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10 Attorneys for Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc.,

11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF SANTA CLARA**

13 * * *

14 COORDINATION PROCEEDING) Judicial Council Coordination Proceeding
15 SPECIAL TITLE (Rule 1550(b))) No. 4408
16 ANTELOPE VALLEY GROUNDWATER) CASE NO. 1-05-CV-409053
17 CASES)
18 INCLUDED ACTIONS:)
19 LOS ANGELES COUNTY)
20 WATERWORKS DISTRICT NO. 40 v.)
21 DIAMOND FARMING COMPANY, et al.,) **BOLTHOUSE PROPERTIES, LLC'S**
22 Los Angeles Superior Court Case No.) **AND WM. BOLTHOUSE FARMS,**
23 BC325201) **INC.'S CASE MANAGEMENT**
24) **CONFERENCE STATEMENT**
25 LOS ANGELES COUNTY)
26 WATERWORKS DISTRICT NO. 40 v.)
27 DIAMOND FARMING COMPANY, et al.,)
28 Kern County Superior Court Case No. S-)
1500-CV-254348) **DATE: February 14, 2012**
) **TIME: 9:00 a.m.**
) **DEPT: 1515**
DIAMOND FARMING COMPANY, and)
W.M. BOLTHOUSE FARMS, INC., v.)
CITY OF LANCASTER, et al.,)
Riverside Superior Court)
Case No. RIC 344436 [c/w case no. RIC)
344668 and 353840]

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1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 BOLTHOUSE PROPERTIES, LLC and WM. BOLTHOUSE FARMS, INC.
3 (hereinafter collectively referred to as "Bolthouse") provide the following Case Management
4 Conference Statement.

5 **STATUS OF MEDIATION**

6 As the Court is undoubtedly aware, the parties conducted additional days of mediation
7 with Justice Robie. Although the allocation issue has not been completely resolved, the parties
8 are very close to allocation of water rights within the safe yield determined by the Court. Some
9 creative alternatives need to be considered in order to resolve the claims of a few additional
10 parties. Various parties are considering alternatives in this regard and Justice Robie will be
11 meeting with these parties prior to the next mediation date scheduled for February 29, 2012, at
12 which time it is hoped that all parties will be in agreement to an allocation of water rights.

13 **NEXT PHASE OF TRIAL PROCEEDINGS**

14 Based upon the flurry of filings recently made to the Court requesting findings on legal
15 issues, it is clear that attempting to resolve these issues at present without factual and legal
16 context, is diverting attention of the parties from spending time working on the allocation.
17 Additionally, the flurry of filings make clear that various parties would like to have different
18 discrete issues tried in the next phase of trial.

19 Depending upon whether the mediation results in a settlement by most or all parties, the
20 issues left to be tried in the matter will be different and probably much more limited.
21 Accordingly, it is premature to determine what the next phase of trial will be and/or a date for
22 the next phase of trial. Obviously when the trial should be set will be dependent upon the
23 extent of discovery, motions and expert analysis which will be necessary to prepare for such a
24 phase of trial.

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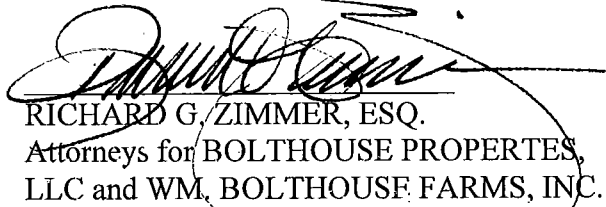
1 Bolthouse requests the Court set this matter for a further Case Management Conference
2 for approximately thirty (30) days from now.

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4 DATED: February 1, 2012

Respectfully submitted.

5 CLIFFORD & BROWN

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7 By:


8 RICHARD G. ZIMMER, ESQ.
9 Attorneys for BOLTHOUSE PROPERTIES,
10 LLC and WM. BOLTHOUSE FARMS, INC.

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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 February 1, 2012, I served the foregoing document(s) entitled:

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

— 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 February 1, 2012, 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.



NANETTE MAXEY
2455-2