

# Exhibit 2

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LOS ANGELES  
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

Coordinated Proceeding  
Special Title (Rule 1550(b))

Judicial Council Coordination  
Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER  
CASES

Included Actions:

Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co.  
Los Angeles County Superior Court  
Case No. BC 325 201

**ORDER AFTER HEARING ON  
JURISDICTIONAL BOUNDARIES**

Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co.  
Kern County Superior Court  
Case No. S-1500-CV-254-348

Hearing Date: October 10, 2006  
Time: 10:00 a.m.  
Department: 1, Room 534

Wm. Bolthouse Farms, Inc. v. City of Lancaster  
Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water  
District  
Riverside County Superior Court  
Consolidated Action, Case Nos.  
RIC 353 840, RIC 344 436, RIC 344 668

Judge: Hon. Jack Komar

AND RELATED CROSS-ACTIONS.

*Antelope Valley Groundwater Cases (JCCP 4408)*  
*Los Angeles County Superior Court, Case No. BC 325 201*  
*Order After Hearing on Jurisdictional Boundaries*

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AND RELATED CROSS-ACTIONS.

1 This matter came on for hearing on October 10, 11, and 12, 2006 for purposes of  
2 establishing the geographical boundaries for the ground water adjudication of the Antelope  
3 Valley coordinated cases. The court heard the testimony of expert witnesses called by the  
4 various parties, admitted exhibits into evidence, and heard oral argument.

5 The relief sought in this coordinated case is the adjudication of the claims of all parties  
6 who assert a right to the ground water within the Antelope Valley basin based upon the various  
7 causes of action and defenses stated by the parties. The court must have jurisdiction of all  
8 parties who may have a claim to the ground water at issue and accordingly must determine the  
9 geographical boundaries of the ground water basin. All overlying land owners with correlative  
10 usufructuary rights and appropriators who produce water from the aquifer are necessary parties.

11 The United States is a major overlying land owner within the basin and has been made a  
12 party to this litigation. The United States waives its sovereign immunity pursuant to the  
13 McCarran Amendment and may be sued in litigation which involves rights to surface or ground  
14 water *only* when the adjudication will be a comprehensive adjudication of all the rights in a  
15 river or other water source. 43 U.S.C.S. Section 666(a), *United States District Court for Eagle*  
16 *County* (1971) 401 U.S. 520, *United States v. Oregon, Water Resources Dep't* (9<sup>th</sup> Cir. 1994)  
17 44 F. 3d 758.

#### 18 The Watershed

19 The purpose of the comprehensive adjudication requirement of the McCarran  
20 Amendment is to ensure that the United States is not subject piecemeal litigation. It is argued  
21 that the jurisdictional boundaries must therefore include the watershed in order to satisfy the  
22 McCarran Amendment because the watershed does in fact constitute the primary source of  
23 natural recharge of the basin aquifer. Hydrologic connection alone is not sufficient. *United*  
24 *States v. Eagle County*, supra. The rights claimed in the watershed must be such that without  
25 adjudicating those rights in the instant action, the United States (and other parties) would be  
26 subject to further, separate litigation regarding other *claims of right* affecting their rights to  
27 water within the aquifer. It should not be a potential claim based on some theoretical future  
28 conduct, but rather an actual claim based upon an existing right. The focus of this

1 comprehensive litigation is the determination of rights to water that is within the ground water  
2 basin. And the watershed is not part of the aquifer within the ground water basin.

3 The parties produced evidence at the hearing concerning the hydrology of the basin,  
4 including surface water and ground water, the hydrology of the watershed, and the extent of the  
5 relationship between the basin aquifer and the watershed.

6 The Little Rock Creek Reservoir, which controls significant recharge into the Antelope  
7 Valley aquifer, and which the court understands is operated by the Palmdale Irrigation District  
8 and the Little Rock Creek Irrigation District, is in the watershed and not within the ground  
9 water basin. Those districts are properly parties to the litigation because they claim rights to  
10 that water and because they exercise discretionary control over the release of the reservoir  
11 water for recharge. Any other parties who are similarly situated should also be joined in this  
12 litigation.

