

# Exhibit 21

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

<p>Coordination Proceeding Special Title (Rule 1550(b))</p> <p><b>ANTELOPE VALLEY GROUNDWATER CASES</b></p> <p>Included Actions:</p> <p>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201</p> <p>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</p> <p>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</p> <p>Willis v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 364 553</p> <p>Wood v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 391869</p>	<p>Judicial Council Coordination Proceeding No. 4408</p> <p>For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (for E-Posting/E-Service Purposes Only)</p>
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Date/Time: Thursday, October 22, 2009 (no time)

Location: Santa Clara County Superior Court      191 N. 1<sup>st</sup> Street, Department 17C  
San Jose, CA 95113

Present: Hon. Jack Komar, Judge      R. Gutierrez, Clerk

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*Antelope Valley Groundwater Cases (JCCP 4408)  
Los Angeles County Superior Court, Case No. BC 325 201  
Thursday, October 22, 2009 (no time) / Hon. Jack Komar*

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## MINUTE ORDER RE:

The following parties have requested and received the Court's permission to re-join the Willis Class, and have been instructed to return either Exhibit A or Exhibit B from the June 18, 2009 Stipulation & Order Defining Procedure for Parties to Participate as Members of the Willis Class to the address listed on the forms:

1. Betty Jacobsen
2. Michael J. Rinaldi, Trust for Michael J. Rinaldi
3. Teosilo C. Mascarinas, Jr. and Ana R. Mascarinas
4. Thelma C. Mascarinas
5. Duane G. Marshall and Gwen S. Marshall

This matter was not reported.

**PARTIES/ATTORNEYS OF RECORD: NO APPEARANCES**

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam Antelope Valley Water Storage	Scott Kuney	
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

# Exhibit 22

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

Coordination Proceeding  
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER CASES**

Included 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

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

Willis v. Los Angeles County Waterworks District  
No. 40  
Superior Court of California, County of Los  
Angeles, Case No. BC 364 553

Wood v. Los Angeles County Waterworks District  
No. 40  
Superior Court of California, County of Los  
Angeles, Case No. BC 391869

Judicial Council Coordination  
Proceeding No. 4408

For Court's Use Only:  
Santa Clara County Case No.  
1-05-CV-049053  
(for E-Posting/E-Service  
Purposes Only)

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191 N. 1<sup>st</sup> Street, Department 17C  
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Present: Hon. Jack Komar, Judge

R. Gutierrez, Clerk

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*Antelope Valley Groundwater Cases (JCCP 4408)  
Los Angeles County Superior Court, Case No. BC 325 201  
Friday, October 23, 2009 (no time) / Hon. Jack Komar*

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## MINUTE ORDER RE:

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1. Wendy Lee
2. Girard Moughalian and Renate A. Moughalian
3. Diane Hanville
4. Dave Faylor

This matter was not reported.

**PARTIES/ATTORNEYS OF RECORD: NO APPEARANCES**

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam	Scott Kuney	
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

# Exhibit 23

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

<p>Coordination Proceeding Special Title (Rule 1550(b))</p> <p><b>ANTELOPE VALLEY GROUNDWATER CASES</b></p> <p>Included Actions:</p> <p>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201</p> <p>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</p> <p>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</p> <p>Willis v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 364 553</p> <p>Wood v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 391869</p>	<p>Judicial Council Coordination Proceeding No. 4408</p> <p>For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (for E-Posting/E-Service Purposes Only)</p>
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Date/Time: Friday, October 23, 2009 (no time)

Location: Santa Clara County Superior Court

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Present: Hon. Jack Komar, Judge

R. Gutierrez, Clerk

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*Antelope Valley Groundwater Cases (JCCP 4408)  
Los Angeles County Superior Court, Case No. BC 325 201  
Friday, October 23, 2009 (no time) / Hon. Jack Komar*

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## MINUTE ORDER RE:

The following parties have requested and received the Court's permission to re-join the Willis Class, and have been instructed to return either Exhibit A or Exhibit B from the June 18, 2009 Stipulation & Order Defining Procedure for Parties to Participate as Members of the Willis Class to the address listed on the forms:

1. Daniel Lau
2. Daniel Landeros

This matter was not reported.

**PARTIES/ATTORNEYS OF RECORD: NO APPEARANCES**

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam Antelope Valley Water Storage	Scott Kuney	
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

# Exhibit 24

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

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3 COUNTY OF LOS ANGELES

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6 IN RE:

7 ANTELOPE VALLEY GROUNDWATER )  
8 CASES. )

) JUDICIAL COUNCIL  
) COORDINATION NO. 4408

) SANTA CLARA COUNTY CASE  
) NO. 1-05-CV-049053  
) (FOR COURT'S USE ONLY)

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13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

14 BEFORE THE HONORABLE JACK KOMAR

15 JUDGE OF THE SUPERIOR COURT

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18 OCTOBER 27, 2009

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20 MOTION BY U.S. BORAX INC., BOLTHOUSE PROPERTIES,  
21 LLC AND WILLIAM BOLTHOUSE FARMS, INC.  
FOR A PEREMPTORY CHALLENGE.

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1 APPEARANCES:

2 ATTORNEYS:

3 IN COURT:

4 JEFFREY DUNN  
JAMES L. MARKMAN  
5 BEN EILENBERG  
WILLIAM SLOAN  
6 MICHAEL FIFE  
MICHAEL MOORE  
7 SHELDON BLUM  
BOB JOYCE  
8 RICHARD ZIMMER

9

10 TELEPHONIC APPEARANCES:

11 BRADLEY WEEKS  
MICHAEL L. CROW  
12 STEPHEN M. SIPTROTH  
BRADLEY J. HERREMA  
13 WILLIAM J. BRUNICK  
CHRISTOPHER M. SANDERS  
14 MICHAEL D. DAVIS  
JEFF GREEN  
15 JOHN UKKESTAD  
RALPH B. KALFAYAN  
16 JANET K. GOLDSMITH  
ROBERT G. KUHS  
17 THOMAS S. BUNN, III  
MICHAEL D. MC LACHLAN  
18 KEITH W. LEMIEUX, JR.  
DOUGLAS J. EVERTZ  
19 CLIFF MELNICK  
RICHARD A. WOOD  
20 SUSAN J. TRAGER  
AMY M. GANTVOORT  
21 R. LEE LEININGER  
PHILLIP W. HALL

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OFFICIAL COURT REPORTER

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28 HEATHER J. GORLEY,  
CRR CSR #9195

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1 SAN JOSE, CALIFORNIA OCTOBER 27, 2009

2 MORNING SESSION

3 P R O C E E D I N G S

4 THE COURT: GOOD MORNING.

5 ALL COUNSEL: GOOD MORNING.  
6 THE COURT: ANTELOPE GROUNDWATER VALLEY WATER  
7 CASES.

8 LET'S HAVE COUNSEL STATE THEIR APPEARANCES IN THE  
9 COURTROOM FIRST STARTING WITH MY FAR LEFT.

10 MR. JOYCE.

11 MR. JOYCE: GOOD MORNING, YOUR HONOR. BOB  
12 JOYCE FOR DIAMOND FARMING COMPANY, CRYSTAL ORGANIC LLC,  
13 LAPIS LAND COMPANY AND DEERBORN ENTERPRISES, INC.

14 MR. SLOAN: GOOD MORNING, YOUR HONOR. WILLIAM  
15 SLOAN APPEARING ON BEHALF OF U.S. BORAX.

16 MR. ZIMMER: GOOD MORNING, YOUR HONOR.  
17 RICHARD ZIMMER APPEARING ON BEHALF OF BOLTHOUSE  
18 PROPERTIES AND BOLTHOUSE FARMS.

19 MR. FIFE: GOOD MORNING, YOUR HONOR. MICHAEL  
20 FIFE ON BEHALF OF ANTELOPE VALLEY GROUNDWATER AGREEMENT  
21 ASSOCIATION.

22 MR. EILENBERG: GOOD MORNING, YOUR HONOR. BEN  
23 EILENBERG APPEARING ON BEHALF OF SERVICE ROCK PUBLIC  
24 CORPORATION, A SUCCESSOR IN INTEREST TO L. PROPERTIES,  
25 SHEEP CREEK WATER COMPANY INCORPORATED AND AVUW MUTUAL  
26 GROUP.

27 MR. BLUM: GOOD MORNING, YOUR HONOR. SHELDON  
28 BLUM ON BEHALF OF THE BLUM TRUST.

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1 MR. DUNN: GOOD MORNING, YOUR HONOR. JEFFREY  
2 DUNN ON BEHALF OF LOS ANGELES COUNTY WATERWORKS  
3 DISTRICT NUMBER 40, AND ROSAMOND COMMUNITY SERVICES  
4 DISTRICT.

