

EXHIBIT “D

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

<p>Coordination Proceeding Special Title (Rule 1550(b))</p> <p>ANTELOPE VALLEY GROUNDWATER CASES</p> <p>Included Actions:</p> <p>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201</p> <p>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</p> <p>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, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668</p> <p>Willis v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 364 553</p> <p>Wood v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 391869</p>	<p>Judicial Council Coordination Proceeding No. 4408</p> <p>For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (for E-Posting/E-Service Purposes Only)</p>
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Date/Time: Monday, July 29, 2013 (10:30am)

Location: Superior Court of California
County of **Los Angeles**

Department 48, 5th Floor
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, CA 90012

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
July 29, 2013 (10:30am) / Hon. Jack Komar*

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Present: Hon. Jack Komar, Judge
_____, Reporter

Annie Barton, Clerk (Los Angeles)
Rowena Walker, Clerk (Santa Clara)
S. Sato, C.A. Deputy Sheriff (Los Angeles)

MINUTE ORDER: **LAW & MOTION AND CASE MANAGEMENT CONFERENCE**

- **Wood Plaintiffs' Petition for Inclusion of Add-On Case (Wood v. A.V. Material, Case No. BC509546) (Atty McLachlan) - withdrawn by moving party**
- **LACWD No. 40's Petition to Add-On Case (Wood v. A.V. Material, Case No. BC509546) (Atty Dunn)**

LACWD No. 40's Petition to Add on Case No. BC509546 is granted. **Wood v. A.V. Material, Case No. BC509546** is added on and included with **ANTELOPE VALLEY GROUNDWATER CASES, JCCP 4408** (the complaint is attached as Exhibit B for reference). Mr. Dunn will prepare the Proposed Order.

- **Wood Plaintiffs' Ex Parte Application for an Order to Show Cause re Sanctions for Failure to Pay Court-Appointed Expert (Atty McLachlan)**
- **Ex Parte Application for an Order Modifying the December 11, 2012 Order re Motion for an Order Authorizing Court Appointed Expert Work (Atty Lemieux); various Joinders thereto**

The Court, at this time, declined to expand the scope of the December 11, 2012 Order (attached as Exhibit C for reference). The Court will sign amended order(s) to the December 11, 2012 Order, so long as it's approved as to form and substance by all affected parties, including other water suppliers. Because there is an agreement by the parties that the money will be paid, the application by the Wood Class for sanctions for non-payment to the court appointed expert will not be heard and the request for sanctions is vacated by the Court.

- **AGWA's Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Fife)**
- **Littlerock Creek Irrigation District, et al.'s Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Lemieux)**
- **Granite Construction Company's Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Kuhs)**
- **Little Rock Sand and Gravel, Inc., et al.'s Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Lewis)**

The clerk is instructed to amend the May 29, 2013 minute order to reflect the requests (to include exhibits inadvertently omitted) made by the parties listed above. A copy of the May 29, 2013 minute order (Exhibit D) and copies of the attached requests (Exhibits E, F, G and H) will be attached to today's minute order for reference.

- **Case Management Conference – including setting hearing for Phase 5 Trial (Prescription) and issue of Jury vs. Non-Jury**

The Court discussed with all counsel present the issues to be tried in Phase 5. A Further Case Management Conference, including trial setting for Phase 5, is set for September 6, 2013 at 10:00 a.m. in Superior Court of California, County of LOS ANGELES, department to be announced.

Counsel are to meet and confer regarding scheduling of Phase 5 Trial, and submit briefs, by August 16, 2013, on the issues of jury vs. non-jury, an equity trial, and the difference between, for example, of prescriptive rights in a riparian situation, as opposed to groundwater. Counsel shall submit positions and contentions within 10 days and responses are to be completed within 30 days.

Mr. Dunn has volunteered to host meet and confer sessions prior to the next case management conference/trial setting conference on September 6, 2013.

Mr. Dunn and the Public Water Suppliers (“PWS”) shall prepare an order directing them to provide specific information concerning prescription claims, for each, including the period of claimed overdraft upon which they rely, the amount of imported water brought in during that period, the amount of claimed return flows, the amount of their water claimed to be pumped as overlying owners, and other related information to their claims. Mr. Dunn and the PWS are to confer with the Land Owner Group to discuss other information that the group would find helpful.

