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10 A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen
11 Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family
12 Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, Inc., Edgar C. Ritter Paula
13 E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Trust, Hines Family Trust , Malloy
14 Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as
15 Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas
16 Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E.
17 Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig,
18 Paul S. & Sharon R. Kindig, Jose Maritorea Living Trust, Richard H. Miner, Jeffrey L. & Nancee J.
19 Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Beverly Tobias, Leo L. Simi, White
20 Fence Farms Mutual Water Co. No. 3., William R. Barnes & Eldora M. Barnes Family Trust of
21 1989, Healy Enterprises, Inc., John and Adrienne Reca, Sahara Nursery, Sal and Connie L. Cardile,
22 Gene T. Bahlman, collectively known as the **Antelope Valley Ground Water Agreement**
23 **Association ("AGWA")**

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF SANTA CLARA**

17 **ANTELOPE VALLEY**)
18 **GROUNDWATER CASES**)
19 Included Actions:)
20 Los Angeles County Waterworks District No.)
21 40 v. Diamond Farming Co. Superior Court of)
22 California County of Los Angeles, Case No. BC)
23 325 201 Los Angeles County Waterworks)
24 District No. 40 v. Diamond Farming Co.)
25 Superior Court of California, County of Kern,)
26 Case No. S-1500-CV-254-348Wm. Bolthouse)
27 Farms, Inc. v. City of Lancaster Diamond)
28 Farming Co. v. City of Lancaster Diamond)
Farming Co. v. Palmdale Water Dist. Superior)
Court of California, County of Riverside,)
consolidated actions, Case No: RIC 353 840,)
RIC 344 436, RIC 344 668)

) **Judicial Council Coordination Proceeding**
) **No. 4408**
) **Santa Clara Case No. 1-05-CV-049053**
) **Assigned to The Honorable Jack Komar**

) **ANTELOPE VALLEY GROUNDWATER**
) **AGREEMENT ASSOCIATION'S**
) **OBJECTION TO PURVEYOR'S CASE**
) **MANAGEMENT STATEMENTS**

1 It is appropriate to begin this Objection by noting AGWA's admiration for the persistence of
2 the purveyors who appear to believe that if they continue to ask the same question over and over
3 again, eventually they might get the answer they are looking for.

4 **I. CLASS TREATMENT**

5 As evidenced by the joint purveyor Case Management Statement filed by Los Angeles
6 County Waterworks, the issue of class treatment, and in particular a pumpers class, has been briefed,
7 discussed and considered ad nauseum in this case.¹ The County's continued insistence on revisiting
8 the issue and refusal to comply with the Court's wishes in regard to the same² have led to incredible
9 delay and the accumulation of corresponding legal bills for all of the parties in this matter. The
10 County, however, appears content to revisit this issue over and over again, perhaps hopeful it can
11 spend the landowners – whose legal expenses are paid out of their own pockets – into submission.

12 The County now, at 3:43 pm on the Thursday before the Monday morning hearing, files its
13 Case Management Statement, 16 Exhibits, and a Declaration, and by giving the other parties less
14 than 24 hours to prepare any response, ensures that yet another hearing will occur with no tangible
15 progress made to bring the class issue any closer to resolution. After the County's most recent
16 proposed order to amend the Class Certification Order seemed to intentionally disregard the Court's
17 direction as to its preparation, it must be suspected that the County's filing so near to the Case
18 Management Conference is a deliberate attempt to prevent the meaningful articulation of additional
19 mischaracterizations and selective quotations from previous hearings.

20 The County raises the issue of a pumpers class in the context of this Court securing
21 jurisdiction over the small pumpers. However, jurisdiction can easily be obtained by the County's
22

23 ¹ See, e.g., AGWA's Response to Motions to Amend Class Definition; Response to Plaintiff Willis'
24 Partial Objection to Public Water Suppliers' Motion to Amend Class Certification Order; Statement
25 of Clarification; Statement of Support for Plaintiff Willis' Withdrawal of Motion for Class
26 Certification; Joinder in Objections by Diamond Farming Company, filed August 15, 2007;
27 Response to Public Water Suppliers' Proposals for Class Definition and Method of Notice, filed
28 April 6, 2007; Antelope Valley Groundwater Agreement Association's Objection to Motions for
Class Certification, filed February 27, 2007.

² See AGWA's Objection to Proposed Order Amending and Modifying Court's Class Certification
Order Dated September 11, 2007.

1 service of these individuals – which its supporting declaration evidences that it has identified. The
2 County’s refusal to do so, however, is consistent with its satisfaction to delay progress in this case
3 and to delay for as long as possible the meaningful participation of the vast majority of the relevant
4 landowners in the Valley.

5 **II. PHASING OF TRIAL**

6 The motivation for the purveyor’s persistent attempts to stymie the completion of the class
7 certification process comes in to clearer focus through the second purveyor Case Management
8 Statement which was also served on the parties on Thursday at 4:43 pm.

9 While AGWA wishes to have this case resolved as soon as responsibly possible, the Court
10 must take care in setting trial so as not to disadvantage the landowners in this case. The water
11 purveyors have long been parties to this case and have retained numerous experts that have
12 conducted evaluations of the Basin. The vast majority of landowners in the Basin have not been
13 made parties to the case and the Court is only now being asked to approve the non-pumpers class’
14 amended complaint and a Notice of Class Action. To AGWA’s knowledge, Plaintiff Willis has not
15 yet had time to retain an expert in this case on behalf of the non-pumpers class. The vast majority of
16 the pumping landowners, including any potential pumper’s class, have also not retained experts for
17 the obvious reason that the purveyors have not yet made any attempt to involve them in the case.³

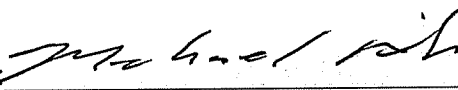
18 The purveyors appear to now be in a desperate rush to set a trial date in this matter before
19 the landowners can engage their own experts and those experts can conduct their own analysis of the
20 Basin. The purveyors state that, “. . . the experts for the parties have thoroughly investigated these
21 issues” (Lancaster Case Management Statement 2:2.) This means, of course, that *their* experts
22 have thoroughly investigated these issues and that they now wish to go to trial as soon as possible to
23 obtain a Court ruling on Basin characteristics before their opposition has an opportunity to also
24

25 ³ The purveyors very generously concur with the non-pumper class representative that the small
26 number of pumpers who have currently been involved in the case can shoulder the entire cost of a
27 trial regarding the character of the Basin. This will be nearly impossible for these existing pumpers
28 to afford on their own, which of course is a satisfactory outcome for the purveyors since it not only
guarantees their success at trial, but also saves them the trouble of actually suing the people whose
rights they hope to take away through prescription.

1 thoroughly investigate the issues. The purveyors' attempts to disadvantage landowners in this case
2 are longstanding, but the Court should not aid them by setting a premature trial date in this matter.
3
4

5 Dated: May 2, 2008

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

8 By: 

9 MICHAEL T. FIFE
10 BRADLEY J. HERREMA
11 ATTORNEYS FOR AGWA
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PROOF OF SERVICE

**STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On May 2, 2008, I served the foregoing document described as:

**ANTELOPE VALLEY GROUNDWATER AGREEMENT ASSOCIATION'S
OBJECTION TO PURVEYOR'S CASE MANAGEMENT STATEMENTS**

on the interested parties in this action.

By posting it on the website at _____ p.m./a.m. on May 2, 2008. This posting was reported as complete and without error.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed in Santa Barbara, California, on May 2, 2008.

Rachel Roberts

TYPE OR PRINT NAME

Rachel Roberts

SIGNATURE