5 MR. MARKMAN: GOOD MORNING, YOUR HONOR. JAMES  
6 MARKMAN REPRESENTING THE CITY OF PALMDALE.

7 MR. MOORE: GOOD MORNING YOUR HONOR. SENIOR  
Page 3

8 DEPUTY COUNTY COUNSEL MICHAEL MOORE ON BEHALF OF LOS  
9 ANGELES WATERWORKS.

10 THE COURT: WE HAVE SOME TELEPHONIC  
11 APPEARANCES.

12 AS YOUR NAME IS CALLED PLEASE STATE YOUR  
13 APPEARANCE.

14 THE CLERK: JACK STEWART.

15 TAMMY JONES. TAMMY JONES.

16 MICHAEL CROW.

17 MR. CROW: YES. MICHAEL CROW FOR THE STATE OF  
18 CALIFORNIA.

19 THE CLERK: STEVEN SIPTROTH.

20 MR. SIPTROTH: PRESENT.

21 THE CLERK: BRADLEY HERREMA.

22 MR. HERREMA: PRESENT.

23 THE CLERK: WILLIAM BRUNICK.

24 MR. BRUNICK: PRESENT.

25 THE CLERK: JOHN TOOTLE.

26 JOHN TOOTLE.

27 CHRISTOPHER SANDERS.

28 MR. SANDERS: PRESENT.

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1 THE CLERK: MICHAEL DAVIS.

2 MR. DAVIS: PRESENT.

3 THE CLERK: JEFF GREEN.

4 MR. GREEN: PRESENT.

5 THE CLERK: JOHN UKKESTAD.

6 MR. UKKESTAD: PRESENT.

7 THE CLERK: RALPH KALFAYAN.

8 MR. KALFAYAN: PRESENT.

9 THE CLERK: JANET GOLDSMITH.

10 MS. GOLDSMITH: PRESENT.  
11 THE CLERK: ROBERT KUHS.  
12 MR. KUHS: YES.  
13 THE CLERK: THOMAS BUNN.  
14 MR. BUNN: PRESENT.  
15 THE CLERK: MICHAEL MC LACHLAN.  
16 MR. MC LACHLAN: PRESENT.  
17 THE CLERK: KEITH LEMIEUX.  
18 MR. LEMIEUX: YES.  
19 THE CLERK: MALISSA MC KEITH.  
20 MALISSA MAC KEITH.  
21 DOUGLAS EVERTZ.  
22 MR. EVERTZ: YES.  
23 THE CLERK: CLIFF MELNICK.  
24 MR. MELNICK: PRESENT.  
25 THE CLERK: RICHARD WOOD.  
26 MR. WOOD: PRESENT.  
27 THE CLERK: SUSAN TRAGER.  
28 MS. TRAGER: PRESENT.  
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1 THE CLERK: AMY GANTVOORT.  
2 MS. GANTVOORT: PRESENT.  
3 THE CLERK: R. LEE LEININGER.  
4 MR. LEININGER: PRESENT.  
5 THE CLERK: PHILLIP HALL.  
6 MR. HALL: PRESENT.  
7 THE COURT: ALL RIGHT. ANYBODY ON THE PHONE  
8 WHOSE NAME HAS NOT BEEN CALLED?  
9 MR. WEEKS: BRADLEY WEEKS FOR QUARTIL WATER  
10 DISTRICT.  
11 THE COURT: ALL RIGHT, MR. WEEKS.  
12 ANYBODY ELSE?

6

13 ALL RIGHT. WE'RE HERE THIS MORNING IN CONNECTION  
14 WITH A MOTION PURSUANT TO 170.6 THAT WAS FILED ON THE  
15 13TH OF OCTOBER BY SEVERAL OF THE PARTIES.

16 I ASKED FOR BRIEFING ON IT.

17 I THEN -- I MUST TELL YOU -- TOOK A LOOK AT THE  
18 SEQUENCING AND AT THIS POINT THERE'S NO ORDER  
19 CONSOLIDATING THESE CASES. WE HAVEN'T EVEN HAD THE  
20 ACTUAL TRANSFER OF THE CASES TO THE LOS ANGELES  
21 SUPERIOR COURT SO THAT IT SEEMS TO ME THAT AT THIS  
22 POINT THE -- AT THE VERY MOST I SUPPOSE IT IS PREMATURE  
23 TO HAVE FILED THE MOTION.

24 WHAT I ASKED FOR WAS THE PARTIES TO MEET AND  
25 CONFER CONCERNING AN ORDER CONSOLIDATING CERTAIN OF THE  
26 MATTERS THAT ARE BEFORE THIS COURT. IT HAS NEVER BEEN  
27 MY INTENTION TO FINALIZE THAT ORDER OF CONSOLIDATION  
28 UNTIL THE SETTLEMENTS HAVE BEEN PRESENTED TO THE COURT

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1 IN CONNECTION WITH THE CLASS ACTIONS.

2 IN OTHER WORDS, IT WAS NEVER MY INTENT BY ANY  
3 ORDER THAT I MADE, AND I NEVER UNDERSTOOD THE REQUEST  
4 TO HAVE BEEN MADE BY ANY PARTY TO CONSOLIDATE THE  
5 MATTERS WITH THE CLASS ACTIONS PRIOR TO THE TIME THAT  
6 THE CLASS ACTIONS SETTLEMENTS WERE PRESENTED TO THE  
7 COURT FOR APPROVAL.

8 NOW, IF YOU WANT TO ADDRESS THAT YOU MAY.

9 BUT IT SEEMS TO ME THAT WHAT OUGHT TO HAPPEN HERE  
10 IS THAT I OUGHT TO STRIKE THE 170.6 AS HAVING BEEN  
11 PREMATURELY FILED. YOU CAN ADDRESS THAT IF YOU LIKE.

12 MR. ZIMMER: IF WE CAN CONFER FOR A MOMENT,  
13 YOUR HONOR.

14 (DISCUSSION AMONG COUNSEL, NOT REPORTED.)



15 MR. ZIMMER: YOUR HONOR, THE QUESTION IS AT  
16 THIS POINT, AT THE LAST HEARING THERE WAS AN ORDER  
17 GRANTING THE MOTION TO CONSOLIDATE AND A MINUTE ORDER  
18 THE FOLLOWING DAY ALSO MEMORIALIZING GRANTING OF THE  
19 MOTION TO CONSOLIDATE.

20 THE COURT: WHAT IT WAS WAS A STATEMENT BY THE  
21 COURT THAT I INTENDED TO GRANT THE MOTION TO  
22 CONSOLIDATE. I INTENDED TRANSFER THE RIVERSIDE MATTERS  
23 TO THE LOS ANGELES COUNTY SUPERIOR COURT AND TO GRANT  
24 AN ORDER OF CONSOLIDATION.

25 THE MINUTE ORDER THAT WAS PREPARED BY THE CLERK  
26 REFLECTS THE CLERK'S RATHER CRYPTIC CONCLUSION AS TO  
27 WHAT OCCURRED IN COURT.

28 BUT THE ACTUAL ORDER HAS NOT YET BEEN SIGNED, IT

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1 HAS NOT BEEN PREPARED. SO THERE, IN FACT, AT THIS  
2 POINT, IS NO SUCH ORDER.

3 THAT'S KIND OF THE PROBLEM WITH YOUR -- WITH THE  
4 TIMING OF YOUR 170.6.

5 NOW, I'M NOT SUGGESTING TO YOU YOU DON'T HAVE A  
6 RIGHT AT SOME POINT TO MAKE THAT APPLICATION. I HAPPEN  
7 TO DISAGREE WITH YOUR INTERPRETATION OF THE LAW WITH  
8 REGARD TO COORDINATED MATTERS BUT WE WILL TAKE THAT UP  
9 AT AN APPROPRIATE TIME SHOULD YOU DECIDE THAT IS WHAT  
10 YOU WISH TO DO.

11 BUT AT THIS POINT THE MOTION IS PREMATURE AND  
12 UNLESS YOU CAN GIVE ME SOME GOOD CAUSE, REASON WHY I  
13 SHOULD NOT DO SO, I INTEND TO STRIKE IT AS HAVING BEEN  
14 IMPROVIDENTLY FILED.

15 MR. ZIMMER: WELL, I THINK THERE WAS NO  
16 CHOICE BUT TO FILE IT GIVEN THE GRANTING -- AT LEAST  
17 THAT WAS THE WORDS IN THE MINUTE ORDER THE MOTION TO

18 CONSOLIDATE WAS GRANTED, THERE WAS NO CHOICE FROM THE  
19 PARTIES HERE BASED UPON WHAT THEIR CLIENTS INSTRUCTED  
20 TO DO, TO EXERCISE AT THAT TIME. IF THE COURT IS  
21 REVERSING ITSELF AND WITHDRAWING THE GRANTING OF THE  
22 MOTION TO CONSOLIDATE THAT'S -- THAT MAY BE A DIFFERENT  
23 ISSUE, I DON'T KNOW.

24 THE COURT: THE COURT IS NOT REVERSING  
25 ITSELF. I AM TELLING YOU THAT I HAVE NOT MADE THE  
26 ORDER AT THIS POINT IN WRITING. IT WILL BE MADE. I  
27 WANT COUNSEL TO MEET AND CONFER. AND I SUPPOSE I  
28 SHOULD GIVE YOU SOME FURTHER DIRECTION AS TO WHAT I

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1 EXPECT TO BE IN THAT ORDER.

