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

DEPARTMENT NO. 56 HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING SPECIAL TITLE (RULE 1550(B)))	
ANTELOPE VALLEY GROUNDWATER CASES)	JUDICIAL
INCLUDED ACTIONS:)	COUNCIL
)	COORDINATION
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 V. DIAMOND FARMING CO., ET AL, LOS ANGELES COUNTY SUPERIOR COURT, CASE NO. BC325 201)	PROCEEDING NO. 4408
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 V. DIAMOND FARMING CO., ET AL, KERN COUNTY SUPERIOR COURT, CASE NO. S-1550-CV-254-348)	CASE NO. 1-05-C-049053
WM. BOLTHOUSE FARMS, INC. V. CITY OF LANCASTER DIAMOND FARMING CO. V. CITY OF LANCASTER DIAMOND FARMING CO. V. PALMDALE WATER DIST RIVERSIDE COUNTY SUPERIOR COURT, CONSOLIDATED ACTION, CASE NOS. RIC 353 840, RIC 344 436, RIC 344 668 <u>AND RELATED CROSS-ACTIONS</u>)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
NOVEMBER 4 AND 5, 2014

APPEARANCES:
FOR CROSS-COMPLAINANT/
CROSS-DEFENDANT: ALESHIRE & WYNDER LLP
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IRVINE, CALIFORNIA 92612

(APPEARANCES CONTINUE ON NEXT PAGE.)

JEANETTE COYLE, CSR #12665
OFFICIAL REPORTER PRO TEMPORE

1 MR. DUNN: YES, WITH THE CLARIFICATION THAT ALL
2 NON-PRODUCERS WERE NOT NAMED AS PARTIES.

3 THE COURT: OKAY. THEY WERE NAMED AS DOE 107; IS
4 THAT CORRECT?

5 MR. KALFAYAN: NOT THE ARCHDIOCESE.

6 THE COURT: WELL, IN EFFECT, THEY APPEARED
7 HOWEVER, WHETHER THEY WERE NAMED OR NOT UNDER THE
8 FICTITIOUS NAME OF WESLEY PROPERTIES; TRUE?

9 MR. KALFAYAN: NO. IT WASN'T A FICTITIOUS NAME.
10 THE ARCHDIOCESE WAS NEVER SERVED NOR DID THEY APPEAR.
11 THE ONLY ANSWER WAS ON BEHALF OF MR. GRAF ON BEHALF OF
12 THAT LESLIE PROPERTY. IT'S NOT A FICTITIOUS NAME FOR
13 THE LEGAL ENTITY.

14 THE COURT: WHEN I SAY "FICTITIOUS," I MEAN
15 ERRONEOUSLY NAMED; TRUE?

16 MR. KALFAYAN: THERE WAS NO APPEARANCE ON BEHALF
17 OF THE ARCHDIOCESE ON BEHALF OF AN ERRONEOUSLY NAMED
18 ENTITY.

19 THE COURT: SHOULD THE COURT ENTER A JUDGMENT
20 AGAINST THE WESLEY PROPERTY AND ANYBODY ELSE THAT MIGHT
21 BE SO MISNAMED?

22 MR. KALFAYAN: IT CAN, YOUR HONOR. THE ENTITY,
23 THE ARCHDIOCESE ITSELF THOUGH WAS ALWAYS A PART OF THE
24 WILLIS CLASS. TO CURE ANY OF THAT, WE JUST DID THE
25 OPT-IN FORM.

26 THE COURT: HERE IS WHAT I AM GOING TO DO. I
27 WILL GRANT DAVID ESTRADA'S MOTION TO SUBSTITUTE. I WILL
28 DENY WITHOUT PREJUDICE THE ARCHDIOCESE. I THINK YOU

1 NEED TO JUMP THROUGH SOME HOOPS TO TAKE CARE OF THE
2 WESLEY ISSUE AS WELL AS TO OPT-IN SPECIFICALLY FOR THE
3 PROPERTIES THAT ARE CURRENTLY OWNED BY THE ARCHDIOCESE
4 IN THE ANTELOPE VALLEY.

