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6 Attorneys for Defendants
LITTLEROCK CREEK IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT,
7 NORTH EDWARDS WATER DISTRICT, DESERT LAKES COMMUNITY SERVICES DISTRICT,
LLANO DEL-RIO WATER CO., LLANO MUTUAL WATER CO., BIG ROCK MUTUAL WATER
8 CO., and LITTLE BALDY WATER CO.

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**
11

12 **ANTELOPE VALLEY GROUNDWATER) Judicial Council Coordination**
13 **CASES) Proceeding No. 4408**
14 Included Actions:) **[Santa Clara Superior Court Case No. 1-05-**
15 Los Angeles County Waterworks District) **CV-049053]**
16 No. 40 v. Diamond Farming Co. Superior) **[Assigned for All Purposes to the**
17 Court of California, County of Los Angeles,) **Honorable Jack Komar]**
18 Case No. BC 325201; Los Angeles County) **CASE MANAGEMENT STATEMENT**
19 Waterworks District No. 40 v. Diamond)
20 Farming Co., Superior Court of California,)
21 County of Kern, Case No. S-1500-CV-)
22 234348; Wm. Bolthouse Farms, Inc. v. City)
of Lancaster Diamond Farming Co. v. City) **Date: August 17, 2009**
20 of Lancaster v. Palmdale Water District,) **Time: 10:00 a.m.**
21 Superior Court of California, County of) **Dept.: 17 - Santa Clara Superior Court**
22 Riverside, consolidated actions, Case Nos.)
RIC 353840,)
22 RIC 344436, RIC 344668)
23

24 **PRELIMINARY**

25 Littlerock Irrigation District, et al ("Littlerock") offer the following on the matters to
26 be considered by the court on August 17, 2009.
27

1
2 **DISQUALIFICATION**

3 The undersigned is gathering declarations from clients concerning Lemieux and O’Neill’s
4 authority to dismiss cross-complaint by Littlerock and Palm Ranch Irrigation District
5 against other clients of Lemieux and O’Neill. The declarations will be offered to counsel for
6 the Wood class and the court, under seal, when all declarations are received. As of this
7 writing all declarations have not been received for logistic reasons.
8

9 **PLEADINGS: DEEMED ANSWER**

10 On July 24, 2009, the court indicated an interest in discussing the status of
11 pleadings. The following suggests how to deal with problems arising from “deemed
12 answers.”
13

14 Several parties apparently failed to file answer based on the understanding they are
15 deemed to have denied all allegations and raised all affirmative defenses. A case
16 management order should be adopted to clarify this understanding. The order should also
17 recognize the possibility the answering party does not wish to raise all affirmative defenses.
18 Further, the case management order should consider many parties who have failed to
19 answer may not easily be contacted with respect to the case management order. Finally,
20 some parties did not intend to answer and are appropriately subject to default.
21

22 We suggest a case management order provide:

- 23
- 24 • A general denial may be filed by a party who has not answered. The general denial
25 will be deemed to have been interposed against all complaints and cross-complaints
26 which named the answering party as a defendant or cross-defendant. The general
27 denial will be deemed to have incorporated all possible affirmative defenses unless
28 the answering party pleads specific affirmative defenses.

- 1 • A party who seeks entry of default judgment shall notify the party against whom the
2 default is sought that a general denial may be filed. The notice shall be served at
3 least 30 days before the request for default is filed, and proof of service shall be filed
4 with the request.

5 **CONSOLIDATION**

6 Littlerock has joined in the motion of the city of Palmdale to transfer and consolidate
7 these cases.

8 **STAY**

9 Littlerock opposes the City of Lancaster's and Palmdale Water District's motion to
10 stay for the reasons stated by Los Angeles County Waterworks District No. 40 ("County") in
11 its opposition dated August 4, 2009, by the United States Department of Justice in its
12 opposition dated August 4, 2009, and by Rebecca Lee Willis Class in their opposition dated
13 August 3,2009 .

14 **EXPERT APPOINTMENT**

15 Littlerock opposes the motion of Willis for appointment of expert witness for the
16 reasons stated in the County's opposition dated August 4, 2009. Littlerock opposes the
17 motion of Wood for the appointment of expert witness.
18
19

20 **CONCLUSION**

21 Littlerock respectfully offers the foregoing and will be available in court to respond to
22 questions and comments.
23

24 DATED: August 10, 2009.

25 **LEMIEUX & O'NEILL**

26 /s/

27 By: _____

Wayne K. Lemieux

Attorneys for Littlerock Creek Irrig. Dist., et al.

PROOF OF SERVICE

STATE OF CALIFORNIA,)
) ss.
COUNTY OF VENTURA)

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action. My business address is 2393 Townsgate Road, Suite 201, Westlake Village, California 91361.

On **August 10, 2009**, I posted the following document(s) to the website <http://www.scefiling.org>, a dedicated link to the Antelope Valley Groundwater Cases:

CASE MANAGEMENT STATEMENT

I declare under penalty of perjury under the laws of the United State of America that the above is true and correct.

Executed on August 10, 2009, in Westlake Village, California.

/s/

KATHI MIERS

SERVICE LIST

Antelope Valley Groundwater Cases: Case No. 1: 05-CV-049053

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CASE MANAGEMENT STATEMENT

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21	Superior Court of California County of Los Angeles Stanley Mosk Courthouse—Dept. 1, Rm 534 111 North Hill Street Los Angeles, CA 90012	Original Document(s) to be filed at this location.
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23		
24	*Chair, Judicial Council of California Administrative Office of the Courts Attn: Appellate & Trial Court Judicial Services (Civil Case Coordination) 455 Golden Gate Avenue San Francisco, CA 94102-3688	CRC Rule 1511: *Serve only when required to be transmitted to Judicial Council.
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