2 WHAT I HAD INTENDED WAS TO CONSOLIDATE THE  
3 VARIOUS DECLARATORY RELIEF CAUSES OF ACTION WHICH ARE  
4 PRESENT, EXPRESSLY OR IMPLIEDLY IN EVERY PROCEEDING  
5 THAT IS PENDING BEFORE THE COURT. RIGHTS, WATER RIGHTS  
6 AS WE ALL KNOW ARE CORRELATIVE AND THEY -- IN A SINGLE  
7 AQUIFER IT IS INEVITABLE THAT THE RIGHTS ARE ALL  
8 RELATED TO EACH OTHER AND AFFECTED BY EACH OTHER. AND  
9 THE COURT CANNOT MAKE AN ORDER CONCERNING THE USE OF  
10 GROUNDWATER AS TO ONE PARTY WITHOUT AFFECTING ANOTHER  
11 PARTY.

12 AND THAT'S WHY IT SEEMS TO ME THE DECLARATORY  
13 RELIEF ACTIONS NEED TO BE JOINED. BUT I BELIEVE THAT  
14 IS THE CONCERN THE FEDERAL GOVERNMENT HAS WITH REGARD  
15 TO THE ADJUDICATION WITHIN THE PARAMATERS OF THE  
16 MC CARRAN ACT. I'M NOT ASKING COUNSEL TO BE HAPPY WITH  
17 THE COURT'S DECISION. I JUST WANT YOU TO UNDERSTAND  
18 WHAT IT IS. AND -- AND THAT'S FINE IF COUNSEL WISH TO  
19 FILE A 170.6 YOU HAVE THE POWER TO DO THAT. I DON'T

20 THINK IT IS TIMELY. I KNOW IT IS NOT TIMELY AT THE  
21 MOMENT. AND WHETHER IT'S TIMELY AFTER AN ORDER OF  
22 CONSOLIDATION IS MADE IS A QUESTION THAT REQUIRES, I  
23 SUPPOSE, AN ULTIMATE DETERMINATION BY A COURT. AND I  
24 WILL -- I WILL TELL YOU THAT I UNDERSTAND THAT  
25 REASONABLE LAWYERS AND JUDGES CAN DIFFER ABOUT SUCH  
26 ISSUES. AND -- BUT THAT'S ULTIMATELY GOING TO HAVE TO  
27 BE DETERMINED.

28 MR. SLOAN: YOUR HONOR, IF I MAY.

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1 THE COURT: YES.

2 MR. SLOAN: WILLIAM SLOAN ON BEHALF OF U.S.  
3 BORAX.

4 WOULD YOUR HONOR CONSIDER ISSUING A CLARIFYING  
5 ORDER WITH RESPECT TO THE MINUTE ORDER THAT WAS ISSUED  
6 BECAUSE IT OBVIOUSLY PRESENTS US WITH THE QUESTION OF  
7 WHAT WAS THE EFFECT OF THAT MINUTE ORDER. AND WE HAVE  
8 TO DETERMINE WHAT ACTIONS TO TAKE FROM THAT IF YOU WERE  
9 TO ISSUE A CLARIFYING ORDER ON THAT.

10 THE COURT: WELL, THE MINUTE ORDER IS GOING TO  
11 SAY THAT THE 170.6 AFFIDAVIT IS STRICKEN AS HAVING BEEN  
12 PREMATURELY FILED. AND I WILL CLARIFY, AND I HOPE I'M  
13 DOING THAT RIGHT NOW AS TO WHAT I INTEND AND WHAT I  
14 WANT COUNSEL TO DO WITH REGARD TO THE PREPARATION OF AN  
15 ORDER IN CONFORMITY WITH THE ORAL ORDER THAT I MADE  
16 WHICH PERHAPS WAS NOT TOTALLY CLEAR AS TO WHAT IT WAS I  
17 WAS ATTEMPTING TO ACCOMPLISH.

18 MR. SLOAN: AND IF I MAY THE OTHER QUESTION I  
19 HAVE IS YOU REFERRED TO THE PROPOSED SETTLEMENTS WITH  
20 THE CLASSES.

21 DO YOU HAVE AT LEAST AT THIS POINT IN YOUR MIND A  
22 SCHEDULE OR PERHAPS AN ORDER WITHIN WHICH YOU WOULD

23 ADDRESS THE VARIOUS MOTIONS. AS WE SEE IT THE MOTION  
24 TO CONSOLIDATE IS A THRESHOLD ISSUE THAT NEEDS TO BE  
25 ADDRESSED FIRST BEFORE --

26 THE COURT: WELL, I'M NOT SURE I AGREE WITH  
27 THAT BUT IT WAS -- I THOUGHT I INDICATED ON THE RECORD  
28 AT THE LAST HEARING THAT I WANTED TO HAVE A MOTION TO

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1 APPROVE THE CLASS ACTION SETTLEMENTS BY JANUARY THE 8TH  
2 FOR HEARING ON THAT DATE.

3 AND I EXPECTED COUNSEL FOR THE TWO CLASSES TO  
4 HAVE THAT MOTION ON FILE AND I THOUGHT THEY INDICATED  
5 AT THE TIME THAT -- MY RECOLLECTION IS THEY INDICATED  
6 AT THE TIME THEY WOULD DO SO AND WE WOULD HAVE A  
7 HEARING AT THAT TIME.

8 BUT, YOU KNOW, OBVIOUSLY IF PARTIES HAVE -- ANY  
9 TWO PARTIES TO ANY LAWSUIT CAN ENTER INTO A SETTLEMENT  
10 ANY TIME THEY WISH. THERE IS A REQUIREMENT IN THIS  
11 PARTICULAR CASE WITH A CLASS ACTION THAT THE CLASS  
12 ACTIONS BE APPROVED BY THE COURT SO I NEED TO KNOW  
13 EXACTLY WHAT IT IS THAT THEY'RE DOING. AND, FRANKLY, I  
14 DON'T KNOW WHAT THE IMPACT OF WHAT THOSE SETTLEMENTS  
15 MIGHT BE ON THE REMAINING CASES WE HAVE HERE.

16 AND SO THAT IT FRANKLY HAS NEVER BEEN MY  
17 INTENTION TO SIGN THE CONSOLIDATION ORDER UNTIL THAT  
18 HEARING OCCURS WHEN I HAVE AN OPPORTUNITY TO REVIEW THE  
19 CLASS ACTION SETTLEMENTS. BUT IT DOES SEEM TO ME AT  
20 SOME POINT IT'S NECESSARY THAT THESE MATTERS BE  
21 CONSOLIDATED SO THERE CAN BE A SINGLE JUDGMENT IN TERMS  
22 OF EITHER A PHYSICAL SOLUTION OR A DECLARATION AS TO  
23 WHAT THE RIGHTS OF THE PARTIES MIGHT BE WITH REGARD TO  
24 THE GROUNDWATER RIGHTS THAT THEY HAVE.

25 MR. MC LACHLAN: YOUR HONOR, THIS IS MIKE

26 MC LACHLAN.

27 THE COURT: YES.

28 MR. MC LACHLAN: I WANTED TO INTERJECT

□ 12

1 SOMETHING RELEVANT WHENEVER THE COURT GETS TO A  
2 SENSIBLE PLACE.

3 THE COURT: GO AHEAD.

4 MR. MC LACHLAN: ON THE QUESTION OF THE  
5 JANUARY 8TH HEARING ON SETTLEMENTS, SINCE WE LEFT YOUR  
6 COURT, I GUESS IT WAS TWO WEEKS AGO, A WEEK AND A HALF  
7 AGO, WE'VE BEEN ENDEAVORING TO SORT OF PUSH THOSE,  
8 THOSE TENTATIVE SETTLEMENT AGREEMENTS FORWARD AND HAVE  
9 HAD NO LUCK WHATSOEVER DOING THAT. MY OFFICE, FRANKLY,  
10 CAN'T EVEN GET ANYONE FROM ACCOUNTING TO EVEN RESPOND  
11 TO AN E-MAIL OR PHONE CALL.

12 SO I WOULD JUST LIKE THE COURT TO KNOW AT THIS  
13 POINT IN TIME GIVEN THE NOTICE TIMEFRAME AND THE 45  
14 DAYS FOR THE COUNTY TO APPROVE IT, SPEAKING FOR THE  
15 SMALL PUMPER CLASS, I THINK IT IS EXTREMELY UNLIKELY  
16 THERE WILL BE ANYTHING BEFORE THE COURT ON JANUARY THE  
17 8TH. AND GIVEN THE CURRENT SITUATION IT STRIKES ME AS  
18 A SMALL PUMPER CLASS SETTLEMENT IS LIKELY TO HAVE  
19 EITHER FALLEN APART OR IS FALLEN APART. I DON'T KNOW.  
20 I CAN'T GET A RESPONSE. I DON'T KNOW WHAT IS HAPPENING  
21 WITH THE WILLIS SETTLEMENT.