The Court requests that Mr. Dunn prepare the proposed order after today’s hearing, to be posted online at www.scefilling.org, with responses, comments or objections due within 5 days thereafter.

Future Events:

Date	Type	Location
September 6, 2013 at 10:00 a.m.	Further Case Management Conference Trial Setting Conference (with trial estimates to be provided to the Court)	Superior Court of California, County of LOS ANGELES, Department TBA

PARTIES/ATTORNEYS OF RECORD:

Counsel present in Courtroom:

Daniel M. O’Leary (for Richard Wood)

Jeffrey V. Dunn (for Los Angeles Co. Waterworks District No. 40)
Michael Fife (for Antelope Valley Groundwater Agreement Associate "AGWA")
W. Keith Lemieux (for Little Creek Irrigation District)
Thomas S. Bunn, III (for Palmdale Water District)
Douglas J. Evertz (for City of Lancaster Rosamond Community Services)
Warren R. Wellen (for L.A. County Waterworks District 40)
R. Lee Leininger (for United States)
Edward S. Renwick (for WAGAS Land Co.)
Doug Gosling (for Scott Kinney)
Joseph D. Hughes (for H & N Development Company)
Theodore A. Chester, Jr. (for Landin V, Luc Burroughs)
James W. Lewis (for Littlerock Sand & Gravel)
Steven R. Orr (for Palmdale)
Leland P. McElhaney (for AVEK)
Wesley A. Miliband (for Phelan Pinon Hills CSD)
Christopher M. Sanders (for County Sanitation Districts of Los Angeles Country Nos. 14 & 20)
John S. Tootle (for California Water Service Company)
Michael D. Davis (for AV United Mutual Group, Adams Bennett Inv., Golden Sands, et al.)
Bob H. Joyce (for Diamond Farming, et al.)
Richard Zimmer (for Bolthouse Properties & Bolthouse Farms)
Robert Kuhs (for Tejon Ranchcorp, Granite Construction)
Noah Golden-Krasner (for State of CA)

Counsel present through CourtCall:

William R. Carlson for Antelope Valley Water Storage, LLC)
Marilyn Levin (for State of California Santa Monica Mountains Conservancy)
Sheldon Blum (for Blum Trust)
William M. Sloan (for US Borax)
Walter E. Rusinek (for NRG Solar Alpine LLC)
William J. Brunick (Antelope Valley East Kern Water Agency)
Janet K. Goldsmith (for City of Los Angeles)
Andrew J. Ramos (for Copa De Oro)
Bradley J. Herrema (for Antelope Valley Ground Water)
Chad Reed (for Quartz Hill Water District)

REPORTER:

*** THIS MATTER WAS NOT REPORTED ***

ATTACHMENTS:

- A. CourtCall List
- B. Copy of Complaint in *Wood v. A.V. Material, Case No. BC509546*
- C. Copy of December 11, 2012 Order
- D. Copy of May 29, 2013 Minute Order
- E. AGWA's Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Fife)
- F. Littlerock Creek Irrigation District, et al.'s Request for Correction of Phase IV Minute

- Order of May 29, 2013 (Atty Lemieux)
- G. Granite Construction Company's Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Kuhs)
 - H. Little Rock Sand and Gravel, Inc., et al.'s Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Lewis)