13 Other *nominal* users in the watershed whose use is fixed by permit or regulation have  
14 no rights to water within the aquifer and need not be joined absent some evidence that they  
15 have a claim as an appropriator, or otherwise, or are claiming a right to act beyond the  
16 parameters of their permit or regulated use to interfere with recharge of the basin aquifer in a  
17 material way.

18 Thus, the court declines to define the jurisdictional boundaries to include the watershed  
19 area and will limit the boundaries to the basin aquifer itself. However, to the extent that any  
20 other identified parties outside the boundaries of the ground water basin make a claim to  
21 ground basin water, or who claim a right to control basin recharge water from the watershed,  
22 they may be joined as parties upon motion to amend a complaint or cross complaint.

### 23 The Ground Water Basin

24 The principal area of disagreement in defining the basin relates to the area north of the  
25 Willow Springs/Cottonwood fault lines. The specific issue is whether the fault line or bedrock  
26 is so impermeable that it constitutes a northerly barrier so no water flows south of the fault line;  
27 or on the other hand, whether there is sufficient conductivity between the area north of the fault  
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1 and the balance of the Antelope Valley that the more northerly area should be included within  
2 the jurisdictional boundaries for this adjudication.

3 There are some additional areas of dispute involving the North Muroc area on the  
4 northeastern boundary of the basin, and the Leona Valley, and related areas, where there are a  
5 number wells pumping from fractured bedrock.

6 The court concludes that the alluvial basin as described in California Department of  
7 Water Resources Bulletin 118-2003 should be the basic jurisdictional boundary for purposes of  
8 this litigation. In addition to the alluvial basin, the adjacent valleys also may have conductivity  
9 and potentially some impact on the aquifer. The evidence presently before the court is that the  
10 amount of flow at the present time and historically has been nominal and in some cases  
11 virtually nil, and will likely remain so for the indefinite future. The court will exclude them at  
12 this time from the jurisdictional boundaries. *De minimus non curat lex*. However, any party  
13 who believes that there is measurable impact on the aquifer so that particular parties in those  
14 areas should be joined may seek leave to do so.

15 The eastern boundary will be the jurisdictional line on the east which was established as  
16 the westernmost boundary in the Mojave litigation.

17 These boundaries are established for purposes of ensuring that the most reasonably  
18 inclusive boundaries will be used to ensure a complete and final adjudication of rights to the  
19 ground water.

20 As the litigation in this case progresses certain geographical areas, upon further  
21 evidence, may appear to lack any real connection to the Antelope Valley aquifer and such areas  
22 may ultimately be excluded. Other areas may be added as evidence establishes a claim adverse  
23 to the rights of the other parties involved in this groundwater adjudication.  
24 Again, any party who believe that parties who are not within the jurisdictional bounds should  
25 be joined may make application to the court to file a cross complaint, or amended complaint or  
26 cross complaint (as the case may be) to include such parties.

27 At the next Case Management Conference, counsel should address the possibility of  
28 creating defendant subclasses or other remedies for all potential parties who may be in marginal

1 water production areas, including various portions of the watershed that are currently excluded.  
2 Innovative methods may be used to minimize delay and service issues and expenses.

3 The court reaffirms the Case Management Conference set for November 13, 2006 at  
4 1:30 p.m. in the Los Angeles Superior Court, Central District, Department 1, Room 534, 111  
5 North Hill Street, Los Angeles, CA 90012.

6  
7 SO ORDERED.

8  
9 Dated: November 3, 2006

/s/ Jack Komar \_\_\_\_\_  
Judge of the Superior Court

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# Exhibit 3



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Judge: Hon. Jack Komar

AND RELATED CROSS-ACTIONS

1 On the court's own motion, the order entered November 3, 2006, is revised to read as  
2 follows:

3 This matter came on for hearing on October 10, 11, and 12, 2006 for purposes of  
4 establishing the geographical boundaries for the ground water adjudication of the Antelope  
5 Valley coordinated cases. The court heard the testimony of expert witnesses called by the  
6 various parties, admitted exhibits into evidence, and heard oral argument.

7 The relief sought in this coordinated case is the adjudication of the claims of all parties  
8 who assert a right to the ground water within the Antelope Valley basin based upon the various  
9 causes of action and defenses stated by the parties. The court must have jurisdiction of all  
10 parties who may have a claim to the ground water at issue and accordingly must determine the  
11 geographical boundaries of the ground water basin. All overlying land owners with correlative  
12 usufructuary rights and appropriators who produce water from the aquifer are necessary parties.

