

EXHIBIT B

Sandra Sandoval

From: Tom Bunn <TomBunn@lagerlof.com>
Sent: Thursday, April 03, 2014 10:13 AM
To: 'Rich Zimmer'; 'Keith Lemieux'; 'Wayne Lemieux'; 'James DuBois'; 'Ed Oyarzo'; 'Ed Casey'; 'Warren Wellen'; Eric Garner; Jeffrey Dunn; 'Scott K. Kuney'; 'Ryan S. Bezerra'; 'Chris Sanders'; 'Michael Davis'; 'Wes Miliband'; 'Brad Weeks'; 'James Lewis'; 'Ed Renwick'; 'Ted Chester'; 'Dave Holland'; 'Robert Forouzandeh'; 'Eric Katz'; 'Sheldon Blum'; Leland McElhaney; 'Gerald Boetsch'; 'Warren Seidel'; 'Doug Evertz'; 'John Tootle'; Steve Orr; 'Jeff Green'; Tom Bunn; Michael Fife; Marilyn Levin; Bill Brunick; JoAnne Quihuis; Robert Kuhs; Bill Sloan; Lee Leininger; Joseph Akluhi; Larry Gorden; Frank Satalino; Noah Golden-Krasner; Manuel Rivas Jr.; Marlene Allen; Mike McLachlan; Jan Goldsmith; Katrina Gonzales; Wendy Wang; Joseph Hughes; Daphne Hall; James Worth; 'William Carlson'
Subject: AV Ex parte application
Attachments: Notice and Ex Parte Application to Extend Date to Respond to Phase 6 Dis....pdf; Exh A to Ex Parte Application to Extend Date to Respond to Phase 6 Disco....pdf; Proposed Order to Extend Date to Respond to Phase 6 Discovery Order.pdf

All,

Attached are service copies of an ex parte application to extend the date to respond to Phase 6 discovery. The online filing system is down. The attached will be posted on the web site as soon as the system is available.

Tom

--

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

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13 [See Next Page For Additional Counsel]

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

16 ANTELOPE VALLEY GROUNDWATER
17 CASES

Judicial Council Coordination Proceeding
No. 4408

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;

CLASS ACTION

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

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

PUBLIC WATER SUPPLIERS' NOTICE
AND EX PARTE APPLICATION TO
EXTEND DATE TO RESPOND TO
PHASE 6 DISCOVERY ORDER;
DECLARATION OF JEFFREY V. DUNN

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

Date: April 4, 2014
Time: 9:00 a.m.
Dept.: Telephonic via CourtCall

[Filed concurrently with [Proposed] Order]

26 RICHARD WOOD, on behalf of himself and
27 all other similarly situated v. A.V. Materials,
Inc., et al., Superior Court of California,
28 County of Los Angeles, Case No. BC509546

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8 Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water
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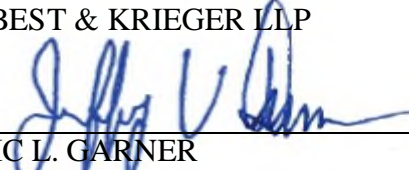
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on April 4, 2014 at 9:00 a.m. or as soon thereafter as the matter may be heard, Los Angeles County Waterworks District No. 40, City of Lancaster, Rosamond Community Services District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water District, Llano Del Rio Water Company, Llano Mutual Water Company, Big Rock Mutual Water Company, Palmdale Water District, Quartz Hill Water District, and California Water Service Company (collectively "Public Water Suppliers") will, and hereby do, move this Court by way of an *ex parte* application, for an order extending the date to respond to the Phase 6 Discovery Order from April 4, 2014 to ten days after the end of the Phase 5 trial. Good cause exists for the relief sought.

This *ex parte* application is made pursuant to California Rules of Court, rules 3.1200 *et seq.*, and Code of Civil Procedure section 128. This application is based on the application, the attached memorandum of points and authorities and Declaration of Jeffrey V. Dunn and exhibits thereto, the [Proposed] Order, the pleadings and papers on file herein, and on such further arguments and material as the Court may consider at the hearing on this matter.

