

1 JANET K. GOLDSMITH, State Bar No. 065959
 2 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
 3 A Professional Corporation
 4 400 Capitol Mall, 27th Floor
 5 Sacramento, CA 95814-4416
 6 Telephone: (916) 321-4500
 7 Facsimile: (916) 321-4555
 8 E-mail: jgoldsmith@kmtg.com

9 CARMEN A. TRUTANICH, Los Angeles City Attorney
 10 RICHARD M. BROWN, General Counsel, Water and
 11 Power
 12 RAYMOND ILGUNAS, General Counsel, Los Angeles
 13 World Airports
 14 Attorneys for Defendant CITY OF LOS ANGELES and
 15 LOS ANGELES WORLD AIRPORTS

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 ORIGINAL FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

MAY 28 2013

John A. Clarke, Executive Officer/Clerk
 BY Isaylia Chambers, Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 COUNTY OF LOS ANGELES

13 Coordination Proceeding

Case No. 105 CV 049053

14 ANTELOPE VALLEY
 15 GROUNDWATER CASES

Judicial Council Coordination Proceeding
 No. 4408

16 Los Angeles County Waterworks District
 No. 40 v. Diamond Farming Co.

The Honorable Jack Komar
 Santa Clara Case No. Case No. 105 CV 049053

17 Los Angeles County Waterworks District
 No. 40 v. Diamond Farming Co.

~~Proposed~~ **FOURTH AMENDMENT TO
 CASE MANAGEMENT ORDER FOR
 PHASE FOUR TRIAL**

18 Wm. Bolthouse Farms, Inc. v. City of
 19 Lancaster

Riverside County Superior Court
 Lead Case No. RIC 344436
 Case No. RIC 344668
 Case No. RIC 353840

20 Diamond Farming Co. v. City of
 21 Lancaster

Los Angeles Superior Court
 Case No. BC 325201
 Kern County Superior Court
 Case No. S-1500-CV-254348

22 Diamond Farming Co. v. Palmdale Water
 23 District

25 Many parties have filed a Notice of Intent to Participate in the Phase Four Trial ("Trial"),
 26 and well over one hundred potential witnesses have been designated to testify concerning land
 27 ownership and water use during the Trial. Pursuant to its authority under Code of Civil Procedure
 28 sections 187 and 404.7, California Rules of Court, rule 3.504(c), and the Court's fundamental

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1 inherent equity, supervisory, and administrative powers, as well as its inherent power to control
 2 litigation, the Court seeks to provide for the efficient presentation of evidence at Trial by
 3 identifying those factual issues on which there is no evidentiary dispute among parties and, where
 4 there is such a dispute, to identify the parties involved in that dispute, the evidence relevant to it
 5 and an estimate of trial time the dispute may consume.

6 To that end, the Court previously entered Discovery Order No. 1 on December 12, 2012,
 7 requiring all parties to provide detailed and specific information concerning ownership of
 8 property, groundwater use, well locations, crop types, imported water claims, return flow claims
 9 and federal reserved right claims and to post the information on the Court's website by December
 10 21, 2012. The Court further ordered that the parties' responses be accompanied by an executed
 11 verification by an individual authorized to respond on behalf of the responding party. With
 12 certain exceptions, responses ("Discovery Response(s)") were timely posted by the parties.

13 At the request of the parties, on January 17, 2013 the Court entered its First Amendment
 14 to Case Management Order for Phase Four Trial, requiring the parties to set forth in a prescribed
 15 form of declaration ("Declaration") the information that had been produced in the response to the
 16 Discovery Order and to do so by January 31, 2013. The Declarations were to organize the
 17 information contained in the Discovery Responses to enable the parties to more efficiently review
 18 the information to ascertain whether it is subject to dispute. Numerous parties served
 19 Declarations in compliance with the First Amendment to Case Management Order for Phase Four
 20 Trial. The Court set February 28, 2013 as the date by which stipulations or objections to
 21 information in the parties' Declarations were to be filed, and later extended it to March 15, 2013.

