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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

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COORDINATION PROCEEDING SPECIAL TITLE (Rule 1550(b)) ANTELOPE VALLEY GROUNDWATER CASES INCLUDED ACTIONS: LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 v. DIAMOND FARMING COMPANY, et al., Los Angeles Superior Court Case No. BC325201 LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 v. DIAMOND FARMING COMPANY, et al., Kern County Superior Court Case No. S-1500-CV-254348 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] AND RELATED ACTIONS.	JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4408 CASE NO. 1-05-CV-049053 *Action Filed: October 26, 2005* **[PROPOSED] CASE MANAGEMENT ORDER ON PHASE V TRIAL ISSUES** [FILED CONCURRENTLY WITH THE OBJECTION TO [PROPOSED] CASE MANAGEMENT ORDER ON PHASE V TRIAL ISSUES]

On July 29, 2013, a Case Management Conference regarding Phase V trial issues was held in the Los Angeles Superior Court located at 111 North Hill Street, Los Angeles, CA 90012. The Court repeated its intended desire to try prescription issues in Phase V. Various parties and the court,

expressed concern over the breadth and generality of the purveyor prescription claims and requested identification of the legal theory, timeframe and factual and legal basis supporting the prescription claims of each purveyor. In order to assist in framing up Phase V trial issues, the Court ordered the purveyor parties claiming prescription to identify the legal theory, timeframe, factual and legal basis for each purveyor claim as against each landowner along with any other purveyor claim to groundwater such as purveyor overlying rights.

The Court also ordered additional briefing no later than August 16, 2013, regarding jury versus non-jury issues in a prescription case and regarding the affect of riparian issues vis-à-vis groundwater issues in the context of a prescription claim.

The Court set a further Case Management Conference for September 6, 2013 at 10:00 a.m., in the Los Angeles Superior Court (courtroom to be determined).

Finally, the Court requested the parties meet and confer regarding a form of court ordered discovery to clarify the legal theory, timeframe and factual and legal basis supporting the prescription claims of each purveyor as against each landowner along with any other purveyor claim to groundwater such as purveyor overlying rights. Once agreed to by the parties or ordered by the Court, the court ordered discovery will be attached to this Order as Exhibit "A".

Finally, the Court suggested that the parties continue with mediation efforts in an attempt to resolve the case.

DATED:

By _____
HONORABLE, JACK KOMAR
JUDGE OF THE SUPERIOR COURT