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ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

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

**ANTELOPE VALLEY
GROUNDWATER CASES**

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

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

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v.
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
Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**CASE MANAGEMENT CONFERENCE
STATEMENT**

Hearing:
Date: April 16, 2007
Time: 9:00 a.m.
Dept.: 1

1 Following the last court hearing, the Court issued its minute order granted a modified
2 request for certification of a class or classes. The Court requested further proposals for class
3 definitions to be followed by proposals concerning potential class representatives. This case
4 management conference statement first addresses the issue of class representatives. Next, the
5 statement contains mediation proposals and requests the Court facilitate a mediation process.

6 1. There Are Proposed Class Representatives for the Property Owner Classes

7 A separate class action lawsuit was filed by Rebecca Willis. The Willis class action has
8 been coordinated with the existing adjudication proceedings. Willis is the putative class
9 representative and is purportedly an adjudication landowner with land does not pump
10 groundwater. There are purportedly many other class members similarly situated.

11 Within the adjudication area, there are certain landowners who formed a group commonly
12 known as the "Nebeker Group" and self-designated as "AGWA." They purportedly own land that
13 pumps groundwater. There are purportedly many other class members similarly situated.

14 Willis has been proposed to represent the subclass previously and preliminarily designated
15 as "Subclass A" because they are similarly situated landowners who do not pump groundwater. It
16 has also been proposed that one or more members of the Nebeker Group represent the subclass
17 preliminarily designated as "Subclass B" because they are similarly situated landowners with
18 groundwater wells. Rosamond Community Services District ("Rosamond") and the Los Angeles
19 County Waterworks District No. 40 ("Waterworks District No. 40") do not object to these
20 proposed class representatives.

21 2. Mediation

22 After the Judicial Council approved coordinated groundwater adjudication proceedings,
23 many of the public and private parties in this litigation began meeting to discuss resolving the
24 litigation and addressing groundwater conditions in the Antelope Valley. Discussions have
25 occurred with relatively large numbers of attorneys. Occasionally, experts and party principals
26 attended the meetings.

27 A number of parties have suggested the use of a facilitator to move along a mediation
28 process and there seems to be widespread agreement that this makes sense. Although not an idea

1 initiated by Rosamond and Waterworks District No. 40, both are very supportive of an
2 expeditious resolution of this case and support using a mediator. There are several reasons a
3 mediator is appropriate.

4 First, due to the large number of attorneys in the meetings, meetings are difficult to
5 schedule on a volunteer participation basis. Moreover, they sometimes suffer from the absence of
6 sound technical data. In all meetings there is certain attorney verbosity, lack of experience in
7 groundwater and/or class litigation, and personality issues. For these reasons, Rosamond and
8 Waterworks District No. 40 suggest that the Court facilitate a settlement process that involves
9 Court supervision over a group of principals of major pumpers. It is hoped that active Court
10 supervision over the settlement process will minimize or eliminate previous and existing
11 mediation obstacles.

12 There are crucial issues that need to be resolved by the major pumpers in the Basin. Until
13 issues such as the general allocation of Basin pumping rights are worked through, resolution of
14 the case and implementation of a needed physical solution are impossible. Although the technical
15 committee is still developing important data related to the conditions in the Basin, there is
16 currently sufficient hydrologic data available for the pumpers to have meaningful discussions.
17 Such discussions may provide a basis to facilitate the resolution of the case and at the very least
18 may lead to an interim solution providing significant protection to the Basin while the litigation
19 proceeds. If the pumpers cannot reach agreement, resolution of the case short of trial and interim
20 protection of the Basin will be much more difficult. Waterworks District No. 40 and Rosamond
21 request the following:

22 1. The Court orders the parties to mediation. In the event the Court decides not to
23 conduct the mediation, a number of parties have already agreed to Bill Dendy as a mediator.

24 2. The Court determines that it is unnecessary for each party to attend every
25 mediation. Almost all parties share sufficient characteristics with other parties so that they may
26 participate in the mediation through court-appointed representatives. For example, mediation
27 concerning issues such as allocation of native groundwater supply should include only principals
28 for the following as representatives for those parties claiming a right to the native groundwater

1 supply: Tejon Ranch, Nebeker Group, Los Angeles County Waterworks District No. 40, Mutual
2 Water Companies' representative, Palmdale Water District, Los Angeles County Sanitation
3 Districts, City of Los Angeles (Los Angeles World Airports), Edwards Air Force Base,
4 Rosamond Community Services District, Borax, Van Dams, Quartz Hill District, and Bolthouse
5 and Diamond Farms.

6 3. The Court retains control over the mediation process by imposing mediation
7 schedules, conducting post-mediation hearings and taking further action, as necessary.


8 4. The Court determines mediation issues and their order. Many parties agree that
9 the important initial issues relate to native groundwater.

10 5. The informal Technical Committee may continue with its work without
11 interference from the mediator, and can be responsible for gathering and providing technical
12 analysis for mediation and litigation issues. These issues may include the determination of native
13 groundwater yield, quantification of return flows, and storage of supplemental water
14 ("groundwater banking").

15 Perhaps more than in most cases, the settlement process for complex groundwater
16 proceedings can benefit greatly from judicial supervision and involvement. In this case there are
17 already large numbers of parties and attorneys meeting from time-to-time on various issues. As
18 explained, however, there is a recognized need for judicial assistance in the settlement process.
19 For these reasons, the above mediation proposals are respectfully submitted for the Court's
20 consideration.

21 Dated: April 13, 2007

BEST BEST & KRIEGER LLP

22 By 
23 _____
24 ERIC L. GARNER
25 JEFFREY V. DUNN
26 Attorneys for Cross-Complainants
27 ROSAMOND COMMUNITY SERVICES
28 DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT
NO. 40

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 April 13, 2007, 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 April 13, 2007, at Irvine, California.


Kerry V. Keefe