Dated: April 3, 2014

BEST BEST & KRIEGER LLP

By: 
ERIC L. GARNER
JEFFREY V. DUNN
WENDY Y. WANG
Attorneys for Cross-Complainant
LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40

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MEMORANDUM OF POINTS AND AUTHORITIES

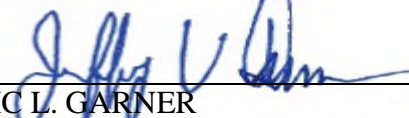
Pursuant to California Rules of Court, rules 3.1200 *et seq.*, and Code of Civil Procedure section 128, Los Angeles County Waterworks District No. 40, City of Lancaster, Rosamond Community Services District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water District, Llano Del Rio Water Company, Llano Mutual Water Company, Big Rock Mutual Water Company, Palmdale Water District, Quartz Hill Water District, and California Water Service Company (collectively “Public Water Suppliers”) hereby make this *ex parte* application for an order extending the date to respond to the Phase 6 Discovery Order from April 4, 2014 to ten days after the end of the Phase 5 trial.

On January 27, 2014, the Court signed and issued the Discovery Order for Phase 6 Trial (“Discovery Order”), which was prepared by counsel for Tejon Ranchcorp and Granite Construction Company and was propounded on all parties asserting prescriptive rights. At the time the Court entered the Discovery Order, the parties anticipated Phase 5 trial to conclude by the end of February 2014 and to have at least one month to prepare for responses to the Discovery Order. (Declaration of Jeffrey V. Dunn (“Dunn Decl.”) at Ex. “A”.) As the Court is aware, Phase 5 trial was paused to allow the parties an opportunity to engage in settlement discussions. Since February 2014, the Public Water Suppliers and other parties to this coordinated proceeding have been diligently meeting to discuss settlement, and continue to meet. (Dunn Decl. at ¶5.)

To ensure that the focus is kept on the settlement discussions, and, if necessary, to allow responding parties sufficient time to prepare for Phase 5 trial and the Phase 6 discovery, the Public Water Suppliers respectfully request the Court to extend the date to respond to the Discovery Order to ten days after the end of the Phase 5 trial.

Dated: April 3, 2014

BEST BEST & KRIEGER LLP

By 
ERIC L. GARNER
JEFFREY V. DUNN
WENDY Y. WANG
Attorneys for LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

DECLARATION OF JEFFREY V. DUNN

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I, Jeffrey V. Dunn, declare as follows:

1. I have personal knowledge of the facts below, and if called upon to do so, I could testify competently thereto in a court of law.

2. I am licensed to practice law in the State of California and am an attorney of Best, Best & Krieger LLP, attorneys of record for the Los Angeles County Waterworks District No. 40 (“District No. 40”).

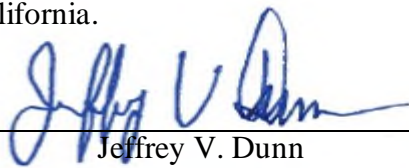
3. At or prior to 10:00 a.m. on April 3, 2014, I provided notice to all parties and their counsel of the Public Water Suppliers’ *ex parte* application for an order continuing the date to respond to the Phase 6 Discovery Order, by posting the accompanying notice and application to the court’s designated website for this case. The accompanying notice provide the location and time of the *ex parte* hearing, and the specific relief to be requested.

4. Attached as Exhibit “A” is a true and correct copy of the Case Management Order for Phase 5 and Phase 6 trials, which was posted to the court’s website on October 25, 2013.

5. Phase 5 trial was paused to allow the parties an opportunity to engage in settlement discussions. Since February 2014, the Public Water Suppliers and other parties to this coordinated proceeding have been diligently meeting to discuss settlement, and continue to meet.

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

Executed this 3rd day of April, 2014, at Irvine, California.



Jeffrey V. Dunn

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PROOF OF SERVICE

I, Sandra K. Sandoval, 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, 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071. On April 3, 2014, I served the within document(s):

**[PROPOSED] ORDER RE EX PARTE APPLICATION TO CONTINUE
RESPONSE DATE TO PHASE 6 DISCOVERY ORDER**

- 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 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 3, 2014, at Los Angeles, California.

