

“EXHIBIT J”

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 NO. 1

HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)
SPECIAL TITLE (RULE 1550B))

JUDICIAL COUNCIL
COORDINATION NO. P4408

ANTELOPE VALLEY GROUNDWATER CASES))

PALMDALE WATER DISTRICT AND)
QUARTZ HILL WATER DISTRICT,)

SANTA CLARA CASE NO.
1-05-CV-049053

CROSS-COMPLAINANTS,)

VS)

LOS ANGELES COUNTY WATERWORKS,)
DISTRICT NO. 40, ET AL,)

CROSS-DEFENDANTS.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, AUGUST 20, 2007

APPEARANCES:

(SEE APPEARANCE PAGES)

ORIGINAL

CHARLOTTE NICHOLAS MOHAMED, CSR #2384
OFFICIAL REPORTER

1 TO THE FILING OF THE COUNTY CROSS-COMPLAINT. AND WOULD
2 EXCLUDE PEOPLE WHO ARE WITHIN A SERVICE AREA OF A PUBLIC WATER
3 SUPPLIER, PUBLIC UTILITY, OR MUTUAL WATER COMPANY, BEING
4 EITHER SERVED BY THOSE ENTITIES OR UNDER CONTRACT TO BE SERVED
5 BY THOSE ENTITIES WHICH WOULD COVER LARGE DEVELOPERS WHO HAVE
6 CONTRACTS.

7 AND WE WOULD PROPOSE -- I DON'T KNOW WHAT I'M
8 LEAVING OUT -- BUT WE WOULD PROPOSE TO WORK TOGETHER TO CREATE
9 AN ORDER FOR THE COURT THAT DEFINES THIS CLASS FOR
10 CERTIFICATION AND SUBMIT IT WITHIN ONE WEEK.

11 THE COURT: ALL RIGHT. WILL YOU ALSO PROVIDE THE COURT
12 WITH A PROPOSED FORM OF NOTICE FOR THESE INDIVIDUALS --

13 MR. MARKMAN: YES.

14 THE COURT: -- AS WELL AS A METHOD OF SERVICE?

15 MR. MARKMAN: YES, YOUR HONOR. AS A MATTER OF FACT WE
16 TALKED ABOUT THE METHOD OF SERVICE, INCLUDING MAILED NOTICE TO
17 THE PEOPLE WHO WE THINK COULD BE ASCERTAINED FROM THE
18 ASSESSORS ROLLS. AND THE COUNTY HAS INDICATED THEY WILL
19 RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE COUNTY BEAR THE
20 COSTS OF BOTH FINDING AND MAILING TO THOSE PERSONS.

21 THE COURT: ALL RIGHT.

22 MS. CAHILL: YOUR HONOR, THIS IS VIRGINIA CAHILL WITH
23 THE STATE OF CALIFORNIA.

24 THE COURT: YES.

25 MS. CAHILL: I DIDN'T HEAR THEM MENTION THAT THEY WERE
26 EXCLUDING ALL GOVERNMENTAL ENTITIES THAT OWNED LAND.

27 THE COURT: OF NECESSITY IT WOULD BE.

28 MR. MARKMAN: AND ALL PARTIES OBVIOUSLY.

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 NO. 1

HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)
SPECIAL TITLE (RULE 1550B))

ANTELOPE VALLEY GROUNDWATER CASES))

JUDICIAL COUNCIL
COORDINATION NO. P4408

PALMDALE WATER DISTRICT AND)
QUARTZ HILL WATER DISTRICT,)

SANTA CLARA CASE NO.
1-05-CV-049053

CROSS-COMPLAINANTS,)

VS)

LOS ANGELES COUNTY WATERWORKS,)
DISTRICT NO. 40, ET AL,)

CROSS-DEFENDANTS.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, AUGUST 20, 2007

APPEARANCES:

(SEE APPEARANCE PAGES)

ORIGINAL

CHARLOTTE NICHOLAS MOHAMED, CSR #2384
OFFICIAL REPORTER

1 AROUND IN CIRCLES BECAUSE IN THE EVENT THAT THE COURT MAKES A
2 DETERMINATION THAT THE PARTIES CANNOT PRESENT A SUFFICIENT
3 GROUND FOR PRESCRIPTION, THAT'S BINDING ON NOBODY WHO IS NOT
4 WITHIN THE JURISDICTION OF THE COURT.

5 MR. JOYCE: THAT IS CORRECT, YOUR HONOR.

6 THE COURT: AND WHAT I WANT TO HAVE IS AN ADJUDICATION
7 THAT WILL BE BINDING. AND I CAN'T DO THAT CERTAINLY WITHOUT A
8 CLASS ACTION, IT SEEMS TO ME, AS TO THE DORMANT PARTIES.
9 THERE ARE TOO MANY DORMANT PARTIES. IF WE HAD FIVE DORMANT
10 PARTIES I WOULD SAY "SERVE THEM."

11 MR. JOYCE: A NUMBER OF -- IN FACT THE CALIFORNIA
12 SUPREME COURT, IN DE-CERTIFYING A CLASSIFICATION ORDER, MADE
13 THE STATEMENT -- I'LL PARAPHRASE IT. THEY CAUTION THE COURTS
14 IN CONSIDERING CLASS CERTIFICATION TO NOT CONFUSE THE GOAL
15 WITH THE GOALIE. AND THAT'S A PARAPHRASE.

16 AND WHAT I'M SUGGESTING IS SIMPLY THIS: CLASS
17 CERTIFICATION IS SUPPOSED TO BE BASED UPON EVIDENCE. THERE IS
18 NO EVIDENCE PRESENTLY BEFORE THE COURT THAT WOULD JUSTIFY OR
19 CONFIRM OR SHOULD SUPPORT A CONCLUSION THAT EITHER IT CAN OR
20 CANNOT BE PURSUED IN THAT FORMAT.

21 I'M SUGGESTING THAT I HAVE PROBOUNDED DISCOVERY.
22 I DO NOT HAVE RESPONSES TO THAT DISCOVERY. I'M HARD-PRESSED
23 TO PUT BEFORE THE COURT, BY DECLARATION OR ANSWERS TO
24 INTERROGATORIES OR OTHERWISE, THE EVIDENCE THAT WOULD
25 ENLIGHTEN THE COURT ON THE ISSUE.

26 IT IS NOT A QUESTION OF BINDING ANYBODY, IT IS A
27 QUESTION OF AIDING THE COURT IN MAKING A REASONED DECISION ON
28 CERTIFICATION IN THE FIRST INSTANCE. I HAVE A RIGHT, AS A