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4 **21 East Carrillo Street**
5 **Santa Barbara, California 93101**
6 **Telephone No: (805) 963-7000**
7 **Facsimile No: (805) 965-4333**

8 **Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri
9 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence
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 Maritorena 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, Del Sur Ranch, LLC, Healy Enterprises, Inc., John and Adrienne Reca, Sahara Nursery, Sal
22 and Connie L. Cardile, Gene T. Bahlman, **collectively known as the Antelope Valley Ground**
23 **Water Agreement Association ("AGWA")**

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

17 **ANTELOPE VALLEY**)
18 **GROUNDWATER CASES**) Judicial Council Coordination Proceeding
19 Included Actions:) No. 4408
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.) **Santa Clara Case No. 1-05-CV-049053**
25 Superior Court of California, County of Kern,) Assigned to The Honorable Jack Komar
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)

**RESPONSE TO PROPOSED CASE
MANAGEMENT ORDER**

Date: August 11, 2008
Time: 9:00 am
Dept: 1

1 The Antelope Valley Groundwater Agreement Association (AGWA) submits the following
2 comments to the August 1, 2008 Proposed Case Management Order (“Proposed Order”) submitted
3 by counsel for Richard A. Wood. AGWA wishes to clarify that it agrees with the Proposed Order in
4 all respects, except that it believes that the proposed Phase 2A and 2B Trials should be held within
5 the Antelope Valley, at the Michael Antonovich Antelope Valley Courthouse in Lancaster.

6 In 2005, during the proceedings for the coordination of the quiet title actions pending in
7 Riverside County and the Los Angeles County and Kern County proceedings, the question of venue
8 was discussed at length. Given the profound impact that this adjudication could have on the
9 community, it was almost universally agreed that the case should be heard locally, in Lancaster. The
10 preference of all parties was that the case be heard within the community itself at the Lancaster
11 courthouse. (See March 16, 2005 letter of Jeffrey V. Dunn, attached hereto as Exhibit 1; See
12 Judicial Council Coordination Proceeding No. 4408, March 17 2005 Hearing Transcript, 42:15-18,
13 attached hereto as Exhibit 2 [Mr. Weinstock: We do support the idea of having all the hearings of
14 the trial in the case, in Lancaster, in the interests of the convenience of the parties, numerous
15 landowners who are there.]; 44:9-10 [Mr. Dunn: We wish to put on record our support...to have the
16 case venued in Lancaster.]

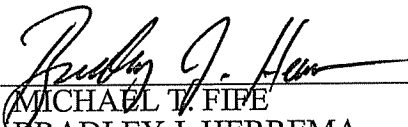
17 AGWA believes that these the same concerns that led to the parties’ agreement in 2005 exist
18 today, and that all trial phases in this case, including the Phases 2A and 2B described in the Proposed
19 Order, should be heard in Lancaster. The Court’s determination in these Phases has the potential to
20 have tremendous impacts on water use within the Basin – particularly on irrigated agriculture – and
21 remains very important to the landowner parties, as evidenced by their regular attendance at the
22 Court’s hearings. Conducting the trial phases in downtown Los Angeles may be a tolerable
23 alternative, though it would require that the parties make the 120 mile round trip commute from the
24 Antelope Valley. Conducting these trial phases in San Jose will preclude any attendance by
25 landowner parties, and under no circumstances can AGWA support conducting any trial phases
26 there.

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For the reasons described above, AGWA respectfully requests that the Court order any future trial phases be held at the Michael Antonovich Antelope Valley Courthouse in Lancaster.

Dated: August 6, 2008

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: 
MICHAEL T. FIFE
BRADLEY J. HERREMA
ATTORNEYS FOR AGWA

BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

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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 August 6 2008, I served the foregoing document described as:

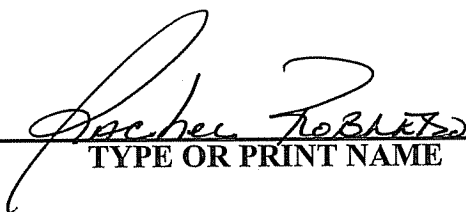
RESPONSE TO PROPOSED CASE MANAGEMENT ORDER

on the interested parties in this action.

By posting it on the website at 10:30 p.m. (a.m.) on August 6, 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 August 6, 2008.



