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6 Attorneys for BOLTHOUSE PROPERTIES, LLC
and WM. BOLTHOUSE FARMS, INC.
7

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SANTA CLARA

10 * * *

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

12 ANTELOPE VALLEY GROUNDWATER
13 CASES

14 INCLUDED ACTIONS:

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

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

20 DIAMOND FARMING COMPANY, and W.M.
21 BOLTHOUSE FARMS, INC., v. CITY OF
LANCASTER, et al.,
22 Riverside Superior Court Case No. RIC 344436
[c/w case no. RIC 344668 and 353840]
23

24 AND RELATED ACTIONS.
25

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JUDICIAL COUNCIL COORDINATION PROCEEDING
No. 4408

CASE NO. 1-05-CV-049053
Action Filed: October 26, 2005

**OBJECTION TO [PROPOSED] CASE
MANAGEMENT ORDER ON PHASE V
TRIAL ISSUES**

[FILED CONCURRENTLY WITH THE
[PROPOSED] CASE MANAGEMENT
ORDER ON PHASE V TRIAL ISSUES]

1 Objection is hereby made to the [Proposed] Case Management Order on Phase V Trial Issues
2 filed by District 40 on Friday afternoon, on the grounds that the Case Management Order does not
3 properly reflect the Case Management Conference held on July 29, 2013 and was not circulated to the
4 landowners prior to posting on the Court's website.

5 The Court ordered the purveyor parties to identify the legal theory, timeframe and factual and
6 legal basis supporting the prescription claims. However, the Court did not make any findings or orders
7 as to whether the purveyor parties may prove prescription on a basin-wide basis or whether they must
8 prove prescription on a parcel by parcel basis. The Court ordered the purveyor parties to identify the
9 legal theory, timeframe and factual and legal basis supporting the prescription claims against each
10 landowner along with any other claim to groundwater which the purveyor parties may be making such as
11 any purveyor claim based upon overlying rights. The Court invited briefing regarding the
12 interrelationship of riparian rights vis-à-vis groundwater rights.

13 The Court also ordered that further briefs be filed by August 16, 2013 regarding jury versus non-
14 jury issues. However, the Court did not make any orders regarding the matters which will be at issue in
15 the Phase V trial. Specifically, the Court did not, as District 40 suggests, order that the next Phase of
16 trial will determine "parties' claims to water including Federal Reserve rights, overlying rights,
17 appropriative rights, prescriptive rights, priority claims to return flows, and other municipal and domestic
18 priority claims." A determination as to specific issues for the Phase V trial will of necessity need to be
19 made after evaluation of information provided by the purveyor parties regarding legal theory, timeframe
20 and factual and legal basis supporting the prescription claims.

21 Finally, the Court set a further Case Management Conference for September 6, 2013 at 10:00
22 a.m. in Los Angeles.

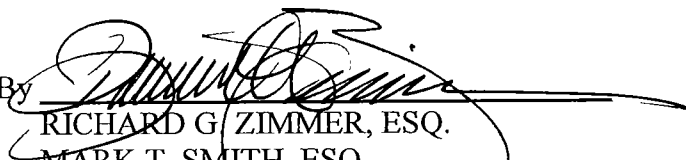
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1 Because the Proposed Case Management Order on Phase V Trial Issues filed by District 40 does
2 not properly reflect the Courts directions, filed herewith is a [Proposed] Case Management Order on
3 Phase V Trial Issues which more accurately reflects the Court's orders at the July 29, 2013 Case
4 Management Conference.

5
6 DATED: August 27, 2013

Respectfully submitted,

CLIFFORD & BROWN

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9
10 By 
11 RICHARD G. ZIMMER, ESQ.
12 MARK T. SMITH, ESQ.
13 Attorneys for BOLTHOUSE PROPERTIES, LLC
14 and WM. BOLTHOUSE FARMS, INC.

15
16 DATED: August __, 2013

KUHS & PARKER

17 By _____
18 ROBERT KUHS, ESQ.
19 Attorney for Tejon Ranchcorp and Granite
20 Construction Company

21
22 DATED: August __, 2013

MORRISON & FOERSTER LLP

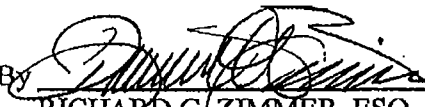
23 By _____
24 WILLIAM SLOAN, ESQ.
25 Attorney for U.S. Borax Inc.

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27
28 [SIGNATURES CONTINUED ON THE NEXT PAGE]

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5
6 DATED: August 7th, 2013

Respectfully submitted,
CLIFFORD & BROWN

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12 MARK T. SMITH, ESQ.
13 Attorneys for BOLTHOUSE PROPERTIES, LLC
14 and WM. BOLTHOUSE FARMS, INC.

15
16 DATED: August 8th, 2013

KUHS & PARKER

17 By 
18 ROBERT KUHS, ESQ.
19 Attorney for Tejon Ranchcorp and Granite
20 Construction Company

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22 DATED: August ____, 2013

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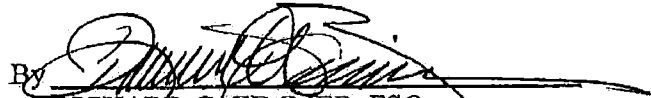
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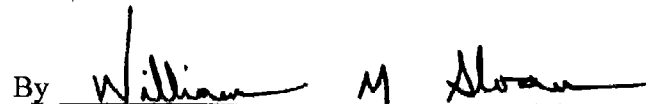
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19 Construction Company

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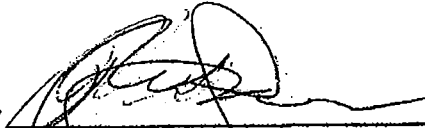
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24 Attorneys for U.S. BORAK INC.

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DATED: August 8, 2013

LEBEAU-THELEN LLP

By 
BOB JOYCE, ESQ.
Attorney for Diamond Farming Company,
Crystal Organic Farms, LLC, Grimmway
Enterprises and Lapis Land Company, LLC

DATED: August __, 2013

BROWNSTEIN HYATT FARBER SCHRECK
LLP

By _____
MICHAEL FIFE, ESQ.
Attorney for Antelope Valley Ground Water
Agreement Association

DATED: August __, 2013

LAW OFFICES OF YOUNG WOOLDRIDGE
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By _____
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Attorneys for Van Dam, Gertrude J. Van Dam,
Delmar D. Van Dam, Craig Van Dam, Gary
Bujulian Brothers, Inc. and WDS California II,
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DATED: August __, 2013

KLEIN, DENATALE, GOLDNER, COOPER,
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Crystal Organic Farms, LLC, Grimmway
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7 Enterprises and Lapis Land Company, LLC

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22 LLC

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