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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES**

Coordination Proceeding  
Special Title (Rule 1550(b))

) Judicial Council Coordination  
) Proceeding No. 4408

**ANTELOPE VALLEY  
GROUNDWATER CASES**

) Santa Clara Case No. 1-05-CV-049053  
) Assigned to the Honorable Jack Komar  
) Department 17

Including 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

) **[PROPOSED]  
ORDER TRANSFERRING AND  
CONSOLIDATION COORDINATED  
PROCEEDINGS FOR ALL  
PURPOSES**

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

) **DATE: February 5, 2010  
TIME: 9:00 a.m.  
DEPT: 1**

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1           The *Motion to Transfer and Consolidate for All Purposes* (the “*Motion for*  
2 *Consolidation*”) was filed by the City of Palmdale, Los Angeles County Waterworks  
3 District No. 40, Rosamond Community Services District, Littlerock Creek Irrigation  
4 District, Palm Ranch Irrigation District, California Water Service Company, Quartz Hill  
5 Water District, City of Lancaster, and Palmdale Water District (collectively “Public Water  
6 Suppliers”) on July 15, 2009 and ultimately heard on October 13, 2009. At that hearing,  
7 the Court issued an oral ruling and directed the parties to meet and confer and submit a  
8 proposed order(s) on the Court’s oral ruling on the *Motion for Consolidation*.

9           Having considered the written submissions of the parties and arguments of counsel  
10 thereon, THE COURT FINDS AND DETERMINES AS FOLLOWS:

11           1. The relief expressly sought by the *Motion for Consolidation* was  
12 “...pursuant to Rules of Court 3.504, 3.541(b) and 3.543(a), to the extent *not* previously  
13 transferred as a result of the Judicial Council’s order of coordination, for an order  
14 transferring all matters presently pending under Judicial Council Coordination  
15 Proceeding No. 4408 from Riverside County Superior Court and Kern County Superior  
16 Court to the Los Angeles County Superior Court, the Honorable Jack Komar, judge  
17 presiding by special assignment ... [and] ... pursuant to CCP section 1048 for an order  
18 [completely] consolidating the previously or presently transferred actions and cross-  
19 actions, as well as any as (sic) subsequent complaints or cross-complaints filed in this  
20 Judicial Council Coordination Proceeding.”

21           2. The statutory and the case law of this state permit only two types of  
22 consolidation: a consolidation for purposes of trial only, where the actions remain  
23 otherwise separate; and a complete consolidation or consolidation for all purposes, where  
24 the actions are merged into a single proceeding under one case number and result in only  
25 one verdict or set of findings and ultimately one final judgment. Upon complete  
26 consolidation, the pleadings are regarded as merged, one set of findings is made, and one  
27 judgment is rendered. Because the actions are effectively merged, parties who appeared  
28 in any action are subject to the court's jurisdiction in the consolidated action.

1           3. Complete consolidation is necessary for and will allow a comprehensive  
2 adjudication of rights to water from the Antelope Valley Groundwater Basin which,  
3 among other things, is intended to satisfy the requirements of the McCarran Amendment,  
4 43 U.S.C. § 666.

5           4. There is jurisdiction over the United States only to the extent authorized by  
6 Congress. The McCarran Amendment provides a limited waiver of immunity for joinder  
7 in comprehensive adjudications of all rights to a water source. Consolidation of claims  
8 beyond the comprehensive adjudication of the respective rights of all parties to withdraw  
9 groundwater from the Antelope Valley Groundwater Basin does not extend jurisdiction  
10 over the United States beyond the narrow waiver of immunity of the McCarran  
11 Amendment as provided by Congress, and shall not bind or otherwise adversely affect the  
12 rights of the United States.

13           5. The complaints and cross-complaints in the Coordinated Proceedings  
14 involve common issues of law and fact relating to the rights to the water in the Antelope  
15 Valley Groundwater Basin.