TYPE OR PRINT NAME



SIGNATURE

EXHIBIT 1

BEST BEST & KRIEGER LLP

A CALIFORNIA LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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JEFFREY V. DUNN
(949) 263-2616
JEFFREY.DUNN@BBKLAW.COM
FILE NO. 26345.0000.1

March 16, 2005

VIA U. S. MAIL AND ELECTRONIC MAIL

All Legal Counsel
In the Antelope Valley
Groundwater Adjudication
Proceedings

Re: Venue for the Antelope Valley Ground Water Adjudication Proceedings

Dear Counsel:

We are pleased to learn that many of your respective clients now support the County of Los Angeles in its desire to have these proceedings take place within the County of Los Angeles. We appreciate your support for the County's position; and that the parties are willing to have the proceedings take place in Lancaster. We look forward to working with you to keep this matter within Los Angeles County where it was originally filed by the County. As always, if you have any questions or comments, please do not hesitate to call.

Very truly yours,


Jeffrey V. Dunn
of BEST BEST & KRIEGER LLP

EXHIBIT 2

SUPERIOR COURT OF THE STATE OF CALIFORNIA
THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

DEPARTMENT CX - 101

LOS ANGELES COUNTY	)	JUDICIAL COUNCIL
WATERWORKS DISTRICT NO. 40,	)	COORDINATION PROCEEDING
	)	NO. 4408
PLAINTIFF,)	
)	
VS.)	
	)	1. RIVERSIDE COUNTY
DIAMOND FARMING COMPANY, A	)	SUPERIOR COURT
CORPORATION;	)	LEAD CASE
	)	NO. RIC 344436
WM. BOLTHOUSE FARMS, INC., A	)	CASE NO. RIC 344668
CORPORATION;	)	CASE NO. RIC 353840
CALIFORNIA WATER SERVICE)	
COMPANY;	)	2. LOS ANGELES
CITY OF LANCASTER;	)	SUPERIOR COURT
CITY OF PALMDALE;	)	CASE NO. BC-325201
LITTLEROCK CREEK IRRIGATION)	
DISTRICT;	)	3. KERN COUNTY
PALMDALE WATER DISTRICT;	)	SUPERIOR COURT
PALM RANCH IRRIGATION	)	CASE NO.
DISTRICT;	)	S-1500-CV 254348
QUARTZ HILL WATER DISTRICT;)	
AND DOES 1 THROUGH 25,000,)	
INCLUSIVE;)	
)	
DEFENDANTS.)	
-----)	



THE HONORABLE DAVID C. VELASQUEZ, JUDGE PRESIDING

REPORTER'S TRANSCRIPT

MARCH 17, 2005

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF: BEST, BEST & KRIEGER
BY: JEFFREY V. DUNN
BY: ERIC L. GARNER

APPEARANCES, CONTINUED

KAY L. PALMER, CSR 4480
OFFICIAL COURT REPORTER

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APPEARANCES, CONTINUED

FOR THE DEFENDANTS:

LEBEAU . THELEN
BY: BOB H. JOYCE

CLIFFORD & BROWN
BY: RICHARD G. ZIMMER

TOM BUNN

RICHARD, WATSON, GERSHON
BY: JAMES L. MARKMAN
BY: STEVEN R. ORR

HATCH AND PARENT
BY: MICHAEL T. FIFE

NOSSAMAN, GUTHNER, KNOX
& ELLIOTT
BY: HENRY WEINSTOCK

STRADLING, YOCCA, CARLSON & RAUTH
BY: DOUGLAS J. EVERTZ

LOS ANGELES DEPARTMENT OF
WATER AND POWER
BY: JULIE A. CONBOY
DEPUTY CITY ATTORNEY

APPEARING BY COURT CALL:

LEMIEUX & O'NEILL
BY: KEITH W. LEMIEUX

* * *

1 SANTA ANA, CALIFORNIA - MARCH 17, 2005

2 AFTERNOON SESSION

3 -000-

4 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN
5 COURT:)

6 THE COURT: NUMBER 8. ANTELOPE VALLEY GROUND
7 WATER CASES.

8 COURT CALL APPEARANCES?

9 MR. LEMIEUX: KEITH LEMIEUX, LITTLE ROCK DISTRICT

10 THE COURT: ANY OTHERS PLEASE?

11 WE HAVE, APPARENTLY, MANY COUNSEL IN COURT.
12 I WILL TAKE YOUR APPEARANCES BY WAY OF BUSINESS CARD.
13 MAKE SURE YOU HAND THAT TO THE BAILIFF.

14 OTHERWISE, STATE YOUR APPEARANCE WHEN YOU
15 ADDRESS THE RECORD.

16 THE MATTER IS HERE, I BELIEVE, TO PETITION
17 FOR COORDINATION. THERE WAS SOME QUESTION ABOUT THAT IN
18 THE PAPERS.

19 I THINK EVERYBODY SUBMITTED ARGUMENTS
20 PERTINENT TO THAT.

21 THE TENTATIVE IS TO GRANT THE PETITION, IN
22 PART; DENY IT, IN PART. IN ESSENCE, TO KEEP THE
23 RIVERSIDE CASE SEPARATE. ORDER COORDINATION OF THE
24 WATER WORKS CASES PENDING IN LA COUNTY AND KERN AND MAKE
25 LA COUNTY, A LANCASTER DISTRICT, THE TRIAL VENUE.