22 MR. KALFAYAN: I CAN SPEAK TO THE WILLIS  
23 SETTLEMENT WHEN WE GET A CHANCE.

24 THE COURT: TELL ME WHO YOU ARE AND SPEAK.

25 MR. KALFAYAN: RALPH KALFAYAN FOR THE WILLIS  
26 CLASS.

27 THE COURT: GO AHEAD.

28 MR. KALFAYAN: YOUR HONOR, WE HAVE BEEN

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13

1 WORKING ON THE SETTLEMENT ON A DAILY BASIS PRACTICALLY  
2 SINCE THE LAST HEARING AND WE HAVE A DIFFERENT VIEW  
3 THAN THE WOODS CLASS. WE DON'T HAVE ANY INDICATION  
4 THAT THE WILLIS CLASS SETTLEMENT CANNOT BE PUT TOGETHER  
5 FOR A HEARING ON JANUARY 8.

6 THE COURT: ALL RIGHT.

7 MR. KALFAYAN: SO WE'RE DILIGENTLY WORKING ON  
8 PREPARING A SETTLEMENT AGREEMENT WE WILL BE SHARING  
9 WITH THE PUBLIC WATER SUPPLIERS VERY SHORTLY.

10 THE COURT: ALL RIGHT. I APPRECIATE THAT  
11 INFORMATION.

12 LET ME ASK THE PUBLIC WATER SUPPLIERS WHAT'S  
13 GOING ON WITH THE WOODS CLASS.

14 MR. MARKMAN: JAMES MARKMAN FOR CITY OF  
15 PALMDALE.

16 AND I -- OF COURSE, WE'RE HELD TO BEING -- TO  
17 CONFIDENTIALITY ON ANY TERMS THAT WERE ESSENTIALLY PUT  
18 ON THE RECORD IN JUDGE ROBEY'S COURTROOM. BUT THE  
19 BOTTOM LINE, WHAT WAS PUT ON THE RECORD IN JUDGE  
20 ROBEY'S COURTROOM GOT TO THE DRAFTING STAGE AND  
21 SOMETHING VERY FUNDAMENTAL ABOUT IT BECAME UNACCEPTABLE  
22 TO ONE OF THE PARTIES WHICH WAS MORE OR LESS ANNOUNCED  
23 AFTER SEVERAL DRAFTS OR ONE OR TWO DRAFTS WERE  
24 CIRCULATED. AND IT WAS A BIT SURPRISING AND -- BUT  
25 IT'S OUT THERE AND IT DOES HAVE AN IMPACT ON THE WOODS  
26 CLASS.

27 SO -- AND -- AND I'M NOT GOING TO CAST ASPERSIONS  
28 ABOUT WHO IS NOT TALKING TO WHO BECAUSE I AM TALKING TO

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14

1 ALL SIDES OF THIS EVERY OPPORTUNITY I HAVE. THE LAST  
2 EFFORT I KNOW WAS TO TRY TO GET BACK WITH JUDGE ROBEY  
3 AND RESURRECT THAT PROCESS SO IT COMES TO A CONCLUSION  
4 SO I THINK THAT'S WHAT'S HAPPENED. THERE WAS A -- AS  
5 PEOPLE HAVE A RIGHT TO DO SOMEBODY SWALLOWED AND DIDN'T  
6 DIGEST VERY WELL TWO OR THREE WEEKS LATER AND NOW WANTS  
7 SOME KIND OF MODIFICATION TO THE APPROACH.

8 THE COURT: WELL, AS WITH ANY CASE, ESPECIALLY  
9 A WATER CASE, IT SEEMS, IN DRIPS AND DROPS. I'M HOPING  
10 THAT YOU WILL TAKE STEPS TO GET BACK TO JUSTICE ROBEY  
11 AS SOON AS POSSIBLE TO SEE IF YOU CAN GET THAT MOVING  
12 ALONG.

13 I'M A LITTLE PUZZLED AS TO HOW IT IS THAT A CLASS  
14 ACTION SETTLEMENT COULD EVER BE CONFIDENTIAL. I  
15 UNDERSTAND THE TERMS OF THE MEDIATION, WHAT OCCURRED IN  
16 MEDIATION IS CONFIDENTIAL TO THE EXTENT THAT IS THE  
17 CASE. BUT IF THE PARTIES HAVE A SETTLEMENT INVOLVING A  
18 CLASS ACTION UNDER NO CIRCUMSTANCES IS THAT GOING TO BE  
19 CONFIDENTIAL.

20 MR. MARKMAN: THAT'S UNDERSTOOD, YOUR HONOR.  
21 IT'S JUST WE ALL PLEDGED TO KEEP IT CONFIDENTIAL UNTIL  
22 WE HAD A FINAL DRAFT THAT WAS GOING TO THE VARIOUS  
23 PUBLIC ENTITY BOARDS FOR APPROVAL AND THEN IT OBVIOUSLY  
24 WOULD HAVE BEEN MADE PUBLIC BECAUSE IT WOULD HAVE BEEN  
25 NOTICED FOR HEARING.

26 THE COURT: OKAY. WELL, I WOULD LIKE THOSE  
27 HEARINGS TO COINCIDE WITH THE FINAL ORDER THAT I'M ABLE  
28 TO ENTER WITH REGARD TO THE CONSOLIDATION ISSUE.

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15

1 MR. BUNN: YOUR HONOR --

2 THE COURT: YES.

3 MR. BUNN: THIS TOM BUNN.

4 THE COURT: YES, MR. BUNN.

5 MR. BUNN: I WANTED TO ADD WITH RESPECT TO THE  
6 ROBEY MEDIATION THAT I CONTACTED JUSTICE ROBEY WITH  
7 RESPECT TO STARTING UP THESE TALKS AGAIN TO SEE IF WE  
8 COULD GET OVER THIS LITTLE HUMP AND JUSTICE ROBEY SAID  
9 HE WOULD BE HAPPY TO DO SO BUT HE THOUGHT THE DIRECTION  
10 TO DO SO HAD TO COME FROM YOU. SO I WONDER IF WE COULD  
11 GET THAT TODAY.

12 THE COURT: YOU HAVE IT. I THOUGHT I EXPRESSED  
13 THAT A FEW MOMENTS AGO.

14 MR. BUNN: OKAY.

15 THE COURT: AND I WILL MAKE IT CLEAR. PLEASE  
16 CALL JUSTICE ROBEY AND SEE IF YOU CAN RESOLVE THOSE  
17 ISSUES.

18 MR. BUNN: VERY GOOD. THANK YOU.

19 THE COURT: NOW, LET'S TALK ABOUT TIMING ON  
20 THIS. SINCE OUR LAST HEARING MY OPHTHALMOLOGIST HAS  
21 SAID HE WOULD LIKE TO DO SOME WORK ON MY RIGHT EYE  
22 CATARACT ON THE 7TH OF JANUARY. NOW, IF HE DID THAT  
23 OBVIOUSLY I COULDN'T TRAVEL FOR A MONTH AND THESE  
24 HEARINGS ARE GOING TO BE IN LOS ANGELES. SO I WAS  
25 GOING TO ASK ONE OF TWO THINGS TO OCCUR HERE. I WAS  
26 GOING TO ASK THAT WE DO IT EARLIER IN THE WEEK OF THE  
27 8TH. BUT AFTER LISTENING TO YOU HERE THIS MORNING I  
28 THINK THAT I'M GOING TO DO IT MAYBE A MONTH LATER SO

□ 16

1 THAT I WILL BE ABLE TO TRAVEL TO LOS ANGELES.

2 FURTHER HEARINGS IN THIS CASE ARE GOING TO BE IN  
3 LOS ANGELES, BY THE WAY, NOT HERE. SO --

4 AND IT OCCURRED TO ME MAYBE FEBRUARY THE 5TH? IS  
5 THAT OPEN? AND I WOULD REALLY URGE COUNSEL FOR THE



6 WOODS CLASS AND OPPONENTS TO GET TOGETHER WITH JUSTICE  
7 ROBEY AS SOON AS YOU CAN BECAUSE THESE THINGS DO TAKE  
8 TIME, THE ANTELOPE WATER CASE.

9 MR. JOYCE: YOUR HONOR, BOB JOYCE ON BEHALF OF  
10 DIAMOND FARMING, ET AL.

11 THE COURT: YES.

12 MR. JOYCE: JUST TO BE SURE I'M CLEAR IF I  
13 UNDERSTAND THE COURT'S PRONOUNCEMENT THIS MORNING  
14 BECAUSE AS WE STAND AT THIS MOMENT THERE IS NOT AN  
15 ORDER OF CONSOLIDATION IN PLACE. THE COURT HAS NOT YET  
16 CONSOLIDATED ANY OF THE COORDINATED CASES.

17 THE COURT: I HAVE INDICATED AN INTENT TO DO  
18 SO BUT IT'S OBVIOUSLY NOT GOING TO INCLUDE EVERY CAUSE  
19 OF ACTION. IT CAN'T, IT WOULDN'T MAKE SENSE TO DO  
20 THAT. BUT THE PRINCIPAL ISSUE CONCERNING DECLARATORY  
21 RELIEF NEEDS TO BE CONSOLIDATED IN MY OPINION.

