisdiction over such parties in advance of the pretrial calendar.  
17 Proofs of service must be filed.

18 The trial will commence on January 4, 2011 at 9:00 a.m. in Department 1 of the Los  
19 Angeles County Superior Court to hear evidence of the safe yield of the Antelope Valley aquifer  
20 and to further hear evidence as to whether the aquifer is in a state of overdraft such that the court  
21 should exercise equitable powers to protect the aquifer from detriment caused by any such  
22 overdraft. The Court may hear evidence as to variations in the condition in various parts of the  
23 aquifer as such conditions relate to the overall status regarding safe yield and overdraft. In the  
24 event that the Court concludes the aquifer is in overdraft, no party will be precluded from  
25 calling witnesses in future phases relating to prescription issues, if any, or management needs  
26 which may vary from area to area within the basin, among other issues.

27 The expected trial schedule will be Tuesday through Thursday for the Week of January  
28 3, 2011 and Monday through Thursday each trial week thereafter. The Court expects to

1 commence at 9:00 a.m. each trial day and to conclude each trial day at 4:45 p.m. with minimum  
2 one hour lunch breaks and mid morning and mid afternoon recesses of 15 minutes.

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4 SO ORDERED.

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6 Dated: November 19, 2010

7 /s/ Jack Komar  
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9 Honorable Jack Komar  
10 Judge of the Superior Court  
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