13 The United States is a major overlying land owner within the basin and has been made a  
14 party to this litigation. The United States waives its sovereign immunity pursuant to the  
15 McCarran Amendment and may be sued in litigation which involves rights to surface or ground  
16 water *only* when the adjudication will be a comprehensive adjudication of all the rights in a  
17 river or other water source. 43 U.S.C.S. Section 666(a), *United States District Court for Eagle*  
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22 Amendment is to ensure that the United States is not subject to piecemeal litigation. It is argued  
23 that the jurisdictional boundaries must therefore include the watershed in order to satisfy the  
24 McCarran Amendment because the watershed does in fact constitute the primary source of  
25 natural recharge of the basin aquifer. Hydrologic connection alone is not sufficient. *United*  
26 *States v. Eagle County*, *supra*. The rights claimed in the watershed must be such that without  
27 adjudicating those rights in the instant action, the United States (and other parties) would be  
28 subject to further, separate litigation regarding other *claims of right* affecting their rights to

1 water within the aquifer. It should not be a potential claim based on some theoretical future  
2 conduct, but rather an actual claim based upon an existing right. The focus of this  
3 comprehensive litigation is the determination of rights to water that is within the ground water  
4 basin. And the watershed is not part of the aquifer within the ground water basin.

5 The parties produced evidence at the hearing concerning the hydrology of the basin,  
6 including surface water and ground water, the hydrology of the watershed, and the extent of the  
7 relationship between the basin aquifer and the watershed.

8 The Little Rock Creek Reservoir, which controls significant recharge into the Antelope  
9 Valley aquifer, and which the court understands is operated by the Palmdale Irrigation District  
10 and the Little Rock Creek Irrigation District, is in the watershed and not within the ground  
11 water basin. Those districts are properly parties to the litigation because they claim rights to  
12 that water and because they exercise discretionary control over the release of the reservoir  
13 water for recharge. Any other parties who are similarly situated should also be joined in this  
14 litigation.

15 Other *nominal* users in the watershed whose use is fixed by permit or regulation have  
16 no rights to water within the aquifer and need not be joined absent some evidence that they  
17 have a claim as an appropriator, or otherwise, or are claiming a right to act beyond the  
18 parameters of their permit or regulated use to interfere with recharge of the basin aquifer in a  
19 material way.

20 Thus, the court declines to define the jurisdictional boundaries to include the watershed  
21 area and will limit the boundaries to the basin aquifer itself. However, to the extent that any  
22 other identified parties outside the boundaries of the ground water basin make a claim to  
23 ground basin water, or who claim a right to control basin recharge water from the watershed,  
24 they may be joined as parties upon motion to amend a complaint or cross complaint.

#### 25 The Ground Water Basin

26 The principal area of disagreement in defining the basin relates to the area north of the  
27 Willow Springs/Cottonwood fault lines. The specific issue is whether the fault line or bedrock  
28 is so impermeable that it constitutes a northerly barrier so no water flows south of the fault line;

1 or on the other hand, whether there is sufficient conductivity between the area north of the fault  
2 and the balance of the Antelope Valley that the more northerly area should be included within  
3 the jurisdictional boundaries for this adjudication.

4 There are some additional areas of dispute involving the North Muroc area on the  
5 northeastern boundary of the basin, and the Leona Valley, and related areas, where there are a  
6 number of wells pumping from fractured bedrock.

7 The court concludes that generally the alluvial basin as described in California  
8 Department of Water Resources Bulletin 118-2003 should be the basic jurisdictional boundary  
9 for purposes of this litigation. In addition to the alluvial basin, the adjacent valleys, including a  
10 portion of the North Muroc area and the Leona Valley, also may have conductivity and  
11 potentially some impact on the aquifer. The evidence presently before the court is that the  
12 amount of flow at the present time and historically has been nominal and in some cases  
13 virtually nil, and will likely remain so for the indefinite future. The court will exclude them at  
14 this time from the jurisdictional boundaries. *De minimus non curat lex*. However, any party  
15 who believes that there is measurable impact on the aquifer so that particular parties in those  
16 areas should be joined may seek leave to do so.