26 WHO WOULD LIKE TO BE HEARD FIRST?

1 THE COURT: I AM CONCERNED THAT WITH THE DIFFERENT
2 TIME LINES, BECAUSE OF THE DIFFERENT FILING DATES OF THE
3 RIVERSIDE VERSUS WATER WORKS, RIGHT NOW, I AM NOT SEEING
4 HOW THAT WOULD BE A PROBLEM.

5 YOU TELL ME HOW IT IS GOING TO BE A PROBLEM.

6 MR. EVERTZ: THANK YOU.

7 MR. WEINSTOCK: HENRY WEINSTOCK, FOR NOSSAMAN,
8 GUTHNER, KNOW AND ELLIOTT, FOR THE TEJON RANCH CORP.

9 THERE IS ONE ISSUE NO ONE HAS TALKED ABOUT,
10 TODAY. I WANTED TO MENTION IT, BRIEFLY.

11 THAT IS, IN THE TENTATIVE RULING, THE COURT
12 INDICATES THAT THE COORDINATED CASES WOULD BE
13 RECOMMENDED TO BE TRANSFERRED TO THE LOS ANGELES
14 SUPERIOR COURT, LANCASTER DISTRICT.

15 WE DO SUPPORT THE IDEA OF HAVING ALL THE
16 HEARINGS OF THE TRIAL IN THE CASE, IN LANCASTER, IN THE
17 INTERESTS OF THE CONVENIENCE OF THE PARTIES, NUMEROUS
18 LANDOWNERS WHO ARE THERE.

19 HOWEVER, WE ARE CONCERNED THAT IF THE CASE IS
20 UNDER THE JURISDICTION OF THE LOS ANGELES SUPERIOR
21 COURT, SINCE THE COUNTY AND OTHER PURVEYORS ARE LOCATED
22 THERE, THAT UNDER THE CCP, SOMEONE WITH HUNDREDS, MAYBE
23 THOUSANDS OF PARTIES, IS VERY LIKELY TO MAKE A MOTION TO
24 TRANSFER OUT OF LOS ANGELES COUNTY.

25 THEN WE START THIS PROCEDURAL MERRY-GO-ROUND,
26 AGAIN. ANOTHER ALTERNATIVE, PERHAPS, THAT OUGHT TO BE

1 ARE GOING TO HAVE HUNDREDS AND HUNDREDS OF PARTIES WITH
2 ALL DIFFERENT LAWYERS ALL WANTING TO FILE MOTIONS FOR
3 CHANGE OF VENUE.

4 I HAVE A FEELING THERE WILL BE SOME KIND OF A
5 UMBRELLA ORDER ON THAT, WAYS OF DEALING WITH THAT.

6 LIKE I SAID, PICKING ORANGE COUNTY WOULD NOT
7 END ATTEMPTS TO CHANGE VENUE.

8 MR. DUNN: MOVING PARTY, JEFFREY DUNN.

9 WE WISH TO PUT ON THE RECORD OUR SUPPORT FOR
10 THE TENTATIVE TO HAVE THE CASE VENUED IN LANCASTER. BUT
11 WITH A NEUTRAL JUDGE ASSIGNED BY THE JUDICIAL COUNSEL TO
12 TAKE CARE OF THE CONCERNS RAISED BY MR. WEINSTOCK.

13 THE COURT: THAT IS PROBABLY SOMETHING YOU WOULD
14 HANDLE ONCE YOU GET OVER THERE.

15 UNDER THE RULES FOR COORDINATION, I HAVE TWO
16 BASIC TASKS.

17 ONE, IS TO DETERMINE IF IT IS COMPLEX, OR
18 NOT.

19 THE FACTORS UNDER 401.1, ON HARDSHIP. THEN
20 RECOMMEND THE VENUE AND A COURT OF APPEAL DISTRICT.
21 THAT IS IT.

22 OTHER FINER DETAILS WOULD HAVE TO BE
23 DETERMINED BY THE COURT WHICH EVENTUALLY GETS THE CASE.

24 THERE'S WAYS OF WORKING OUT THESE PRACTICAL
25 CONCERNS. ORANGE COUNTY HAS ALWAYS OPENED ITSELF UP AS
26 A RESOURCE FOR HELPING ON BIG CASES WHETHER IT IS