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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

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11 COORDINATION PROCEEDING,
12 SPECIAL TITLE (Rule 1550 (b)),

Judicial Council Coordination
Proceeding No. 4408

13 ANTELOPE VALLEY GROUNDWATER
14 CASES ,

CASE NO.: 1-05-CV-049053

15 INCLUDED ACTIONS:, LOS ANGELES
16 COUNTY WATERWORKS DISTRICT NO.
40 v. DIAMOND FARMING COMPANY, et
17 al.,,
Los Angeles Superior Court Case No.
18 BC325201,

**CASE MANAGEMENT STATEMENT OF
BOLTHOUSE PROPERTIES LLC AND
WM. BOLTHOUSE FARMS, INC.**

19 LOS ANGELES COUNTY WATERWORKS
20 DISTRICT NO. 40 v. DIAMOND FARMING
COMPANY, et al. ,
21 Kern County Superior Court Case No. S-1500-
22 CV-254348,

DATE: September 7, 2010
TIME; 9:00 a.m.
DEPT: 17 (Santa Clara)
JUDGE: Hon. Jack Komar

23 DIAMOND FARMING COMPANY, and
24 W.M. BOLTHOUSE FARMS, INC., v. CITY
OF LANCASTER, et al.,
25 Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and 353840] ,
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1 The case has not yet settled. The Phase 3 trial is intended to determine safe yield. Safe
2 yield often changes over time. It may properly be adjusted by a Court under continuing
3 jurisdiction in order to protect the groundwater rights of the parties and to protect the basin.
4 The purpose of determining safe yield for purposes of a physical solution is to set the safe yield
5 at such a level that will not endanger the pumping rights of the parties any more than absolutely
6 necessary in order to protect the water basin.

7 Although a trial may be necessary if a settlement cannot be reached, it must be clear that
8 a determination of safe yield for purposes of a potential physical solution represents an
9 equitable determination of water extraction which can continue without any material damage to
10 the water supply while at the same time maximizing water use as constitutionally required by
11 Article 10 Section 2.

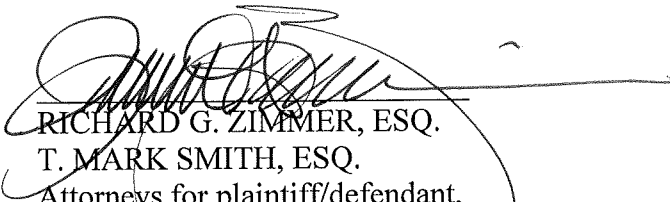
12 The Bolthouse entities again request that the scope and nature of the Phase 3 trial be
13 discussed in more detail as requested in the Bolthouse entities previous Case Management
14 Statement which is incorporated herein by reference. Specifically, the Bolthouse entities
15 request clarification as requested therein confirming that the Phase 3 trial is for the purposes of
16 determining current safe yield and whether the basin currently is in overdraft solely for the
17 purpose of determining whether a physical solution should be litigated and evaluated.

18 Respectfully submitted,

19 DATED: September 21, 2010

20 CLIFFORD & BROWN

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23 By:


RICHARD G. ZIMMER, ESQ.

T. MARK SMITH, ESQ.

Attorneys for plaintiff/defendant,
BOLTHOUSE PROPERTIES, LLC

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PROOF OF SERVICE (C.C.P. §1013a, 2015.5)
Antelope Valley Groundwater Cases
Judicial Counsel Coordination Proceeding No. 4408
Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On September 2, 2010, I served the foregoing document(s) entitled:

**CASE MANAGEMENT STATEMENT OF BOLTHOUSE PROPERTIES, LLC'S AND
WM. BOLTHOUSE FARMS, INC.'S**

— by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

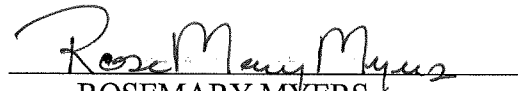
— by placing _ the original, _ a true copy thereof, enclosed in a sealed enveloped addressed as follows:

X BY SANTA CLARA SUPERIOR COURT E-FILING IN COMPLEX LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.

Executed on September 2, 2010, at Bakersfield, California.

X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


ROSEMARY MYERS
2455-2