17 The eastern boundary will be the jurisdictional line on the east which was established as  
18 the westernmost boundary in the Mojave litigation.

19 A map and verbal description of the jurisdictional boundaries established by this order  
20 are attached hereto as Exhibit A. These boundaries are established for purposes of ensuring that  
21 the most reasonably inclusive boundaries will be used to ensure a complete and final  
22 adjudication of rights to the ground water.

23 As the litigation in this case progresses certain geographical areas, upon further  
24 evidence, may appear to lack any real connection to the Antelope Valley aquifer and such areas  
25 may ultimately be excluded. Other areas may be added as evidence establishes a claim adverse  
26 to the rights of the other parties involved in this groundwater adjudication.  
27 Again, any party who believe that parties who are not within the jurisdictional bounds should  
28 be joined may make application to the court to file a cross complaint, or amended complaint or

1 cross complaint (as the case may be) to include such parties.

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4 SO ORDERED.

5 Dated:

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Judge of the Superior Court

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SO ORDERED.

Dated: MAR 1 2 2007

  
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Judge of the Superior Court  
JACK KOMAR

# Exhibit 4

1 Ralph B. Kalfayan, SBN133464  
2 David B. Zlotnick, SBN 195607  
3 KRAUSE, KALFAYAN, BENINK  
4 & SLAVENS LLP  
5 Tel: (619) 232-0331  
6 Fax: (619) 232-4019

7 Attorneys for Plaintiff and the Class

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

10 **ANTELOPE VALLEY**  
11 **GROUNDWATER CASES**

12 This Pleading Relates to Included Action:  
13 REBECCA LEE WILLIS, on behalf of herself  
14 and all others similarly situated,

15 Plaintiff,

16 vs.

17 LOS ANGELES COUNTY WATERWORKS  
18 DISTRICT NO. 40; CITY OF LANCASTER;  
19 CITY OF LOS ANGELES; CITY OF  
20 PALMDALE; PALMDALE WATER  
21 DISTRICT; LITTLEROCK CREEK  
22 IRRIGATION DISTRICT; PALM RANCH  
23 IRRIGATION DISTRICT; QUARTZ HILL  
24 WATER DISTRICT; ANTELOPE VALLEY  
25 WATER CO.; ROSAMOND COMMUNITY  
26 SERVICE DISTRICT; MOJAVE PUBLIC  
27 UTILITY DISTRICT; and DOES 1 through  
28 1,000;

Defendants.

) RELATED CASE TO JUDICIAL  
) COUNCIL COORDINATION  
) PROCEEDING NO. 4408  
)  
)  
) PLAINTIFF REBECCA WILLIS'  
) RESPONSE TO EX PARTE  
) APPLICATION FOR ORDER  
) CONTINUING TRIAL DATE AND TO  
) AGWA'S REQUEST FOR ORDER  
) PROTECTING PHASE 2 FINDINGS

) Date: October 6, 2008  
) Time: 9:00 a.m.  
) Dep't: 1  
) Judge: Hon. Jack Komar

Plaintiff Rebecca Willis responds to Fred Kia's Ex Parte Application for an Order Continuing the Trial Date and to AGWA's Request for an Order Protecting Phase 2 Findings. For the reasons stated below, the Willis Class has not sought and does not seek to postpone the Phase 2 trial. But no Order can or should be entered "protecting" the Court's findings from later



1 challenge by parties who were not timely made parties to this proceeding. In particular, as a  
2 matter of due process, the Willis Class members cannot be bound by the Phase II findings since  
3 they have not yet had notice of these proceedings.

#### 4 RELEVANT PROCEDURAL BACKGROUND

5 For approximately two years, this Court and parties have worked to make this proceeding  
6 comprehensive and binding to the extent possible upon all parties in interest. We will not  
7 recount the entire lengthy history. For present purposes, the critical facts are that the Court's  
8 Amended Order of June 3, 2008 approved the form of Notice to be sent to the Willis Class and  
9 required L.A. County Waterworks District No. 40 to "compile a list of Class members and  
10 propose a means for disseminating the Class Notice to such persons, which it shall post on the  
11 case website." L.A. County District No. 40 has not yet done so, apparently because it is trying  
12 to work with counsel for the small pumpers Class to craft a Notice to that Class. The Willis  
13 Class notice was finalized by counsel and approved by the court but was delayed by the Public  
14 Water Suppliers in order to achieve one mass mailing. In any event, there is no way that the  
15 members of the Willis Class will get Notice prior to the currently schedule Phase 2 trial.  
16

