

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

DATE: 01/07/14

DEPT. 222

HONORABLE Jack Komar

JUDGE

S. SMYTHE

DEPUTY CLERK

R. WALKER (SANTA CLARA)

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

M. OSBY, CSR #12442

Reporter

10:00 am

JCCP4408

Plaintiff

MICHAEL D. McLACHLAN

Counsel

Coordination Proceeding Special  
VS.

Defendant

BEST BEST & KRIEGER

ANTELOPE VALLEY  
GROUNDWATER CASES

Counsel

BY: JEFFREY V. DUNN  
BRUNICK, McELHANEY  
& KENNEDY

\*ASSIGNED TO JUDGE JACK KOMAR

BY: WILLIAM J. BRUNICK

**NATURE OF PROCEEDINGS:**

**ALSO APPEARING:**

LAGERLOF SENEAL GOSNEY & KRUSE  
BY: THOMAS S. BUNN III

SMILAND CHESTER LLP  
BY: THEODORE A. CHESTER JR.

MURPHY & EVERTZ  
BY: DOUGLAS J. EVERTZ

BROWNSTEIN HYATT FARBER SCHRECK  
BY: MICHAEL T. FIFE

RICHARDS/WATSON/GERSHON  
BY: STEVEN R. ORR

ELLISON, SCHNEIDER & HARRIS LLP  
BY: CHRISTOPHER M. SANDERS

MORRISON/FOERSTER  
BY: WILLIAM M. SLOAN

CHARLTON WEEKS  
BY: BRADLEY T. WEEKS

LEMIEUX & O'NEILL  
BY: W. KEITH LEMIEUX JR.

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**NATURE OF PROCEEDINGS:**

**APPEARING VIA COURTCALL:**

HERUM CRABTREE  
BY: WILLIAM R. CARLSON

STATE OF CALIFORNIA  
BY: MARILYN LEVIN

U.S. DEPARTMENT OF JUSTICE  
BY: R. LEE LEININGER

TAYLOR & RING LLP  
BY: JAMES W. LEWIS

PROCOPIO CORY HARGREAVES & SAVITCH LLP  
BY: WALTER E. RUSINEK

CHARLTON WEEKS LLP  
CHAD REED (CLIENT)

KUHS & PARKER  
BY: ROBERT G. KUHS

McMURTREY & HARTSOCK & WORTH  
BY: JAMES A. WORTH

YOUNG WOOLDRIDGE LLP  
BY: SCOTT K. KUNEY

KLEIN, DeNATALE, GOLDNER, COOPER,  
ROSENLIEB & KIMBALL

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**NATURE OF PROCEEDINGS:**

BY: JOSEPH D. HUGHES

BROWNSTEIN HYATT FARBER SCHRECK LLP

BY: RYAN C. DRAKE  
and BRADLEY J. HERREMA

BRUNICK, McELHANEY & KENNEDY

BY: LELAND P. McELHANEY

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

BY: JANET K. GOLDSMITH

BARTKIEWICZ KRONICK & SHANAHAN

BY: ANDREW J. RAMOS

ALESHIRE & WYNDER LLP

BY: WESLEY MILIBAND

GRESHAM SAVAGE NOLAN & TILDEN

BY: MICHAEL D. DAVIS  
(WITH BRUCE NELSON AND JOHN UKKESTAD, CLIENTS)

CLIFFORD & BROWN

BY: RICHARD G. ZIMMER

RICHARD A. WOOD (CLIENT)

MOTION BY WOOD PLAINTIFFS FOR APPROVAL OF AWARD  
OF ATTORNEY'S FEES AND COSTS;

MOTION OF WOOD CLASS SETTLING DEFENDANTS FOR

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

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Counsel

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BRUNICK, McELHANEY  
& KENNEDY

\*ASSIGNED TO JUDGE JACK KOMAR

BY: WILLIAM J. BRUNICK

**NATURE OF PROCEEDINGS:**

DETERMINATION OF GOOD FAITH SETTLEMENT;

MOTION OF WOOD CLASS SETTLING DEFENDANTS TO BE  
RELIEVED OF ALL COURT ORDERS FOR PAYMENT OF COURT-  
APPOINTED EXPERT FEES AND COSGTS;

APPROVAL OF PROPOSED DISCOVERY ORDER NO. 6 SUBMITTED  
BY ATTORNEY ROBERT G. KUHS, REPRESENTING DEFENDANTS  
TEJON RANCH AND GRANIT CONSTRUCTION COMPANY;

The various matters are argued, and the Court rules  
as follows:

MOTION BY WOOD PLAINTIFFS FOR APPROVAL OF AWARD OF  
ATTORNEY'S FEES AND COSTS (Attorney Michael D.  
McLachlan) - continued from December 11, 2013, to  
January 7, 2014:

The matter is heard and submitted. A Proposed Judg-  
ment approving the Wood Class Action Partial Settle-  
ment, and a Proposed Order Granting Motion for Ap-  
proval of Award of Attorneys' fees and Costs, are  
submitted to the Court by plaintiffs' attorney,  
Mr. McLachlan. The Court finds the fees and costs  
requested to be reasonable, and the fees and costs  
are approved by the Court. However, the Court stated  
its concerns about the entry of a separate judgment,  
and a further discussion on this issue was held.

