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6 DISTRICT NO. 40

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

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

17 **ANTELOPE VALLEY GROUNDWATER  
CASES**

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

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

24 Wm. Bolthouse Farms, Inc. v. City of Lancaster,  
Diamond Farming Co. v. City of Lancaster,  
25 Diamond Farming Co. v. Palmdale Water Dist.,  
Superior Court of California, County of  
26 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

**NOTICE OF EX PARTE  
APPLICATION AND EX PARTE  
APPLICATION TO EXTEND TIME TO  
FILE TRIAL BRIEFS TO MAY 17, 2013**

Trial Date: May 28, 2013 (Phase IV)

[Concurrently filed with Declaration of  
Jeffrey V. Dunn and [Proposed] Order]

1 NOTICE OF EX PARTE APPLICATION

2 TO EXTEND TIME TO FILE TRIAL BRIEFS TO MAY 17, 2013

3 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE that Los Angeles County Waterworks District No. 40 ("District  
5 No. 40"), Quartz Hill Water District, and California Water Service Company (collectively,  
6 "Applying Parties") are submitting the attached ex parte application for an order to move the trial  
7 brief deadline from May 13 to May 17, 2013. Applying Parties are not requesting a hearing on  
8 this application.

9 Applying Parties will apply to the Court pursuant to Code of Civil Procedure sections  
10 128(a) and 187, and California Rules of Court, Rules 3.503 and 3.1200 et seq. Applying Parties  
11 will apply to the Court based on the following: (1) this Notice of Ex Parte Application; (2) the  
12 attached Ex Parte Application; (3) Declaration of Jeffrey V. Dunn; (4) the [Proposed] Order  
13 Granting Ex Parte Application to Extend Time to File Trial Briefs to May 17, 2013; (5) the First  
14 Amendment to Case Management Order for Phase Four Trial, posted on the Court's website on  
15 January 22, 2013; and (6) the various papers filed supporting and opposing the motions in limine  
16 re federal reserved rights and/or return flows, posted on the Court's website.

17  
18 Dated: May 8, 2013

BEST BEST & KRIEGER LLP

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21 By 

ERIC L. GARNER  
JEFFREY V. DUNN  
STEFANIE D. MORRIS  
Attorneys for Cross-Complainant  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40

1 **EX PARTE APPLICATION**

2 **TO EXTEND TIME TO FILE TRIAL BRIEFS TO MAY 17, 2013**

3 Pursuant to Code of Civil Procedure sections 128(a) and 187, and California Rules of  
4 Court, Rules 3.503 and 3.1200 et seq., Los Angeles County Waterworks District No. 40 (“District  
5 No. 40”), Quartz Hill Water District, and California Water Service Company (collectively,  
6 “Applying Parties”) respectfully request the deadline to file trial briefs be moved to May 17,  
7 2013. This will allow the parties to submit trial briefs after the Court hears argument on various  
8 motions in limine scheduled for May 13, 2013. Currently, the trial brief deadline is scheduled for  
9 May 13, 2013, the same date as the hearing on motions in limine.

10 The extension is necessary because the motions in limine will shape the scope and nature  
11 of the Phase 4 trial. The motions in limine concern issues such as imported water return flows  
12 and entitlement to federal reserved rights. As such counsel need to understand what issues are  
13 appropriately before the Court in Phase Four so they can properly address issues. For example,  
14 District No. 40’s motion in limine seeks to preclude evidence related to issues decided in prior  
15 phases, especially evidence relating to return flow percentages. Some landowner parties allege  
16 the Court, in deciding safe yield in Phase Three, failed to determine return flow percentages.  
17 Without the Court’s guidance at the May 13th hearing, the parties will have to file lengthy trial  
18 briefs addressing, not just the matters at issue in Phase Four, but also issues decided in Phase  
19 Three—such as safe yield and return flows.

20 In order to ensure the Court receives well-tailored trial briefs and the parties do not waste  
21 resources briefing issues that may or may not be at issue in Phase 4, Applying Parties respectfully  
22 request the Court move the deadline to file trial briefs from May 13 to May 17, 2013 and submits  
23 this application without a request for hearing.

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Dated: May 8, 2013

BEST BEST & KRIEGER LLP

By   
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