22 MR. JOYCE: AND THAT IS WHAT I WANTED TO  
23 CLARIFY AS TO A TIMING PERSPECTIVE RIGHT NOW WE DO NOT  
24 HAVE ANY CONSOLIDATED CASES.

25 THE COURT: YOU DO NOT AND YOU WON'T HAVE  
26 UNTIL I HAVE SIGNED THE ORDER.

27 MR. JOYCE: THANK YOU, YOUR HONOR.

28 THE COURT: AND THAT IS GENERALLY THE PRACTICE

□

17

1 OF OUR COURT SYSTEM WHEN THE COURT MAKES ORAL  
2 STATEMENTS ABOUT WHAT IT INTENDS TO DO AND IT AWAITS  
3 THE FINAL SIGNING OF THE ORDER AND THAT IS WHY I WANT  
4 YOU TO MEET AND CONFER CONCERNING THAT.

5 AND I'LL -- IT WILL BE VERY HELPFUL IF WE HAVE  
6 SOMETHING SPECIFIC WITH REGARD TO THE CLASS ACTION  
7 SETTLEMENTS PRIOR TO THE TIME THAT THE COURT ACTUALLY  
8 SIGNS THAT ORDER SO THAT I REALLY HAVE A FULL

9 UNDERSTANDING OF EXACTLY WHERE WE'RE GOING HERE.

10 MR. JOYCE: THANK YOU, YOUR HONOR.

11 THE COURT: YES, MR. ZIMMER.

12 MR. ZIMMER: YOUR HONOR, ONE CONCERN I HAVE IS  
13 THE ISSUE OF THE SECRECY OF THIS PURPORTED SETTLEMENT  
14 THAT'S GOING ON. I KIND OF AGREE WITH THE COURT THAT I  
15 DON'T KNOW HOW IT COULD EVER BE, YOU COULD EVER HAVE A  
16 CLASS ACTION SETTLEMENT THAT COULD BE SECRET. I -- I  
17 QUESTION WHY IT NEEDS TO BE A SECRET AT THIS POINT. IT  
18 SEEMS TO ME THAT THE SUGGESTION IS THAT SIMPLY  
19 SOMETHING THAT'S GOING TO BE RAMMED DOWN THE THROATS OF  
20 THE OTHER PARTIES IN THE CASE, WHETHER THEY LIKE IT OR  
21 NOT AT THE LAST MINUTE, AND THE IDEA IS TO KEEP THEM  
22 OUT OF IT SO THEY DON'T KNOW IN WHAT WAYS THAT THIS  
23 SETTLEMENT COULD BE PREJUDICIAL TO THEM. I'M NOT  
24 EXACTLY SURE WHY THAT'S HAPPENING IN THAT MANNER, BUT  
25 THE COURT IS TALKING ABOUT HAVING THE HEARING ON THE  
26 5TH FOR APPROVAL OF THE CLASS SETTLEMENTS. AND WHEN  
27 ARE THEY GOING TO TELL PEOPLE WHAT THE SETTLEMENT IS?  
28 ON THE 4TH?

□

18

1 THE COURT: WELL, IT HAS TO BE FILED IN  
2 ADVANCE OF THAT.

3 LET ME MAKE ANOTHER OBSERVATION. THE CLASS  
4 SETTLEMENTS CANNOT BE RAMMED DOWN -- RAM ANYBODY'S  
5 ISSUES DOWN ANYBODY'S THROAT. THE SETTLEMENT THE  
6 PARTIES MAY ENTER INTO AMONG THEMSELVES IS GOING TO  
7 BIND ONLY THEM, IT IS NOT GOING TO BIND ANYBODY ELSE.  
8 IT CAN'T BIND ANYBODY ELSE.

9 AND YOU'RE NOT A PARTY TO THE CLASS ACTIONS.  
10 YOUR CLIENTS ARE NOT PARTIES TO THE CLASS ACTIONS. YOU

11 CANNOT BE AFFECTED BY WHATEVER THEY MIGHT AGREE AMONG  
12 THEMSELVES AS TO THEIR RIGHTS AND DUTIES. SO THAT IT  
13 SEEMS TO ME THAT, YOU KNOW, I THINK WE NEED TO BE  
14 CAREFUL HERE NOT TO GET TOO PARANOID ABOUT WHAT MIGHT  
15 BE THE AGREEMENT BETWEEN THESE PARTIES.

16 NOW, OBVIOUSLY THEY'RE GOING TO HAVE TO GIVE  
17 NOTICE OF THE SETTLEMENT PROPOSAL NOT ONLY TO THE COURT  
18 BUT TO EVERY OTHER PARTY WHO IS INVOLVED IN THIS  
19 COORDINATED ACTION. EVERYBODY IS GOING TO KNOW EXACTLY  
20 WHAT IT IS. I UNDERSTAND WHY AS PARTIES ARE DRAFTING  
21 AN AGREEMENT THEY MAY NOT WANT TO SAY TOO MUCH ABOUT  
22 WHAT THEY HOPE THEIR AGREEMENT ENDS UP TO BE BECAUSE OF  
23 SOME FEAR THAT OTHER PEOPLE MAY INTERVENE, IT MAY UPSET  
24 THE APPLE CART OR SOMEHOW MEDDLE IN WHAT THEY ARE  
25 ATTEMPTING TO DO AS BETWEEN THEMSELVES. I UNDERSTAND  
26 THAT.

27 BUT I DON'T THINK YOU OR YOUR CLIENTS NEED TO BE  
28 CONCERNED ABOUT WHAT THEIR AGREEMENT MIGHT BE. I DON'T

□

19

1 SEE HOW THEY CAN AFFECT YOU IN ANY WAY.

2 MR. ZIMMER: I AGREE WITH THE COURT THEY  
3 CANNOT ENTER INTO AN AGREEMENT THAT AFFECTS OUR RIGHTS  
4 BUT I THINK THAT CONTAINED IN THAT STATEMENT IS THE  
5 REALITY THAT THEY CAN'T SETTLE CERTAIN RIGHTS. I MEAN,  
6 THERE ARE ONLY CERTAIN ISSUES THEY CAN SETTLE AND THEY  
7 CAN'T SETTLE ISSUES THAT AFFECT THE OTHER PARTIES'  
8 RIGHTS. I AGREE WITH THAT.

9 THE COURT: YES, WELL, YOU KNOW, AND  
10 UNDERSTAND THAT THEY MAY ENTER INTO SOME AGREEMENT  
11 BETWEEN THEMSELVES AS TO THE APPORTIONMENT OR  
12 ALLOCATION OF WATER NOW OR IN THE FUTURE. THAT CAN'T  
13 IMPACT THE COURT'S ULTIMATE ADJUDICATION OF THE RIGHTS

14 OF EVERYBODY ELSE, THE CORRELATIVE RIGHTS OF EVERYBODY  
15 ELSE WITHIN THE AQUIFER. I MEAN, THAT'S -- THAT'S NOT  
16 POSSIBLE FOR THEM TO DO THAT.

17 MR. ZIMMER: I DON'T THINK THEY CAN SETTLE  
18 THEIR OWN CORRELATIVE RIGHTS WITHOUT HAVING ALL PARTIES  
19 INVOLVED.

20 THE COURT: I DISAGREE WITH YOU.

21 MR. JOYCE: MR. JOYCE AGAIN.

22 I THINK PART OF WHAT MR. ZIMMER IS BROACHING AND  
23 MAYBE WHAT I WOULD LIKE TO SEE IF I CAN UNDERSTAND IS  
24 THE COURT APPEARS TO HAVE EXPRESSED THE INTENT TO DEFER  
25 OR TO CONSIDER THE -- BOTH THE FORM AND SUBSTANTIVE  
26 CONTENT OF AN ORDER OF CONSOLIDATION CONCURRENTLY AT  
27 THE TIME THE COURT HOPEFULLY HAS BEFORE IT THE  
28 PLEADINGS AND THE REQUEST FOR AN APPROVAL OF THE TWO

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20

1 CLASS ACTION SETTLEMENTS. AND THE COURT HAS APTLY MADE  
2 THE CORRECT OBSERVATION, THAT IS, THAT CURRENTLY NONE  
3 OF US SITTING OVER HERE ARE PARTIES TO EITHER OF THE  
4 TWO CLASS AS ACTIONS.

5 THE QUESTION I AM MOST CONCERNED ABOUT IS, IS IT  
6 THE COURT'S INTENT TO RESOLVE THE ISSUE OF  
7 CONSOLIDATION BEFORE PASSING UPON THE SETTLEMENTS OR  
8 AFTER?

9 THE COURT: NO. THE FORM OF THE ORDER WILL  
10 HAVE TO FOLLOW AFTER.

11 MR. JOYCE: THANK YOU, YOUR HONOR. THAT'S THE  
12 CLARIFICATION I NEEDED BECAUSE THEN AT THE TIME OF  
13 APPROVAL OBVIOUSLY WE'RE NOT PARTIES TO THE CLASS  
14 ACTIONS EITHER.