Sandra K. Sandoval

EXHIBIT A

Posted 10/23/13

Re-Posted 10/25/13 with
changes on pages 3 and 4.

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**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

Coordination Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et al.

Defendants.

Judicial Council Coordination
Proceeding No. 4408

Lead Case No. BC 325201

Case No.: BC 391869

~~Proposed~~ **CASE MANAGEMENT
ORDER FOR PHASE 5 AND PHASE 6
TRIALS**

1 **IT IS HEREBY ORDERED:**

2 1. The Phase 5 Trial will commence at 9:00 a.m. on February 10, 2014, in
3 Room 222 of the Superior Court of the County of Los Angeles, located at 111 North Hill
4 Street, Los Angeles, California or such other location as ordered by the court. The trial
5 will continue for one week.

6 2. The Phase 5 Trial is limited to the issues of federal reserved water rights
7 and claimed rights to return flows from imported water. As to return flows from
8 imported water, the trial will determine who has the right to recapture and use return
9 flows that result from water imported into the Antelope Valley Area of Adjudication, as
10 well as the amount or percentage of return flows that augment the groundwater basin
11 due to the imported water. The Phase 5 Trial will commence with the federal reserved
12 water rights issues followed immediately by evidence related to such return flow issues.

13 3. The Phase 6 Trial will commence on August 4, 2014 and will continue for
14 two weeks. The Phase 6 trial will determine claims to prescriptive rights and defenses
15 thereto. Phase 6 may involve other issues which may be determined following the
16 hearing on certain proposed motions to be submitted to the court.

17 4. The Court sets the following schedule for the Phases 5 and 6 trials:

18

19 **PHASE 5 SCHEDULE**

| 20 DATE | EVENT |
|----------------|--|
| 21 11/13/2013 | Summary judgment motions filing deadline |
| 22 11/1/2013 | Deadline to file Notice of Intention to Participate in Phase 23 5 Trial and Designation of Percipient Witnesses for case in 24 chief |
| 25 11/18/2013 | Deadline to designate expert witnesses |
| 26 12/9/2013 | Deadline to designate supplemental experts |
| 27 12/27/2013 | Oppositions to summary judgment deadline |
| 28 1/03/2014 | Replies in support of summary judgment deadline |

1/27/14

| | |
|----------------------|---|
| 1/10/2014 | Hearing on summary judgment motions |
| 1/10/2014 | Discovery cut-off (expert witness depositions excepted) |
| 1/17/2014 | Expert witness depositions completion deadline |
| 1/23/2014 | Witness and exhibit lists posted |
| 1/24/2014 | Motions in limine deadline |
| 1/31/2014 | Trial Brief deadline |
| 1/31/2014 | Opposition to motions in limine deadline |
| 2/03/2014 | Parties exchange trial exhibits |
| 2/05/2014 | Replies in support of motions in limine deadline |
| 2/10/2014 | TRIAL |

PHASE 6 SCHEDULE

| DATE | EVENT |
|-----------------------------|--|
| 2/01/2014 through 3/01/2014 | Discovery hiatus for Phase 6 discovery due to Phase 5 trial |
| 4/18/2014 | Summary judgment motion filing deadline |
| 4/30/2013 | Deadline to file Notice of Intention to Participate in Phase 5 Trial and Designation of Percipient Witnesses for case in chief |
| 6/02/2014 | Deadline to designate expert witnesses |
| 6/23/2014 | Deadline to designate supplemental experts |
| 6/19/2014 | Oppositions to summary judgment motion deadline |
| 6/27/2014 | Replies in support of summary judgment motion deadline |
| 7/03/2014 | Hearing on summary judgment motions |
| 7/03/2014 | Discovery cut-off (expert depositions excepted) |
| 7/21/2014 | Expert witness deposition completion deadline |
| 7/17/2014 | Witness and exhibit lists deadline |

| | | |
|---|-----------|---|
| 1 | 7/18/2014 | Motions in limine deadline |
| 2 | 7/25/2014 | Trial brief deadline |
| 3 | 7/25/2014 | Opposition to motions in limine deadline |
| 4 | 7/28/2014 | Parties exchange trial exhibits and jury instructions |
| 5 | 7/30/2014 | Replies in support of motions in limine deadline |
| 6 | 8/04/2014 | TRIAL |

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8 5. Expert witnesses shall be designated by the dates noted in the schedules

9 above. Expert witness designations shall comply with all Code of Civil Procedure

10 requirements and include a statement as to the expert witness's deposition availability.