#### 17 ARGUMENT

##### 18 **1. As a Matter of Due Process, Mr. Kia and Others Similarly Situated Should Not** 19 **Be Bound By the Findings Reached at the Phase 2 Trial.**

20 Mr. Kia, as well as other persons who were not timely served by the purveyors and have  
21 not had adequate notice of the proposed Phase 2 trial, should not be forced to participate in that  
22 trial and, as a matter of due process, cannot be legally bound by the Court's findings. Any other  
23 ruling would be unfair and would not hold up on appeal.

##### 24 **2. The Members of the Willis Class Should Not Be Bound by the Findings at the** 25 **Phase 2 Trial.**

26 Due to the Purveyors' delays in sending Notice, the members of the Willis Class have  
27 also not had Notice of this action or the opportunity to opt out. Under these circumstances, the  
28

1 Class Members cannot be properly bound by the trial findings. The law is clear that prior to class  
2 notice, class members cannot be bound by a determination on the merits; the defendants only  
3 gain the res judicata benefits of class certification after notice has been disseminated. *Civil*  
4 *Service Employees Ins. Co. v. Superior Court* (1978) 22 Cal. 3d 362, 372-74.

5 Given the Purveyor's delays in effecting service and Class notice, they must bear the  
6 risks of "One Way Estoppel."

7  
8 **3. At a Minimum, the Collateral Estoppel Consequences of Any Findings Reached**  
9 **at the Phase 2 Trial Should Be Decided Based on a Noticed Motion.**

10 This Court should reject AGWA's invitation to order "on the Court's own Motion" that  
11 the Phase 2 Trial findings may **not** be challenged "by parties who have not yet appeared." That  
12 is simply an invitation to reversal and will not serve to protect those findings. At a bare  
13 minimum, the complicated issue of the collateral estoppel consequences of any Phase 2 findings  
14 should be decided based on a noticed motion, not on an "off the cuff" basis.

15 **4. As a Practical Matter, There Is No Need to Delay The Next Phase of Trial.**

16 Notwithstanding the above, the Willis Class does not seek to continue the trial date. The  
17 simple fact is that the Class members, almost by definition, may not have adequate economic  
18 interests in the pending issues to spend the many thousands of dollars that would be required to  
19 take a position regarding the next phase of the trial. We understand that virtually everyone who  
20 does have such a significant interest has been served and has been given the opportunity to  
21 participate. Thus, there is little risk of any meaningful challenge to the Court's findings being  
22 asserted at a later date. In that regard, we note that the boundaries of the adjudication area were  
23 determined prior to certification of the Class, and, to our knowledge, no one has challenged those  
24 findings. Hopefully, preceding through the next phase of trial will advance a final resolution.

25  
26 **5. Class Notice Should Be Served Promptly After This Phase of Trial.**

27 From the Class' perspective, much more significant issues will be raised at the  
28

1 subsequent phases of trial; and it is imperative that Notice be sent to the Class and that Class  
2 Members be given an opportunity to exclude themselves well before any further phases. We  
3 trust that the purveyors will work with us to make sure that happens.

4 **CONCLUSION**

5 For the reasons stated above, the Willis Class does not object to the Phase 2 trial going  
6 forward, but maintains that any findings rendered should not be binding on the Class Members.  
7

8  
9 Dated: October 1, 2008

KRAUSE KALFAYAN BENINK  
& SLAVENS LLP

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Ralph B. Kalfayan, Esq.  
14 David B. Zlotnick, Esq.  
Attorneys for Plaintiff and the Class

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# Exhibit 5

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**ORDER AFTER PHASE TWO  
TRIAL ON HYDROLOGIC  
NATURE OF ANTELOPE VALLEY**

Los Angeles County Waterworks District No.  
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Department: 1  
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AND RELATED CROSS-ACTIONS.

1 This matter came on for the second phase of the trial on October 6, 2008. Further trial in  
2 Phase Two continued on October 7, 8, 9, and 10 and November 3, 4, and 5, 2008. The court  
3 heard the testimony of expert witnesses called by the various parties, admitted exhibits into  
4 evidence, and heard oral argument. The matter was submitted on November 5, 2008.