15 THE COURT: THAT'S RIGHT.

16 MR. JOYCE: THANK YOU.  
17 THE COURT: IF YOU WERE YOU WOULD HAVE TO BE  
18 INVOLVED IN THE NEGOTIATION, WOULDN'T YOU.

19 MR. JOYCE: THAT'S -- THAT'S BEEN A CONCERN  
20 FOR ABOUT TWO MONTHS NOW, YOUR HONOR.

21 THE COURT: WELL, AS I SAID, I THINK THERE IS  
22 A RISK OF BECOMING SOMEWHAT PARANOID, UNFORTUNATELY.

23 DOES ANYBODY ELSE WANT TO OFFER ANYTHING AT THIS  
24 POINT?

25 MR. BLUM: YOUR HONOR, SHELDON BLUM ON BEHALF  
26 OF THE BLUM TRUST. HOW WOULD A PARTY NOT PART OF THE  
27 ORIGINAL SETTLEMENT BECOME A PARTY TO THE SETTLEMENT?

28 THE COURT: I DON'T THINK THEY COULD BE UNLESS  
□

21

1 THEY DECIDED TO OPT INTO IT --

2 MR. BLUM: RIGHT.

3 THE COURT: -- ON SOME BASIS.

4 MR. MC LACHLAN: YOUR HONOR, THIS IS MIKE  
5 MC LACHLAN. I HAVE ONE FURTHER QUESTION. IF I  
6 UNDERSTOOD THE FORM OF THE ORDER OF CONSOLIDATION THE  
7 COURT IS PRIMARILY FOCUSING ON DECLARATORY RELIEF IN  
8 CONSOLIDATION. WHAT WOULD HAPPEN, I AM CURIOUS, I AM  
9 CURIOS WHAT WILL HAPPEN WITH THE REST OF THE CLAIMS  
10 THAT ARE PENDING IN THE VARIOUS SUITS. IN OTHER WORDS,  
11 WILL THOSE STILL REMAIN SORT OF SEPARATE LAWSUITS OF  
12 SOME SORT?

13 THE COURT: I THINK SO. WHY WOULD THEY NOT?

14 MR. MC LACHLAN: I JUST -- I WAS JUST CURIOUS  
15 BECAUSE I AM DIAGRAMMING THIS OUT HERE AND I WAS JUST  
16 TRYING TO FIGURE OUT HOW THAT WOULD WORK. I JUST  
17 WANTED TO MAKE SURE I HAD THAT RIGHT.

18 THE COURT: WELL, THAT WAS, I THINK, THE

19 INEVITABLE CONSEQUENCE OF CONSOLIDATING CERTAIN CAUSES  
20 OF ACTION AND BIFURCATING THE OTHERS FROM THE -- FROM  
21 EACH OTHER.

22 BUT AT THIS POINT THAT'S WHY I WANT COUNSEL TO  
23 PLEASE MEET AND CONFER CONCERNING THAT, THE FORM OF  
24 THAT ORDER.

25 AND YOU MAY NEED TO WAIT UNTIL AFTER YOU HAVE  
26 REQUESTS FOR APPROVAL OF THE CLASS ACTIONS BEFORE YOU  
27 DO THAT.

28 MR. JOYCE: YOUR HONOR, WOULD IT MAKE ANY

□

22

1 SENSE IF WE WERE TO DEFER FINALIZING CONSOLIDATION  
2 UNTIL AFTER WE'VE HAD THE HEARING ON THE CLASS  
3 SETTLEMENTS?

4 THE COURT: IT MIGHT.

5 MR. JOYCE: TENTATIVELY WE ARE GOING TO DO  
6 BOTH ON THE 5TH.

7 THE COURT: WELL, YOU KNOW, THINGS DO FALL IN  
8 A NATURAL ORDER. AND IT'S VERY IMPORTANT THAT WE GET  
9 THE CLASS ACTIONS RESOLVED IF THEY ARE GOING TO BE  
10 RESOLVED AND WE DO THAT AS SOON AS POSSIBLE. IT'S  
11 CERTAINLY NOT THE COURT'S INTENT, AND IT NEVER HAS  
12 BEEN, TO CREATE RIGHTS IN THE CLASS ACTION CLAIMANTS  
13 AGAINST ANY OF THE OTHER PARTIES OTHER THAN THOSE WHO  
14 MAY HAVE SUED. THAT WAS NOT NEVER THE COURT'S INTENT.  
15 AND THAT'S WHY I'VE INDICATED, AND I THOUGHT, AND MAYBE  
16 I WASN'T CLEAR AT THE TIME OF THE HEARING ON THE  
17 CONSOLIDATION MOTION, BUT THE ONLY AREAS OF  
18 CONSOLIDATION THAT THE COURT IS INTERESTED IN PURSUING  
19 AND BRINGING TO FRUITION ARE THE DECLARATORY RELIEF  
20 CAUSES OF ACTION BECAUSE OF THE CORRELATIVE RIGHTS OF

21 THE PARTIES AND THE NEED TO HAVE THE FEDERAL GOVERNMENT  
22 REMAIN IN THIS CASE.

23 ALL RIGHT. SO HERE'S THE ORDER THEN.

24 THE MOTION PURSUANT TO 170.6 IS STRICKEN AS BEING  
25 PREMATURE.

26 THE COURT WILL RESET THE JANUARY DATE TO  
27 FEBRUARY 5, 9:00 A.M., IN LOS ANGELES SUPERIOR COURT.

28 THE COURT REQUESTS THE CLASS ACTION COUNSEL AND

□

23

1 THEIR ADVERSARIES TO PLEASE MEET AND CONFER WITH  
2 JUSTICE ROBEY TO THE EXTENT NECESSARY TO REACH AN  
3 ACCOMMODATION ON THE PROPOSED SETTLEMENT.

4 MS. GOLDSMITH: YOUR HONOR, THIS IS JAN  
5 GOLDSMITH FOR THE CITY OF LOS ANGELES. OUR OFFICE AND  
6 THE OFFICE OF SEVERAL OTHERS ARE IN THE NORTHERN PART  
7 OF THE STATE. I WONDER IF YOU COULD SET THAT FOR 10:00  
8 A.M. INSTEAD OF 9:00 A.M.

9 THE COURT: WAIT. WHICH HEARING ARE YOU  
10 TALKING ABOUT?

11 MS. GOLDSMITH: THE HEARING ON FEBRUARY 5TH.

12 THE COURT: IN LOS ANGELES?

13 MS. GOLDSMITH: YEAH.

14 THE COURT: YOU WANT THAT AT 10:00 O'CLOCK?

15 MS. GOLDSMITH: I WOULD PREFER IT.

16 THE COURT: ALL RIGHT. 10:00.

17 MS. GOLDSMITH: THANK YOU VERY MUCH.

18 THE COURT: LET'S SEE. THE PREVIOUS ORDER  
19 ABOUT MEETING AND CONFERRING REMAINS IN EFFECT  
20 CONCERNING THE FORM OF THAT ORDER.

21 AND IT MIGHT BE A GOOD IDEA FOR YOU TO MEET AND  
22 CONFER EVEN IN ADVANCE OF THE SETTLEMENTS ON THE CLASS  
23 ACTIONS BEING PUBLISHED TO YOU SO THAT YOU HAVE A HEAD

24 START ON WHERE YOU'RE GOING TO END UP. OKAY.

25 MR. BRUNICK: THIS IS BILL BRUNICK. DOES THAT  
26 MEET AND CONFER AS TO THE FORM OF THE ORDER APPLY TO  
27 ALL PARTIES? MAYBE MY PARANOIA IS SHOWING BUT DOES  
28 THAT APPLY TO ALL OF US?

□

24

1 THE COURT: DO YOU WANT TO PARTICIPATE?

2 MR. BRUNICK: YES.

3 THE COURT: THEN, YES. OKAY?

4 MR. BRUNICK: THANK YOU.

5 MR. ZIMMER: MR. ZIMMER, YOUR HONOR. I AM NOT  
6 SURE HOW WE CAN EFFECTIVELY MEET AND CONFER WITHOUT  
7 KNOWING THE PROPOSED CONTENT OF THE CLASS SETTLEMENTS.  
8 IS THERE SOME WAY THAT THE CLASS SETTLEMENTS COULD BE  
9 DISTRIBUTED BY A PARTICULAR DATE AND THEREAFTER WE  
10 COULD HAVE THAT?

11 THE COURT: WELL, YOU KNOW, IT SEEMS TO ME,  
12 MR. ZIMMER, THAT IF -- IF THE CLASS ACTION SETTLEMENTS  
13 CANNOT IMPACT ANY RIGHTS THAT YOUR CLIENTS MAY HAVE TO  
14 GROUNDWATER, AND THEY CANNOT, IT'S A FAIRLY SIMPLE  
15 THING TO DO. RECOGNIZING THAT WHAT IS PROBABLY -- AND  
16 I THINK YOU CAN DRAW SOME CONCLUSIONS ABOUT WHAT, OR  
17 SPECULATIONS, WHAT MIGHT BE IN A SETTLEMENT BETWEEN THE  
18 CLASS ACTION OF NONPUMPERS SEEKING TO PRESERVE SOME  
19 RIGHTS AS AGAINST THE PUBLIC WATER PROVIDERS, AND THE  
20 SMALL PUMPERS SEEKING TO PROVIDES RIGHTS AS TO THEM  
21 KNOWING THAT THOSE RIGHTS CANNOT IMPACT WHATEVER THEIR  
22 SETTLEMENT MIGHT BE, CANNOT IMPACT YOUR RIGHTS THAT ARE  
23 GOING TO GET ADJUDICATED IF NOT SETTLED.