EXHIBIT A

CourtCall® Appearance Calendar

July 2013
29 Monday

Amended Calendar 07/29/2013 11:06 AM

48 Judge Elizabeth Allen White
Los Angeles Superior Court-Central(M-Z)

10:30 AM PT Dial: (866) 588-0758 Code: 4737350#

Time	Case Information	Attorney Information
	Case #: JCCP4408 Case Name: Antelope Valley Ground Water Cases Proceeding Type: Telephonic Hearing	Firm: Herum Crabtree Phone: (209) 472-7700 Contact: William R. Carlson For Defendant(s), Antelope Valley Water Storage, LLC
		Firm: Alston & Bird LLP Phone: (213) 576-1139 Contact: Edward J. Casey For Defendant(s), Northrup Grumman
		Firm: State of California - Department of Justice Phone: (213) 897-2612 Contact: Marilyn Levin For Defendant(s), State of California Santa Monica Mountains Conservancy
		Firm: Law Offices of Sheldon R. Blum Phone: (408) 377-7320 Contact: Sheldon Blum For Trustee, Blum Trust
		Firm: Morrison & Foerster Phone: (415) 268-7209 Contact: William M. Sioan For Defendant(s), US Borax
		Firm: Procopio Cory Hargreaves & Savitch LLP Phone: (619) 238-1900 ext. 3316 Contact: Walter E. Rusinek For Cross-Defendant(s), NRG Solar Alpine LLC
		Firm: Charlton Weeks LLP Phone: (661) 265-0969 Contact: Chad Reed - Client For Interested Party, Quartz Hill Water District
		Firm: Charlton Weeks LLP Phone: (661) 265-0969 Contact: Bradley T. Weeks For Interested Party, Quartz Hill Water District

CourtCall® Appearance Calendar

July 2013
29 Monday

Amended Calendar 07/29/2013 11:06 AM

48 Judge Elizabeth Allen White
Los Angeles Superior Court-Central(M-Z)

10:30 AM PT Dial: (866) 588-0758 Code: 4737350#

Time	Case Information	Attorney Information
		Firm: McMurtrey & Hartsock & Worth Phone: (661) 322-4417 Contact: James A. Worth For: Defendant(s), Boron Community Services District
		Firm: Brownstein Hyatt Farber Schreck, LLP Phone: (805) 963-7000 Contact: Ryan C. Drake For: Cross-Complainant(s), Antelope Valley Groundwater Agreement Association
		Firm: Brunick, McElhaney & Kennedy, PLC Phone: (909) 889-8301 Contact: William J. Brunick For: Cross-Complainant(s), Antelope Valley East Kern Water Agency
		Firm: Kronick, Moskovitz, Tiedemann & Girard Phone: (916) 321-4500 Contact: Janet K. Goldsmith For: Defendant(s), City of Los Angeles
		Firm: Bartkiewicz Kronick & Shanahan Phone: (916) 446-4254 Contact: Andrew J. Ramos For: Cross-Defendant(s), Copa De Oro
		Firm: Law Office of Frank Satalino Phone: (949) 735-7604 Contact: Frank A. Satalino For: Defendant(s), Rosamond Ranch
		Firm: Richard A. Wood - Client Phone: 661-946-1161 Contact: Richard A. Wood For: Client, Richard A. Wood
		Firm: Brownstein Hyatt Farber Schreck, LLP Phone: 805-963-7000 Contact: Bradley J. Herrema For: Cross-Complainant(s), Antelope Valley Ground Water

EXHIBIT B

1 Michael D. McLachlan (State Bar No. 181705)
2 LAW OFFICES OF MICHAEL D. McLACHLAN, APC
3 10490 Santa Monica Boulevard
4 Los Angeles, California 90025
5 Telephone: (310) 954-8270
6 Facsimile: (310) 954-8271
7 mike@mcLachlanlaw.com

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OF ORIGINAL FILED
Los Angeles Superior Court

MAY 21 2013

John A. Clarke, Executive Officer/Clerk
BY  Deputy
Victor Jimenez

5 Daniel M. O'Leary (State Bar No. 175128)
6 LAW OFFICE OF DANIEL M. O'LEARY
7 10490 Santa Monica Boulevard
8 Los Angeles, California 90025
9 Telephone: (310) 481-2020
10 Facsimile: (310) 481-0049
11 dan@danolearylaw.com

12 Attorneys for Plaintiff Richard A. Wood

13 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES

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

17 Plaintiff,

18 v.

19 A. V. Materials, Inc., a California Corporation;
20 A.C. Warnack, as Trustee of The A.C. Warnack
21 Trust; AV Solar Ranch 1, LLC; Adams Bennett
22 Investments, LLC; Alta Vista SunTower, LLC;
23 Antelope Valley Country Club Improvement
24 Company, Inc., a business entity of form
25 unknown; Antelope Valley East-Kern Water
26 Agency, a California Municipal Corporation;
27 Antelope Valley Water Storage LLC; Arklin
28 Brothers Enterprises, a business entity of form
unknown; Philip H. Arklin; Gene T. Bahlman;
William Barnes; Julie Barnes; William Barnes
as Trustee of the William R. Barnes & Eldora
M. Barnes Family Trust of 1989; Maria Balice;
Norman Balice; Randall Blayney; Bolthouse
Properties, LLC; John Boruchin, as Trustee for
the John and Dora Boruchin Living Trust; Dora
Boruchin, as Trustee for the John and Dora
Boruchin Living Trust; Britton Associates, LLP;

