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6 **LOS ANGELES COUNTY WATERWORKS**
DISTRICT NO. 40

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

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13 **COUNTY WATERWORKS DISTRICT NO. 40**

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

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

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

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

24 **Wm. Bolthouse Farms, Inc. v. City of**
25 **Lancaster, Diamond Farming Co. v. City of**
26 **Lancaster, Diamond Farming Co. v.**
27 **Palmdale Water Dist., Superior Court of**
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: August 17, 1009
Time: 10:00 a.m.
Dept: 17C (San Jose)

1 I. INTRODUCTION

2 Los Angeles County Waterworks District No. 40 ("District") provides this narrative Case
3 Management Conference Statement in preparation for the August 17, 2009 trial setting / further
4 case management conference in the above-captioned matter.

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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. Six hundred and
9 sixty-seven landowner parties were identified that met the criteria for personal service. Five
10 hundred and forty-seven landowners have been personally served. For the remaining
11 approximately 120 identified landowners who have not been able to be personally served, the
12 Court approved service by publication. Such publication will be completed by September 4,
13 2009.

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15 III. STATUS OF WILLIS CLASS NOTICE

16 The mailing of 73,766 notices and the publication of the notice for the Willis Class is
17 complete. The extended deadline to opt out / in has expired. Those who opted out have been
18 served by mail under Code of Civil Procedure section 415.30. Those who have not returned the
19 acknowledgement of receipt and who do not join either the Willis Class or the Wood Class will
20 be personally served no later than October 30, 2009. The Willis Class will be "at issue" on or
21 about November 30, 3009.

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23 IV. STATUS OF WOOD CLASS NOTICE

24 The mailing of 9,884 notices for the Wood class is complete. The publication of the
25 notice for the Wood class is currently in process. The schedule for publication is August 2, 5, 9,
26 and 12, 2009. The deadline to respond to the notice is 60 days after the last publication date, i.e.,
27 October 11, 2009. Those who opt out will be served either by personal service or by mail
28 pursuant to Code of Civil Procedure section 415.30. District 40 anticipates that such service will

1 be complete by October 30, 2009. The Wood Class will thus be "at issue" on or about November
2 30, 2009.

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V. TIMING OF NEXT PHASE OF TRIAL

The District believes that the next phase of trial should take place as soon as possible to minimize further delay, avoid potentially-unnecessary litigation expense, and to facilitate the earliest possible negotiated resolution of case issues. Once the Court makes a determination of safe yield and overdraft, the parties will be able to assess the strength of their claims of priority to Basin water while understanding the total amount available for all producers. In any event, the Court cannot make a determination of whether a party acquired prescriptive rights until the Court first determines the nature and extent of the Basin's safe yield, and whether groundwater withdrawals have exceeded safe yield.

Class notice has delayed bringing this case to trial. However, it is anticipated that all class notice will be complete and the case will be at issue by November 30, 2009.

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


Expert witness depositions should begin on November 2, 2009 and shall be completed by November 16, 2009. The parties shall allow for more than one expert to be deposed at a time. The parties shall exchange trial briefs and exhibits on or before December 4, 2009. Any discovery motions or motions in limine shall be filed by December 18, 2009. The District is

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1 requesting that the next phase of trial commence on January 4, 2010, or as soon thereafter as
2 possible on the Court's calendar.

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4 Dated: August 10, 2009

Respectfully submitted,
BEST BEST & KRIEGER LLP

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7 By 
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PROOF OF SERVICE

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California 92614. On August 10, 2009, I served the within document(s):

CASE MANAGEMENT CONFERENCE STATEMENT

- by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 10, 2009, at Irvine, California.


Kerry V. Keefe