24 IT SEEMS TO ME THAT -- THAT YOU CAN HAVE THAT  
25 MEET AND CONFER AND AT LEAST GET SOME PRELIMINARY



26 THOUGHTS ABOUT HOW YOU MIGHT SEVER OUT THE DECLARATORY  
27 RELIEF AND RELATED CAUSES OF ACTION AND SEEK A PHYSICAL  
28 SOLUTION ASSUMING THERE IS AN OVERDRAFT THERE; I DON'T

25

□

1 KNOW THAT THERE IS.

2 I THINK YOU CAN DO THAT AND, YOU KNOW, IF YOU

3 THINK YOU CAN'T THEN DON'T BUT I THINK YOU CAN.

4 ANYBODY ELSE WANT TO SAY ANYTHING?

5 ALL RIGHT. THANK YOU FOR COMING.

6 ALL COUNSEL: THANK YOU, YOUR HONOR.

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I, HEATHER J. GORLEY, DO HEREBY CERTIFY THAT SAID MATTER WAS TAKEN DOWN BY AT THE TIME AND PLACE THEREIN NAMED AND WAS THEREAFTER TRANSCRIBED BY MEANS OF COMPUTER-AIDED TRANSCRIPTION; AND THE SAME IS A TRUE, CORRECT AND COMPLETE TRANSCRIPT OF THE SAID PROCEEDINGS.

I FURTHER CERTIFY THAT I AM NOT OF COUNSEL OR ATTORNEY FOR ANY OF THE PARTIES HERETO, OR IN ANY WAY INTERESTED IN THE EVENTS OF THIS CASE, AND THAT I AM NOT RELATED TO ANY PARTY HERETO,

I FURTHER CERTIFY THAT I HAVE COMPLIED WITH CCP 237 (A)(2) IN THAT ALL PERSONAL JUROR IDENTIFYING INFORMATION HAS BEEN REDACTED IF APPLICABLE,

DATED, THIS 28TH DAY OF OCTOBER, 2009.

---

HEATHER J. GORLEY  
CRR CSR #9195

**FILED**

OCT 28 2008

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY David Yamasaki DEPUTY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

ANTELOPE VALLEY GROUNDWATER  
CASES

JCCP Case No. 4408

Case No.: BC391869

**ORDER**

Hearing Date: October 27, 2009  
Time: 9:00 a.m.  
Department: 17C/Complex Civil

Judge: Hon. Jack Komar

On October 13, 2009, following a hearing on a noticed motion to consolidate the various coordinated cases herein, the court indicated its intent to grant the motion to consolidate and directed the parties to meet and confer on the form of the order. Immediately following the court's statement of intent to order consolidation, a motion was made pursuant to Code of Civil Procedure Section 170.6 to disqualify the undersigned judge who is the assigned coordination trial judge. The asserted ground for re-opening the right to exercise such a challenge was the court's order granting consolidation. No formal order of consolidation has yet been signed by the court. The peremptory challenge is premature and anticipatory and has been improvidently

# Exhibit 25

**ORIGINAL FILED**

**DEC - 2 2009**

**LOS ANGELES  
SUPERIOR COURT**

**RECEIVED  
LEPT. 1**

**NOV 30 2009**

**LOS ANGELES  
SUPERIOR COURT**

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

**ANTELOPE VALLEY GROUNDWATER  
CASES**

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1 filed. The court therefore strikes the purported challenge but does not at this time rule on the  
2 validity of a challenge that is filed beyond the period specified in Cal. Rules of Court, rule 3.516.

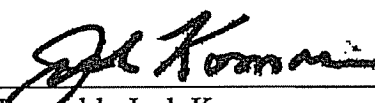
3  
4 To assist the parties in their meet and confer, the order for consolidation should  
5 accomplish a consolidation of the causes of action which assert a claim for declaratory relief (or  
6 its equivalent) recognizing that in the present case, the court having found a single aquifer, all  
7 ground water rights, however acquired, are correlative to all other water rights in the Antelope  
8 Valley, and for a judgment to be effective as to the various interests, the judgment should be in a  
9 single judgment encompassing all water rights. All parties with water rights in the aquifer are  
10 necessary parties.

11  
12 The court is informed that the parties involved in the two class actions which are  
13 coordinated herewith are hopeful that there will be a voluntary settlement in those matters and  
14 hearing dates to consider approval of such settlements are pending. The exact status of those  
15 matters will have an impact on the nature of the consolidation order. Other than establishing  
16 correlative water rights, the consolidation motion should not affect any other claims of rights or  
17 duties between parties who are not litigating against each other.

18  
19 The court resets the hearing dates for the motions to approve settlements and other  
20 motions (including a hearing to discuss the form of a consolidation order) and a case  
21 management conference to February 5, 2010 at 10:00 a.m. in the Los Angeles County Superior  
22 Court.

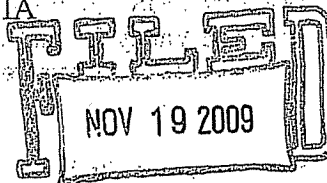
23  
24 SO ORDERED.

25  
26 Dated: October 28, 2009

27   
28 Honorable Jack Komar  
Judge of the Superior Court

# Exhibit 26

COURT OF APPEAL -- STATE OF CALIFORNIA  
FOURTH DISTRICT  
DIVISION TWO



ORDER

COURT OF APPEAL FOURTH DISTRICT

ANTELOPE VALLEY GROUND WATER  
AGREEMENT ASSOCIATION et al.,

E049581

Petitioners,

(Super.Ct.No. JCCP4408)

v.

THE SUPERIOR COURT OF LOS ANGELES  
COUNTY,

The County of Los Angeles

Respondent;

LOS ANGELES COUNTY WATERWORKS DISTRICT

NO. 40 et al.,

Real Parties in Interest.

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THE COURT

With respect to the proposed consolidation, the trial court clearly intended that a detailed written order would be prepared. In such a case, the trial court is free to change its ruling until the order is signed. (See *Bernstein v. Consolidated American Ins. Co.* (1995) 37 Cal.App.4th 763.)

Although the trial court made somewhat conflicting statements at the hearing on the motion to consolidate, at the second hearing, it positively clarified that it had not intended to make any order of consolidation at that hearing. Accordingly, as the trial court found, petitioners' peremptory challenge related to an action to which they are not yet parties and was premature.

The petition for writ of mandate and request for stay are DENIED.

The application of petitioner Bolthouse Properties and Wm. Bolthouse Farms, Inc., filed November 6, 2009, for permission to file certificate of financial or other interest under seal is DENIED as moot.

KING

Acting P.J.

cc: See attached list

COPY



# Exhibit 27

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

Coordination Proceeding  
Special Title (Rule 1550(b))

Judicial Council Coordination  
Proceeding No. 4408

**ANTELOPE VALLEY GROUNDWATER  
CASES**

**ORDER TRANSFERRING AND  
CONSOLIDATING ACTIONS FOR  
ALL PURPOSES**

Included 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

Hearing Date(s): February 5, 2010  
October 13, 2009  
August 17, 2009  
Time: 9:00 a.m.  
Location: Department 1, LASC

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

Judge: Honorable Jack Komar

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

Rebecca Lee Willis v. Los Angeles County  
Waterworks District No. 40  
Superior Court of California, County of Los

3 The City of Palmdale, Rosamond Community Services District, Los Angeles County  
4 Waterworks District No. 40, Littlerock Creek Irrigation District, Palm Ranch Irrigation District,  
5 California Water Service Company, Quartz hill District, City of Lancaster, and Palmdale Water  
6 District (collectively, "Public Water Suppliers") filed Motions to consolidate all of the  
7 coordinated matter presently pending before the Court. The motions were heard on August 17,  
8 2009 and, at the conclusion of the hearing, the Court orally stated its intent to grant the motions  
9 and directed the parties to meet and confer concerning a form of order and to present to the  
10 Court a proposed order granting the motion. Subsequently, proposed orders and written  
11 arguments were filed and a hearing on the form of the order was held on February 5, 2010.

12 All of the included actions are complex and were ordered coordinated under the  
13 provisions of Code of Civil Procedure Section 401.1. To the extent the actions were filed, or  
14 were being heard in courts other than this Court, the Order of Coordination required the transfer  
15 of the cases to this court for all purposes.

