

“EXHIBIT A”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 1

HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)
SPECIAL TITLE)
(RULE 1550(B)))

PLAINTIFF,)

ANTELOPE VALLEY)
GROUNDWATER CASES)

JCCP4408

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, NOVEMBER 13TH, 2006

APPEARANCES:

(SEE APPEARANCE PAGE)

LISA C. RIDLEY
OFFICIAL REPORTER
111 N. HILL ST.
DEPT 1
LOS ANGELES, CA 90012

COPY

1 I THINK SOMEBODY INDICATED UNDER 10-ACRE
2 FEET A YEAR, THERE ARE A NUMBER OF PEOPLE WHO ARE IN THE
3 AREA WHO ARE NOT WATER PRODUCERS AT ALL, WHO ARE
4 CONSUMERS. IT SEEMS TO ME IT IS NOT NECESSARY TO JOIN
5 ALL THOSE PARTIES INASMUCH AS THE PUBLIC WATER PURVEYORS
6 AND PRODUCERS ESSENTIALLY ARE ACTING IN THEIR INTEREST.

7 THE COURT INDICATED SOMETIME AGO THAT IT
8 MIGHT BE BENEFICIAL TO HAVE A CLASS DEFENDANT, I SHOULD
9 SAY CLASS DEFENDANTS, THAT IS MINOR PRODUCERS, SO THAT
10 TO THE EXTENT THEY WISH TO BE HEARD, THEY CAN AND THEY
11 CAN HAVE REPRESENTATION.

12 I HAD ASKED THAT THERE BE A PROPOSED
13 METHOD OF DEFINING THAT CLASS. I THINK THAT STILL HAS
14 TO BE DONE, IT HASN'T BEEN DONE YET TO MY KNOWLEDGE.

15 THE COURT IS INTERESTED, HOWEVER, IN
16 GETTING THIS MATTER AT ISSUE AS SOON AS POSSIBLE SO THAT
17 WE CAN PROCEED TO THE NEXT PHASE IN THE EVENT THAT THE
18 PARTIES CANNOT AGREE AS TO A RESOLUTION OF THE CASE IN
19 ITS ENTIRETY.

20 LET'S TAKE UP THE ISSUE OF THE WELL DATA
21 AT THIS POINT. AND IT SEEMS TO ME IT'S ONLY IMPORTANT
22 THAT AT THIS POINT TO DETERMINE WHO OUGHT TO BE AND WHO
23 NEED NOT BE A PARTY TO THESE PROCEEDINGS AT SOME POINT.

24 AT SOME LATER POINT, IT MAY BE IMPORTANT
25 TO HAVE ALL THE WELL DATA, AND I SUSPECT THAT WE WILL
26 HAVE TO DEAL WITH THAT ISSUE WHEN IT ARISES.

27 FIRST I WANT TO GET THE MATTER AT ISSUE.

28 SO WHO WANTS TO MAKE A PROPOSAL AS TO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 1

HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)
SPECIAL TITLE)
(RULE 1550(B)))
PLAINTIFF,)
ANTELOPE VALLEY)
GROUNDWATER CASES)

JCCP4408

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, NOVEMBER 13TH, 2006

APPEARANCES:

(SEE APPEARANCE PAGE)

LISA C. RIDLEY
OFFICIAL REPORTER
111 N. HILL ST.
DEPT 1
LOS ANGELES, CA 90012

COPY

1 LAW, THERE'S A REQUIREMENT THAT EVERYBODY, WITHOUT
2 EXCEPTION, HAS TO BE BROUGHT IN, INTO A POTENTIAL CLASS.

3 AND I THINK IT'S FAIR TO SAY THAT BOTH
4 UNITED STATES AND THE COUNTY AGREE THAT UNTIL WE GET
5 THAT ISSUE RESOLVED, WE ARE NOT REALLY GOING TO BE IN A
6 POSITION TO SORT OF FRAME CLASS PLEADINGS AND CUT OFF,
7 IF APPROPRIATE, OR DRAW A LINE ON THE MINIMAL OR DE
8 MINIMIS USERS.

9 THE COURT: WHY WOULD NOT A MOTION TO CERTIFY
10 A CLASS BE A USEFUL DEVICE FOR DETERMINING THE SCOPE OF
11 THE CLASS?

12 MR. DUNN: IT COULD BE. WHAT WOULD HAPPEN
13 THEN IS IF IT'S THE COUNTY WHO WOULD GO FORWARD WITH
14 THAT MOTION, THEIR MOTION AND ATTENDANT AMENDED PLEADING
15 WOULD BOTH, PLEADING AND THE MOTION ITSELF, WOULD
16 REFERENCE THE POSITION THAT IT'S -- THAT THERE IS A DE
17 MINIMAL EXCLUSION AND THE PLEADING THAT WE PROPOSE WOULD
18 REFLECT THAT. AND IT WOULD BE POSSIBLE THEN FOR
19 SOMEONE, PERHAPS ON LEGAL GROUNDS, JUST TO SIMPLY STOP
20 IT AT THAT POINT.

21 IT MIGHT BE MORE PRUDENT TO HAVE THAT
22 NARROW ISSUE RESOLVED UP FRONT.

23 THE COURT: I THINK IT SHOULD BE RESOLVED ON
24 MOTION TO CERTIFY A CLASS IF THERE'S AN OBJECTION TO THE
25 PROPOSED CLASS DEFINITION, THE COURT CAN MODIFY IT, CAN
26 OVERRULE THE OBJECTIONS, SUSTAIN THEM, ANY VARIETY OF
27 THINGS THAT WOULD FACILITATE GETTING THAT ISSUE RESOLVED
28 PROMPTLY. AND IT SEEMS TO ME THAT'S THE BEST WAY TO GET