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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT
16

17 **ANTELOPE VALLEY**
18 **GROUNDWATER CASES**

19 Included Actions:
20 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
21 Court of California, County of Los
Angeles, Case No. BC 325201;

22 Los Angeles County Waterworks District
23 No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
24 No. S-1500-CV-254-348;

25 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
26 Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
27 California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**CASE MANAGEMENT CONFERENCE
STATEMENT**

Date: November 25, 2008
Time: 10:30 a.m.
Dept: 17

28 RICHARDS WATSON & GERSHON

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1 **I. INTRODUCTION**

2 Los Angeles County Waterworks District No. 40 (“District”) provides this narrative Case
3 Management Conference Statement in response to the Court’s Order of November 5, 2008 to
4 address: 1) the status of the service of notices in the two class action proceedings; and 2) the
5 scheduling and issue identification for remaining phases of trial.

6 **II. STATUS OF PERSONAL SERVICE**

7 The Court ordered that personal service be completed upon landowners pumping more
8 than 25 acre feet of water annually, or owning more than 100 acres of land. Approximately six
9 hundred and sixty-seven landowner parties were identified that met the criteria for personal
10 service. Approximately five hundred and forty-seven landowners have been personally served.
11 The remaining approximately 120 identified landowners have not been able to be served.

12 For parties that have not been able to be personally served, the District requests the Court
13 approve their service by publication and has filed such request concurrently. Publication will be
14 in the largest circulation newspapers in Los Angeles County and Kern County, respectively

15 **III. STATUS OF CLASS NOTICE**

16 The Court certified two classes on September 2, 2008. There should be a single document
17 with notice to both classes to minimize delay and costs of mailing as well as potential confusion
18 amongst class members. A proposed notice is attached for Court approval as Exhibit “A.”

19 **IV. ISSUES FOR NEXT PHASE OF TRIAL**

20 The District proposes the next phase of trial be limited to a determination of the safe yield
21 of the Basin and whether the Basin is or has been in overdraft. At the November 25, 2008
22 hearing, the District requests the court to issue an order setting these issues for trial as proposed
23 herein. A proposed order is attached hereto as Exhibit “B.”

24 **V. TIMING OF NEXT PHASE OF TRIAL**

25 The District believes that the next phase of trial should take place as soon as possible to
26 minimize further delay, avoid potentially unnecessary litigation expense and to facilitate the
27 earliest possible negotiated resolution of case issues. Once the court makes a safe yield
28 determination and decides whether a prescriptive period has resulted from overdraft, the parties

1 will be able to assess the strength of their claims of priority to Basin water while understanding
2 the total amount available for all producers. In any event, the Court cannot make a determination
3 of whether a party acquired prescriptive rights until the Court first determines the nature and
4 extent of the Basin's safe yield, and whether groundwater withdrawals have exceeded safe yield.

5 To expedite the litigation, class notice can be mailed within 30 days of the Court's
6 approval of the class notice. Notice recipients shall have 15 days from the date of the mailed
7 notice to "opt out" of the class and thereby become individual parties. If the court approves the
8 class notice on November 25, 2008, the response time for recipients will end on January 12,
9 2009. If the court also orders notice by publication to parties that have not been personally
10 served, the notice by publication can also be completed by January 12, 2009

11 To ensure the next phase of trial proceeds in a timely and efficient manner, the Court
12 should order all parties presenting expert witness testimony to file written expert witness reports
13 by January 15, 2009. The deadline for designating supplemental experts and providing their
14 reports should be February 2, 2009. Expert witness reports should contain all expert opinions
15 and the full and complete basis for the opinion.


16 Expert witness depositions should begin on February 2, 2009 and shall be completed by
17 February 16, 2009. The parties shall allow for more than one expert to be deposed at a time.
18 The parties shall exchange trial briefs and exhibits on or before March 2, 2009. Any discovery
19 motions or motions in limine shall be filed by March 16, 2009. Trial should commence on
20 April 3, 2009.

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Dated: November 21, 2008

BEST BEST & KRIEGER LLP

By 
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