11 The expert witness designation shall include a copy of any discoverable reports

12 concurrently with his or her designation.

13 6. All parties designating expert or non-expert witnesses for the Phase 5 Trial

14 are directed to meet and confer in person and/or by telephone by December 1, 2013, to

15 develop a schedule for the taking of depositions of all designated witnesses. Counsel for

16 the Los Angeles County Waterworks District No. 40 is directed to provide telephone

17 conference information to the parties by posting the same to the Court's website by

18 ~~October~~ ^{November} 4, 2013. Similar telephone conference(s) shall take place in the same manner

19 for the supplemental expert witnesses, if necessary.

20 7. All parties designating expert or non-expert witnesses for the Phase 6 Trial

21 are directed to meet and confer in person and/or by telephone by June 15, 2014, to

22 develop a schedule for the taking of depositions of all designated witnesses for the Phase

23 6 trial. Counsel for the Los Angeles County Waterworks District No. 40 is directed to

24 provide telephone conference information to the parties by posting the same to the

25 Court's website by June 1, 2014. Similar telephone conference(s) shall take place in the

26 same manner for the supplemental expert witnesses, if necessary. The telephone

27 conferences are to develop schedules to complete depositions before the deposition

28 deadlines.

1 8. A party failing to participate in the telephone scheduling conferences or
2 who refuses to schedule its witnesses for deposition shall be deemed to have waived the
3 right to coordinate scheduling, and may thereafter have their witness' deposition set at
4 the convenience of participating scheduling parties on 15 days' notice pursuant to the
5 Court's Electronic Filing and Service Order. To the extent that parties are unable to
6 reach agreement as to any deposition, the Court will conduct a telephonic meet and
7 confer to be scheduled at the earliest time convenient to the Court.

8 9. The parties shall produce all documents relevant to that witnesses'
9 testimony prior to the witness' deposition.

10 10. The parties are directed to utilize the assistance of a liaison committee as a
11 means of attempting to resolve issues quickly and informally, and to streamline the
12 presentations at trial. The existence of this committee, however, shall not deprive any
13 other party from raising issues or concerns to the other parties.

14 11. All designated witnesses shall be available and prepared to provide
15 deposition testimony, absent other agreement, as noted in the above schedules. The
16 parties shall make every effort to complete the depositions of the initially designated
17 expert witnesses in time for the depositions of the supplemental experts to take place
18 before the discovery cut-off directed above. More than one deposition may be scheduled
19 to take place on the same day, but only if such depositions will not occur
20 simultaneously.

21 12. All expert witness deponents are directed to produce their file on this
22 matter, and any other requested materials for inspection at least three business days
23 before the date set for the deposition at the expert's place of business or such location as
24 the parties may agree. Such materials may be produced in electronic format.

25 13. Written discovery, including requests for admission, form interrogatories,
26 document production requests, etc., may commence immediately for both Phase 5 and
27 Phase 6. Parties are directed to coordinate these efforts with similarly situated parties.

28 14. The parties are directed to meet and confer concerning any discovery

1 dispute before contacting the Court and before filing any discovery motion. If such
2 attempts prove unsuccessful, the Court will conduct a further meet and confer, either by
3 telephone or in person as the Court may direct. The parties will provide the Court with a
4 letter in advance setting forth the text of any written discovery requests and responses
5 thereto that are in dispute, or other information that will assist the Court in conducting
6 the meet and confer. The parties should contact the Court's clerk to schedule any such
7 meet and confer. The Court expects that all discovery disputes will be resolved through
8 the meet and confer process. Any party may thereafter apply *ex parte* for an order
9 shortening time and specially setting a motion to compel for hearing by providing notice
10 thereof pursuant to the Electronic Filing and Service Order.