Case No.:

BC509546

(related to JUDICIAL COUNCIL
COORDINATION PROCEEDING No. 4408;
Santa Clara Case No. 1-05-CV-049053,
Honorable Jack Komar)

CLASS ACTION COMPLAINT

CLASS ACTION COMPLAINT

1 Thomas M. Bookman; Burrows, Bruce; 300 A
2 40 H, LLC; Bujulian Brothers, Inc., a business
3 entity of form unknown; Bushnell Enterprises,
4 LLC; B.J. Calandri; John Calandri; John
5 Calandri as Trustee of the John and B.J.
6 Calandri 2001 Trust; Calmat Land Company, a
7 business entity of unknown form; Sal Cardile;
8 Connie L. Cardile; Efren Chavez; Luz Chavez;
9 Consolidated Rock Products, a business entity
10 of form unknown; Castle Ranch Bstate, a
11 business entity of form unknown; Cameron
12 Properties, a business entity of form unknown;
13 City of Los Angeles; Florence Cernicky as
14 Trustee of the Cernicky Trust; Copa De Oro
15 Land Company, a California general
16 partnership; County Sanitation District Number
17 14 of Los Angeles County; County Sanitation
18 District Number 20 of Los Angeles County;
19 Crystal Organic Farms LLC; Del Sur Ranch,
20 LLC; Diamond Farming Company; Genz
21 Development, a business entity of form
22 unknown; Steven Godde as Trustee of the
23 Forrest G. Godde Trust; Lawrence A. Godde;
24 Lawrence A. Godde and Godde Trust; Robert
25 Gorrindo; Phillip Gorrindo; Robert Gorrindo as
26 trustee of the Gorrindo Family Trust; Laura
27 Griffin; Gaskell SunTower LLC; Granite
28 Construction Company, a business entity of
form unknown; Grimmway Enterprises, Inc., a
business entity of form unknown; H&N
Development Co. West, Inc., a business entity
of form unknown; Steven Harris; Healy
Enterprises, Inc., a business entity of form
unknown; Healy Farms, a business entity of
form unknown; David Herrmann; High Desert
Investments, LLC; Holliday Rock Co., Inc., a
business entity of form unknown; Clinto Huth;
Habod Javadl; Eugene V. Kindig; Beverly A.
Kindig; Paul S. Kindig; Sharon R. Kindig;
Kootenai Properties, Inc., a business entity of
form unknown; Gailen Kyle; Gailen Kyle as
Trustee of the Kyle Trust; James W. Kyle;
James W. Kyle as Trustee of the Kyle Family
Trust; James W. Kyle as Trustee of the Kyle
Family Trust; Julia Kyle; Wanda B. Kyle; Little
Rock Sand and Gravel, inc., a business entity of
form unknown; LV Ritter Ranch LLC; LandInv,
Inc., a business entity of form unknown; Laps