5 I THINK WHAT YOU ALSO HAVE TO DO IS FILE
6 SOMETHING INDICATING THAT THE LESLIE PROPERTY IS NO
7 LONGER OWNED BY THE ARCHDIOCESE, AND LET THE NEW OWNERS
8 OF THAT BE AWARE OF THE STATUS OF THEIR PROPERTY.

9 MR. KALFAYAN: THAT IS FINE, YOUR HONOR. I WILL
10 DO THAT. AND THE DECLARATION THAT WE PROVIDED IN THE
11 REPLY BRIEF THOUGH, WE DID PROVIDE EVIDENCE THAT IT WAS
12 SOLD. AND WE DID PROVIDE EVIDENCE THAT THE ARCHDIOCESE
13 DID SELL THE PROPERTY.

14 THE COURT: THAT'S IN A BRIEF.

15 MR. KALFAYAN: RIGHT. SO IF THE COURT WANTS ME
16 TO FILE THE OPT-IN FORM AND FILE ANOTHER DECLARATION TO
17 SHOW THAT THE LESLIE PROPERTY WAS SOLD --

18 THE COURT: AND YOU NEED TO DISMISS THAT ANSWER.

19 MR. KALFAYAN: AND DISMISS THE ANSWER. THAT'S
20 FINE. SO SHOULD I FILE ANOTHER MOTION AND COME BACK
21 BEFORE THIS COURT IN ANOTHER MOTION OR JUST FILE THESE
22 PAPERS?

23 THE COURT: WHY DON'T WE CONTINUE THE HEARING ON
24 THIS MOTION TO ANOTHER TIME SO WE DON'T HAVE TO
25 RE-NOTICE IT. MY CONCERN IS THAT THIS CASE IS GOING TO
26 BE AROUND FOR MANY, MANY YEARS EVEN AFTER ANY POTENTIAL
27 JUDGMENT IS ENTERED. AND NONE OF US ARE GOING TO BE
28 HERE AT THAT TIME; I CAN MAKE THAT FORECAST REASONABLY.

1 MR. KALFAYAN: I AGREE WITH YOU, YOUR HONOR.

2 THE COURT: AND I THINK THE RECORD NEEDS TO BE
3 REAL CLEAR AS TO WHAT WE ARE DOING AND WHO IS DOING
4 WHAT.

5 MR. KALFAYAN: HENCE, YOUR HONOR, MY INTENT TO
6 BRING IN TWO CLASS REPS. BECAUSE MS. WILLIS DID SELL
7 HER PROPERTY. AND I AM CONCERNED THAT THE PUBLIC WATER
8 SUPPLIERS AND ASSUMED LAND OWNERS ARE GOING TO BE
9 PRESENTING YOU WITH A PROPOSED SETTLEMENT AGREEMENT THAT
10 I WILL BE FORCED TO APPEAR AND OBJECT TO. SO THE
11 IMPORTANCE OF HAVING AN INDIVIDUAL AND AN INSTITUTION AS
12 CLASS REPRESENTATIVE IS CRITICAL.

13 THE COURT: I UNDERSTAND. THIS IS A JUDGMENT IN
14 EQUITY THAT WILL BE AROUND FOR A LONG TIME. OKAY. I
15 WILL.

16 MR. KALFAYAN: I WILL FILE ANOTHER BRIEF IN THIS
17 MATTER AND FILE.

18 THE COURT: YOU CAN DETERMINE THE DATE BY FILING
19 IT. YOU WILL BE ABLE TO KNOW WHEN TO PICK A DATE WHEN
20 WE WILL DO SOMETHING ELSE HERE. AS A MATTER OF FACT,
21 YOU MIGHT CONSIDER THE 22ND OF DECEMBER, BECAUSE I KNOW
22 THERE IS A SUMMARY JUDGMENT THAT WILL BE HEARD IN
23 SAN JOSE AT NINE O'CLOCK THAT DAY.

24 MR. KALFAYAN: YOUR HONOR, JUST TO BE CLEAR THEN,
25 MR. ESTRADA IS A CLASS REPRESENTATIVE?

26 THE COURT: I GRANTED HIS REQUEST. THERE WAS NO
27 OBJECTION TO HIS APPLICATION.

28 MR. KALFAYAN: THANK YOU, YOUR HONOR.