11 15. Any party intending to participate in the Phase 5 and/or Phase 6 trials must
12 post a Notice of Intention to Participate by November 1, 2013 and April 30, 2014,
13 respectively. Excuse from this requirement may be given upon a showing of good
14 cause.

15 16. The parties, when posting witness and exhibit lists, shall provide the name
16 of each witness, a short summary of testimony expected to be elicited, and a testimony
17 time estimate. The exhibit list shall be sufficiently specific as to enable the other parties
18 to identify the exhibit prior to trial. Exhibits shall be sequentially numbered for each
19 party, starting with the Arabic number 1. The parties shall continue with the numbering
20 system utilized in Phase 4.

21 17. The parties shall coordinate with one another to determine the actual date
22 and time of the witnesses' testimony at trial. Any other documents not previously
23 produced, but which are intended to be used at trial, shall be made available as soon as
24 practicable.

25 18. Allied parties are strongly encouraged to file joint briefs.

26 19. Any motion to exclude witnesses or exhibits, or other motions *in limine*,
27 will be heard at the commencement of the trial for each respective part of Phases 5 and
28 6. Any such moving papers, opposition papers, including evidentiary objections, or

1 evidentiary objections to evidence submitted in opposition, and reply papers shall be
2 filed and posted as noted in the timeline, above.

3 20. Should any party elect to use a third party provider to assist in the
4 projection or presentation of evidence, that party shall permit said third party provider to
5 contract with any other party for the use the same services provided. Third party
6 providers, in any event, shall work together to coordinate the use of equipment.

7 21. Any party desiring to monitor the Phase 5 or 6 trials by telephone may do
8 so through CourtCall, but will not be allowed to question witnesses or participate in oral
9 argument via Courtcall. No party or other person may electronically or otherwise record
10 such proceedings.


11 22. The Court shall be provided with courtesy copies of all exhibits, except
12 those pertaining to impeachment, preferably in three-ring notebooks with numbered
13 dividers, as noted in the timeline, above. Counsel are directed to coordinate this project
14 with one another.

15 23. Prior to the commencement of each day of trial, counsel shall confer as to
16 the order of the next day's witnesses, and shall advise the Court of the same at the
17 commencement of that day of trial.

18 24. The Court will consider whether to request closing trial briefs as the Phase
19 5 and 6 trials proceed.

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Dated: Oct 22, 2013


Hon. Jack Komar
Judge of the Superior Court

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WATERWORKS 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 ANTELOPE VALLEY GROUNDWATER
CASES
17 Included Actions:
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40 v. Diamond Farming Co., Superior Court of
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22 CV-254-348;
23 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
24 Lancaster, Diamond Farming Co. v. Palmdale
Water Dist., Superior Court of California,
25 County of Riverside, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668
26 RICHARD WOOD, on behalf of himself and
27 all other similarly situated v. A.V. Materials,
Inc., et al., Superior Court of California,
28 County of Los Angeles, Case No. BC509546

Judicial Council Coordination Proceeding
No. 4408

CLASS ACTION

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

[PROPOSED] ORDER RE *EX PARTE*
APPLICATION TO EXTEND DATE TO
RESPOND TO OF PHASE 6 DISCOVERY
ORDER

Date: April 4, 2014
Time: 9:00 a.m.
Dept.: Telephonic via CourtCall

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8 Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water
District, Llano Del Rio Water Company, Llano Mutual Water Company, and Big Rock Mutual
9 Water Company

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[PROPOSED] ORDER

This matter having come before the court for hearing on April 4, 2014 at 9:00 a.m. on the Ex Parte Application to Extend the Date to Respond to the Phase 6 Discovery Order.

For good cause shown,

IT IS HEREBY ORDERED:

Discovery Responses to Phase 6 Discovery Order are due ten days after the end of the Phase 5 trial.

HON. JACK KOMAR

PROOF OF SERVICE

I, Sandra K. Sandoval, 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, 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071. On April 3, 2014, I served the within document(s):

[PROPOSED] ORDER RE *EX PARTE* APPLICATION TO EXTEND DATE TO RESPOND TO OF PHASE 6 DISCOVERY ORDER

- 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 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 3, 2014, at Los Angeles, California.

Sandra K. Sandoval

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