16           6. Complete consolidation will permit these matters to proceed as an *inter se*  
17 adjudication of the rights of all of the parties to these consolidated cases to withdraw and  
18 use groundwater from the Antelope Valley Groundwater Basin, and will satisfy  
19 McCarran Amendment requirements required for jurisdiction over the United States.

20           7. This order on the *Motion for Consolidation* (the “*Order of Consolidation*”)  
21 shall not preclude any parties from settling any or all claims as between or among them, as  
22 long as any such settlement does not prejudice or impair or otherwise affect the rights or  
23 duties of any of the non-settling parties; leads to only one set of findings and one  
24 judgment resulting in a comprehensive adjudication of rights to water from the Antelope  
25 Valley Groundwater Basin; and expressly provides for the Court to retain jurisdiction over  
26 all parties, including the settling parties

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1           **The Court hereby orders as follows:**

2           1.     The *Motion for Consolidation* is granted.

3           2.     To the extent not previously transferred as a result of the Judicial Council's  
4 Order Of Coordination, all matters presently pending under Judicial Council  
5 Coordination Proceeding No. 4408 are ordered transferred from the Riverside County  
6 Superior Court and Kern County Superior Court to the Los Angeles County Superior  
7 Court, the Honorable Jack Komar, judge presiding by special assignment.

8           3.     The following transferred actions are ordered consolidated for all purposes:  
9 *Wm. Bolthouse Farms, Inc. vs. City of Lancaster, et al.*, Riverside County Superior Court  
10 Case No. RIC 353840; *Diamond Farming Co., et al. vs. City of Lancaster, et al.*,  
11 Riverside County Superior Court Case No. RIC 344436; *Diamond Farming Co. vs.*  
12 *Palmdale Water District, et al.*, Riverside County Superior Court Case No. RIC 344668;  
13 *Los Angeles County Waterworks District No. 40 vs. Diamond Farming Co., et al*, Kern  
14 County Superior Court Case No. S-1500-CV 254-348; *Los Angeles County Waterworks*  
15 *District No. 40 vs. Diamond Farming Co., et al.*, Los Angeles County Superior Court  
16 Case No. BC 325201; *Rebecca Lee Willis, etc. vs. Los Angeles County Waterworks*  
17 *District No. 40, et al.*, Los Angeles County Superior Court Case No. BC 364553; *Richard*  
18 *A. Wood, etc. vs. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles  
19 County Superior Court Case No. BC 391869; and, all cross-complaints filed in any of the  
20 above-referenced actions.

21           4.     The effect and intent of this *Order of Consolidation* shall be to make all  
22 parties not cross-complainants under the Cross-Complaint of Public Water Suppliers for  
23 Declaratory and Injunctive Relief and Adjudication of Water Rights that was filed on or  
24 about March 13, 2007 in *Los Angeles County Waterworks District No. 40 vs. Diamond*  
25 *Farming Co., et al.*, Santa Clara County Superior Court Case No. 1-05-CV-049053,  
26 cross-defendants thereto.

27           5.     Those parties to the transferred and consolidated actions who were not  
28 named as defendants in the class actions, *Rebecca Lee Willis, etc. vs. Los Angeles County*

1 *Waterworks District No. 40, et al.*, Los Angeles County Superior Court Case No. BC  
2 364553; *Richard A. Wood, etc. vs. Los Angeles County Waterworks District No. 40, et al.*,  
3 shall have no obligation toward the Classes' recovery of fees and costs in the consolidated  
4 actions.

5 6. The Cross-Complaint by *Sheldon R. Blum, Trustee for the Sheldon R. Blum*  
6 *Trust against Wm. Bolthouse Farms, Inc. and Bolthouse Properties, LLC*, in Santa Clara  
7 County Superior Court, Case No. 1-05-CV049053, is not ordered consolidated as it was  
8 previously dismissed.

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10 Dated: \_\_\_\_\_, 2010.

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Hon. JACK KOMAR,  
Judge of the Superior Court

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