5 The relief sought in this coordinated case is the adjudication of the claims of all parties  
6 who assert a right to the ground water within the Antelope Valley basin based upon the various  
7 causes of action and defenses stated by the parties in the various complaints, cross-complaints  
8 and answers on file herein.

9 The purpose of this second phase of the trial was to establish the hydrologic nature of  
10 the aquifer within the previously established geographical boundaries for the ground water  
11 adjudication of the Antelope Valley. Specifically, the issue was whether there were any distinct  
12 groundwater sub basins within the valley that did not have hydrologic connection to other parts  
13 of the aquifer underlying the valley.

14 Three parties have asserted that there are separate basins or sub basins within the  
15 jurisdictional boundaries established by the court within the Antelope Valley, and that therefore  
16 those areas should be treated as separate unconnected basins for purposes of the adjudication.  
17 The three parties are Tejon Ranchcorp, Anaverde LLC, and Crystal Organic Farms LLC. All  
18 other participating parties (with the exception of Sheep Creek, which is not participating in this  
19 phase) assert there is a single aquifer for purposes of the adjudication and that there are no sub  
20 basins within the aquifer.

21 Crystal Organic LLC has taken the position that there is no hydrologic connection  
22 between the area north of the Willow Springs fault and that area should be excluded from the  
23 area of adjudication of the Antelope Valley. Tejon Ranchcorp contends that there is a bedrock  
24 ridge separating the Antelope Valley into an east basin and a west basin and that the court  
25 should adjudicate each of those areas separately. Anaverde LLC contends that there is no  
26 hydrologic connection between the Anaverde Valley and the Antelope Valley.

1 Anaverde LLC moved for judgment under CCP § 631.8 after the Public Water  
2 Producers had completed calling witnesses with regard to the issues on Phase Two of the trial.  
3 That motion is denied.

4 The court considers hydrologic connection within a groundwater aquifer for purposes of  
5 this adjudication to be that condition where ground water actually or potentially moves from  
6 one part of the basin to the other with the potential to affect the water status or condition of the  
7 other portion of the basin aquifer. If such connectivity is shown, then the area in question must  
8 be included within the adjudication of the valley. If there is no hydrologic connection, and there  
9 is no other basis for jurisdiction, then such an area should be excluded from the adjudication.

10 Based on the evidence presented, the court concludes that there is sufficient hydraulic  
11 connection between the disputed areas and the rest of the Antelope Valley such that the court  
12 must include the disputed areas within the adjudication area.

13 While the exact location of the bedrock ridge and its nature and extent have not been  
14 established with any precision, whatever its nature, specific location and extent may ultimately  
15 be proved to be, the court concludes that the evidence establishes that there is hydrologic  
16 connection between the so-called east and west portions of the Antelope Valley over the  
17 bedrock ridge. The court also concludes that there is hydrologic connection between the  
18 Anaverde Valley and the Antelope Valley as well as between the area north and south of the  
19 Willow Springs Fault.

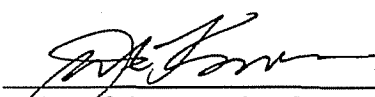
20 The affect of the hydrologic connection on the rights of parties to the litigation cannot  
21 be determined at this stage of the proceedings. There are multiple claims to be adjudicated in  
22 this case, including declaratory relief, claims of prescription, claims of overlying owners to  
23 quiet title to water rights, claims that portions of the basin should be treated as a separate area  
24 for management purposes in the event a physical solution to water use is established, among  
25 other issues and claims. The resolution of many of these claims may well be affected by the  
26 nature and extent of the hydrologic connectivity of water within various portions of the aquifer.  
27 However, it would be premature to make any such determination at this stage of the  
28 proceedings,

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At the next Case Management Conference scheduled for November 25, 2008, at 10:30 a.m. in Department 17 at the Santa Clara County Superior Court, counsel should address the status of the service of notices in the two class action proceedings, and the setting for trial of the remaining phases of the trial. The parties must provide narrative case management statements addressing these issues to the court no later than November 21, 2008.

SO ORDERED.

Dated: November 6, 2008

  
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Judge of the Superior Court  
**JACK KOMAR**