16 The Complaints and Cross-Complaints all include, in one form or other, declaratory  
17 relief causes of action seeking determinations of the right to draw ground water from the  
18 Antelope Valley basin. These claims are central to every action pending before the Court. In a  
19 single aquifer, all water rights are said to be correlative to all other water rights in the aquifer.  
20 A determination of an individual party's water rights (whether by an action to quiet title or one  
21 for declaratory relief) cannot be decided in the abstract but must also take into consideration all  
22 other water rights within a single aquifer.<sup>1</sup> All actions pending, therefore, of necessity involve  
23 common issues of law and fact relating to the determination of the relative rights to withdraw  
24 water from the Antelope Valley Groundwater Basin in the Antelope Valley and all parties to  
25 the litigation claiming water rights are necessary parties to the Court adjudicating a binding  
26 determination of those rights. Thus, it appears to the Court that consolidation is not only  
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<sup>1</sup> In an earlier phase of the proceedings, the court found as a matter of fact that the area within the jurisdictional boundaries of the valley constituted a single aquifer.

1 necessary but desirable. Entering separate judgments would not permit the court to enforce the  
2 judgments once they are entered without transferring each case back to this Court.

3 It is argued by several parties that consolidating the cases will require litigating against  
4 parties they did not sue and would subject them to potential costs and fees in actions to which  
5 they were not parties. However, the only cause of action that would affect all parties to the  
6 consolidation are the declaratory relief causes of action which seek a declaration of water rights  
7 (by definition, correlative rights). If the basin is in overdraft (a fact still to be established), the  
8 Court in each declaratory relief proceeding would of necessity have to look at the totality of  
9 pumping by all parties, evaluate the rights of all parties who are producing water from the  
10 aquifer, determine whether injunctive relief was required, and determine what solution equity  
11 and statutory law required (including a potential physical solution). All other causes of action  
12 could only result in remedies involving the parties who were parties to the causes of action.  
13 Costs and fees could only be assessed for or against parties who were involved in particular  
14 actions.

15 Consolidation will allow for the entry of single statements of decision in subsequent  
16 phases specifying the identity of the parties who are subject to the particular provisions and a  
17 single judgment resulting in a comprehensive adjudication of rights to water from the Antelope  
18 Valley Groundwater Basin which, among other things, is intended to satisfy the requirements  
19 of the McCarran Amendment, 43 U.S.C. § 666.

20 The United States is the largest land owner in the Antelope Valley and claims reserved  
21 water rights under federal law. The United States was made a party defendant in this action so  
22 that the declaratory relief actions could result in a complete adjudication. No party objected to  
23 the participation of the United States in these coordinated actions. There is jurisdiction over the  
24 United States only if authorized by Congress. The McCarran Amendment provides a limited  
25 waiver of immunity for joinder in *comprehensive* adjudications of all rights to a given water  
26 source. In order for there to be a *comprehensive* adjudication all parties who have a water  
27 rights claim must be joined in the action and the judgment must bind all the parties. Without  
28 consolidation there is risk that the United States might attempt to withdraw from the

1 proceedings for lack of a comprehensive judgment. It may be that coordination itself might  
2 permit a single comprehensive judgment but consolidation would eliminate any risk of  
3 uncertainty. Consolidation of the water rights claims will result in a comprehensive  
4 adjudication and a judgment that will affect all the parties. Complete consolidation will permit  
5 these matters to proceed as an *inter se* adjudication of the rights of all the parties to these  
6 consolidated cases to withdraw groundwater from the Antelope Valley Groundwater Basin.

7 While there is a dearth of case law on the issue of consolidation in coordinated cases, it  
8 does seem that Code of Civil Procedure Section 1048 applies in these cases and authorizes a  
9 consolidation that will result in a final judgment. The California Rules of Court 3.451 requires  
10 active management by the coordination trial judge and specifically provides for separate and  
11 joint trials of causes of action and issues, as the court in its discretion might order.

12 Pursuant to Rule 3.545(d) of the Rules of Court, certified copies of the judgments  
13 bearing the original case numbers of the cases must be entered in the courts where the cases  
14 were being heard immediately prior to coordination and unless the coordination judge orders  
15 otherwise, the judgments are enforced in those original jurisdictions. However, Rule 3.545(d)  
16 empowers the court to provide for the court in which post judgment proceedings will occur and  
17 to provide for the court in which any ancillary proceedings will be heard. In this case, that court  
18 should be the coordination court in order to ensure proper enforcement of the judgment or  
19 judgments.

20 This order of consolidation will not preclude any parties from settling any or all claims  
21 between or among them, as long as any such settlement expressly provides for the Court to  
22 retain jurisdiction over the settling parties for purposes of entering a judgment resolving all  
23 claims to the rights to withdraw groundwater from the Antelope Valley Groundwater Basin as  
24 well as the creation of a physical solution if such is required upon a proper finding by the  
25 Court. Upon appropriate motion and the opportunity for all parties in interest to be heard, the  
26 Court may enter a final judgment approving any settlements, including the *Willis* and *Wood*  
27 class settlements, that finally determine all cognizable claims for relief among the settling  
28 parties for purposes of incorporating and merging the settlements into a comprehensive single

1 judgment containing such a declaration of water rights and a physical solution. Any such  
2 settlement can only affect the parties to the settlement and cannot have any affect on the rights  
3 and duties of any party who is not a party to any such settlement. Complete consolidation shall  
4 not preclude or impair any class' right to seek the entry of a final judgment after settlement.

5 Therefore it is ordered as follows:

6 Except as otherwise stated below the motion to transfer and to consolidate for all  
7 purposes is **GRANTED**.

- 8 1. To the extent not previously transferred as a result of the Judicial Council's  
9 order of coordination, all matter presently pending under the Judicial Council  
10 Coordination Proceeding No. 4408 are ordered transferred from the Riverside  
11 County Superior Court and Kern County Superior Court to the Los Angeles  
12 County Superior Court, the Honorable Jack Komar, judge presiding by special  
13 assignment.
- 14 2. The following actions are consolidated for all purposes because declaratory  
15 relief concerning rights to the ground water in the single aquifer is central to  
16 each proceeding:
  - 17 a. *Wm. Bolthouse Farms, Inc. v. City of Lancaster, et al.*, Riverside County  
18 Superior Court, Case No. RIC 353840;
  - 19 b. *Diamond Farming Co., et al. v. City of Lancaster, et al.*, Riverside County  
20 Superior Court, Case No. RIC 3444436;
  - 21 c. *Diamond Farming Co. v. Palmdale Water District, et al.*, Riverside County  
22 Superior Court, Case No. RIC 344668;
  - 23 d. *Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., et*  
24 *al.*, Kern County Superior Court, Case No. S-1500-CV-254-348;
  - 25 e. *Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., et*  
26 *al.*, Los Angeles County Superior Court, Case No. BC 325201;
  - 27 f. *Rebecca Lee Willis, et al. v. Los Angeles County Waterworks District No. 40,*  
28 *et al.*, Los Angeles County Superior Court, Case No. BC 364553;

1 g. *Richard A. Wood, et al. v. Los Angeles County Waterworks District No. 40, et*  
2 *al.*, Los Angeles County Superior Court, Case No. BC 391869; and

3 h. And all cross-complaints filed in any of the above-referenced actions.

4 3. The action entitled *Sheldon R. Blum, Trustee for the Sheldon R. Blum Trust v.*  
5 *Wm. Bolthouse Farms, Inc.*, Los Angeles County Superior Court, Case No. 1-  
6 05-CV-049053, is not consolidated, but shall remain related and coordinated  
7 with the actions and cross-actions referenced in paragraph 3 above.

8 4. The Court has ordered a Case Management Conference at which it will hear  
9 arguments concerning the order in which common issues will be heard and to  
10 set the matter for further trial. It is the Court's present intent to first schedule  
11 trial on the common issues relating to declaratory relief which will include the  
12 determination of overall condition of groundwater basin:

13 1. Safe Yield

14 2. Overdraft

15 5. The determination of rights to withdraw groundwater, and claims to  
16 prescription, issues affecting appropriation, municipal/domestic priority, rights  
17 to imported water/storage rights, return flow rights, reasonable and beneficial  
18 use of water, recycled water, quiet title, export of water, determination of  
19 federal reserved right to water and physical solution may follow.

20 6. The following described causes of action for damages and other declaratory  
21 relief will proceed after the determination of the issues identified in paragraphs  
22 4 and 5 above. Any waiver of immunity by the United States under the  
23 McCarran Amendment does not extend to these claims; jurisdiction over the  
24 United States does not attach to these claims or causes of action alleging these  
25 claims, and any determination on these claims shall not bind or otherwise  
26 adversely affect the rights of the United States:

27 a) Conversion

28 b) Nuisance


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- c) 42 U.S.C. § 1983
- d) Takings/Inverse Condemnation
- e) Trespass

7. Any claim to declaratory relief regarding basin boundaries has been determined by the Court by Order dated November 6, 2008. To the extent any current party was not a party at the time of the determination of this issue, that party may seek to reopen or, consistent with the order, move to amend the basin boundary.

SO ORDERED.

Dated: FEB 19 2010

  
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Hon. Jack Komar  
Judge of the Superior Court