The Court also had questions regarding page 1, line

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JCCP4408

Plaintiff MICHAEL D. McLACHLAN  
Counsel

Coordination Proceeding Special  
VS.  
ANTELOPE VALLEY  
GROUNDWATER CASES

Defendant BEST BEST & KRIEGER  
Counsel BY: JEFFREY V. DUNN  
BRUNICK, McELHANEY  
& KENNEDY  
BY: WILLIAM J. BRUNICK

\*ASSIGNED TO JUDGE JACK KOMAR

**NATURE OF PROCEEDINGS:**

21 of the proposed order: "...allocation shall not be joint and several."

Plaintiffs' counsel, as well as attorneys Jeffrey V. Dunn, for plaintiff/defendant Los Angeles County Waterworks District No. 40, and Thomas S. Bunn III, for defendant Palmdale Water District, responded to the Court's questions.

Following further discussion on the form of the order, the Court advised counsel that it will defer signing the order as submitted by Mr. McLachlan. The parties shall have five days to meet and further discuss the proposed order. Counsel shall contact Ms. Walker at (408) 882-2286 by January 13, 2014, to schedule an ex-parte hearing on this issue, or alternatively Mr. McLachlan may submit a statement reporting on the outcome of the conference.

MOTION BY WOODS CLASS SETTling DEFENDANTS FOR DETERMINATION OF GOOD FAITH SETTLEMENT (Attorney Douglas J. Evertz, for defendants City of Lancaster and Rosamond Community Services District - continued from December 11, 2013, to January 7, 2014:

The matter is heard and submitted, and the motion by the Wood Class Settling Defendants for a Determination of Good Faith Settlement is DENIED.

MOTION BY WOOD CLASS SETTling DEFENDANTS TO BE RELIEVED OF ALL COURT ORDERS FOR PAYMENT OF COURT-

<p align="center">MINUTES ENTERED 01/07/14 COUNTY CLERK</p>
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& KENNEDY

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BY: WILLIAM J. BRUNICK

**NATURE OF PROCEEDINGS:**

ORDERED EXPERT FEES AND COSTS (Attorney Douglas J. Evertz) - continued from December 11, 2013, to January 7, 2014:

The matter is heard and submitted. The motion by the Wood class Settling Defendants to be Relieved of all Court Orders for Payment of Court-Appointed Expert Fees and Costs is DENIED without prejudice.

APPROVAL OF PROPOSED DISCOVERY ORDER NO. 6 (prepared by Attorney Robert G. Kuhs, for defendants Tejon Ranch and Granit Construction Company):

The Court instructs counsel to file a motion for an order approving the Proposed Discovery Order No. 6. The parties are ordered to meet and confer by January 17, 2014, on the Proposed Discovery Order No. 6, and to submit their briefs to the Court in support of, or in opposition to, the entry of the Proposed Discovery Order No. 6. The matter will be added on to the calendar of January 27, 2014.

The Court requests that Mr. Dunn prepare the order(s) following this hearing, except for those to be prepared by Mr. McLachlan.

The court also asks that counsel clarify their legal theories and supporting evidence in advance of Phase Six of the trial re prescription and other issues, currently scheduled to begin on August 4, 2014, in this department.

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**NATURE OF PROCEEDINGS:**

Finally, the Court notes that all hearings on January 27, 2014, will commence at 10 a.m., and not at 9 a.m., as previously noticed by the Court and the parties.

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INCLUDED ACTIONS:

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 v.  
DIAMOND FARMING COMPANY, SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF LOS ANGELES, Case No. BC325201

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 v.  
DIAMOND FARMING COMPANY, SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF KERN, Case No. S-1500-CV-254-348

WM. BOLTHOUSE FARMS, INC. v. CITY OF LANCASTER;  
DIAMOND FARMING COMPANY v. CITY OF LANCASTER;  
DIAMOND FARMING COMPANY v. PALMDALE WATER DISTRICT;  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE,  
consolidated actions, Case Nos. RIC 353 840,  
RIC 344 436, and RIC 344 668

WILLIS v. LOS ANGELES COUNTY WATERWORKS DISTRICT NO.  
40, SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS  
ANGELES, Case No. BC364553

WOOD v. LOS ANGELES COUNTY WATERWORKS DISTRICT NO.  
40, SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS  
ANGELES, Case No. BC391869

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BRUNICK, McELHANEY  
& KENNEDY

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BY: WILLIAM J. BRUNICK

**NATURE OF PROCEEDINGS:**

WOOD v. A.V. MATERIALS, INC., ET AL., SUPERIOR COURT  
OF CALIFORNIA, COUNTY OF LOS ANGELES, Case No.  
BC509546

WOOD v. COUNTY OF LOS ANGELES, SUPERIOR COURT OF  
CALIFORNIA, COUNTY OF LOS ANGELES, Case NO.  
BS143790 [Add-On Petition is pending]

<p align="center"><b>MINUTES ENTERED</b> 01/07/14 <b>COUNTY CLERK</b></p>
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