22 In order to prepare for a more efficient Trial, the Court and the parties need to know what
 23 facts are disputed and require testimony. It is necessary to identify, based on the information
 24 provided by the parties under the Court's above-referenced orders, what evidentiary disputes may
 25 exist to be resolved during the Trial, the parties involved in those disputes and the evidence that
 26 may be presented to the Court without dispute. The Court notes that information the parties have
 27 provided to one another pursuant to the Court's earlier Phase Four orders has been available to
 28 the parties for approximately months and for at least six weeks in the Declaration format

KRONICK,
 MOSKOVITZ,
 TIEDEMANN &
 GIRARD
 ATTORNEYS AT LAW

1 approved by the Court. The parties were required to respond to this proposed order in writing
 2 within five (5) days of its posting on the Court's website. All written comments have been
 3 considered by the Court. Pursuant to the Court's authority under Code of Civil Procedure sections
 4 187 and 404.7 and California Rules of Court, rule 3.504(c), and GOOD CAUSE APPEARING,
 5 **IT IS THEREFORE ORDERED THAT:**

6 1. The Court intends for this Order to establish, consistent with the unique
 7 circumstances of these coordinated cases, a process for narrowing the factual disputes to be
 8 determined at the Trial and to eliminate, to the extent possible, the necessity of presenting
 9 evidence through witnesses at Trial. The Court finds that the parties have had adequate time to
 10 review the substantial amounts of information disclosed pursuant to the Court's prior orders for
 11 Phase Four of this matter, and that ^{MAY 3, 2013} ~~April 15, 2013~~ is an appropriate date by which to require
 12 parties to indicate whether they dispute information provided by other parties in response to those
 13 orders. *OR TO STATE THE REASON THEY ARE UNABLE TO DO SO.*

14 2. Certain parties' witnesses were deposed before March 15, and such parties may
 15 have filed a Stipulation of Facts ("Stipulation") in lieu of providing a Declaration. If no objection
 16 or dispute is filed as to facts stated in a Stipulation, those facts will be treated in the same manner
 17 as facts stated in a Declaration, as set forth in paragraph 5 of this order. If a party objects to or
 18 disputes a fact stated in a Stipulation, the objecting party must also object to or dispute the facts
 19 stated in any related Declaration, as set forth in paragraph 3 of this order.

20 3. On or before 5:00 p.m. on ^{MAY 3} ~~April 15, 2013~~, all parties shall serve, by posting to the
 21 Court's website, a statement of any objections or disputes they have to any or all facts stated in
 22 any Stipulation or Declaration. The statement of objection and/or dispute shall indicate by party
 23 and paragraph the statement of fact being disputed, the basis of the objection and/or dispute to the
 24 , and shall identify documents and witnesses known to the disputing and/or objecting party that
 25 disputes, contradict or is inconsistent with the disputed fact. If the evidence on which the
 26 objecting party relies consists in whole or in part of documents, the objecting party shall either
 27 identify the documents in its objection or serve copies of those documents with the objection.

28

1 4. Objections must be specific; a broad or general statement of objection or dispute
2 without a specifically stated basis will be ineffective for satisfying paragraph 3 of this order.

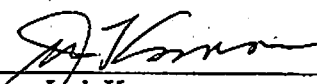
3 5. Any portion of a Stipulation or Declaration to which no objection has been made
4 by the time set forth in paragraph 3 hereof will be accepted by the Court in the Trial as competent
5 evidence of the facts stated therein, without the necessity to call a witness to establish the fact.

6 6. If a party did not, by ^{may 3} April 25, 2013, object to or dispute a fact stated in a
7 Stipulation or Declaration and provide the information required by this Order but later seeks to
8 dispute that fact during the Trial, that party shall file an application on no less than five (5) days'
9 notice for leave to present evidence disputing the fact at Trial. The application shall be supported
10 by a sworn declaration establishing good cause. If the Court approves such an application, it may
11 impose conditions on its approval, including allowing additional discovery related to the
12 objection or dispute, and requiring that the costs be borne, in whole or in part, by the party filing
13 the application.

14 7. This Fourth Amendment to the Case Management Order shall not affect the
15 burden of proof of any party as to any fact required for its case; it affects only the burden of going
16 forward with the evidence.

17
18 **IT IS SO ORDERED.**

19
20 Date: 4-30-2013



Hon. Jack Komar
Judge of the Superior Court