1 Land Company, LLC; Lebata, Inc., a business
2 entity of form unknown; Larry V. Leduc; Sonia
3 S Leduc; Leslie Property; Littlerock Aggregate
4 Co., Inc. dba Antelope Valley Aggregate, Inc., a
5 business entity of form unknown; David S.
6 Mason; Jose Maritorena as Trustee of the
7 Maritorena Living Trust; Jose Maritorena;
8 Marie Maritorena; Richard H. Miner; Monte
9 Vista Building Sites Inc.; Mountain Brook
10 Ranch, LLC; Barry S. Munz; Terry A. Munz;
11 Kathleen M. Munz; Patty Murphy; Eugene B.
12 Nebeker; R and M Ranch, Inc., a business entity
13 of form unknown; Richard Nelson; Michael
14 Nelson; Robert Jones; New Anaverde, LLC;
15 Nibbelink Family Trust; Northrop Grumman
16 Corporation; Palmdale Hills Property, LLC;
17 Robert D. Raney, as Trustee for the Robert and
18 Shirley Raney Living Trust; Shirley B. Raney,
19 as Trustee for the Robert and Shirley Raney
20 Living Trust ; John Reca; Adriene Reca; Edgar
21 C. Ritter; Paula E. Ritter; Paula E. Ritter, as
22 Trustee of the Ritter Family Trust; Red Dawn
23 SunTower, LLC; Rosamond Ranch, ; SGS
24 Antelope Valley Development LLC; Sahara
25 Nursery, a business entity of form unknown;
26 Mabel Selak; Jeffrey L. Siebert; Nancee J.
27 Siebert; Saint Andrew's Abbey, Inc., a business
28 entity of form unknown; Service Rock Products,
L.P.; Sheep Creek Water Company, a business
entity of form unknown; Sheldon R. Blum,
Trustee for the Sheldon R. Blum Trust; Elias
Shokrian; Shirley Shokrian; Sierra SunTower,
LLC; Sorrento West Properties, Inc., a business
entity of form unknown; Tejon Ranchcorp, a
business entity of form unknown; Tierra Bonita
Ranch Company, a business entity of form
unknown; Beverly Tobias; Triple M Property, a
business entity of form unknown; 3M Property
Investment Co., a business entity of form
unknown; Frank Lane as Trustee of The Frank
and Yvonne Lane Family Trust, Dated March 5,
1993; George Lane as the Trustee of The
George and Charlene Lane Family Trust; The
Philip H. Arklin Family Trust Dated April 28,
1994; The Three Arklin Limited Liability
Company; Jung N. Tom; Tumbleweed
SunTower, LLC; U.S. Borax, Inc., a business
entity of form unknown; Craig Van Dam;

1 Delmar D. Van Dam; Gary Van Dam; Gertrude
2 J. Van Dam; Samuel Kremen; Vulcan Materials
3 Company, a business entity of form unknown;
4 Vulcan Lands Inc., a business entity of form
5 unknown; WAGAS Land Company LLC; WDS
6 California II, LLC; Wm. Bolthouse Farms, Inc.,
7 a business entity of form unknown; Willow
8 Springs Company, a business entity of form
9 unknown; Donna Wilson; Nina Wilson; Ramin
10 Zomorodi; enXco Development Corporation, a
11 business entity of form unknown; and DOES 1
12 through 1000;

13 Defendants.

14 Plaintiff, Richard A. Wood, by his counsel, alleges on information and belief as follows:

15 I.

16 NATURE OF THE ACTION

17 1. Plaintiff brings this action on behalf of himself and the class of certain other
18 private landowners in the Antelope Valley (as defined below) seeking a judicial determination of
19 their rights to use the groundwater within the Antelope Valley Groundwater Basin ("the Basin").

20 2. As overlying landowners, Plaintiff and the Class have a property right in the water
21 within the Basin. Plaintiff and the Class also have a priority to the use of the Basin's
22 groundwater for domestic purposes under California Water Code section 106. The Basin has
23 been adjudicated Basin, thereby requiring reduction or diminution of the groundwater rights of
24 some parties overlying the Basin. Plaintiff and the Class contend that their domestic
25 groundwater rights must be accorded priority over non-domestic uses, including those rights
26 relating to farming.

27 II.

28 JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to the California
Constitution, Article XI, § 10 and under California Code of Civil Procedure ("CCP") § 410.10.

4
CLASS ACTION COMPLAINT

1 4. Venue is proper in this jurisdiction pursuant to CCP § 395 in that Plaintiff resides
2 in Los Angeles County, a number of defendants reside in this County, and a substantial part of
3 the unlawful conduct at issue herein has taken place in this County. In addition, this case is
4 related to Judicial Council Coordination Proceeding No. 4408, which is pending in this Court.

5 III.

6 THE PARTIES

7 6. Plaintiff RICHARD A. WOOD ("Wood" or "Plaintiff") resides in Lancaster,
8 California. Wood owns approximately 10 acres of property at 45763 North 90th Street East in
9 Lancaster, California, within the Basin. Plaintiff's property overlies percolating groundwater,
10 the precise extent of which is unknown.

11 7. Defendants (referred to alternatively as "Overliers" or "Defendants") are persons
12 and entities who claim rights to use groundwater from the Basin, whose interests are in conflict
13 with Plaintiff's interests. On information and belief, each of the entity defendants is in good
14 standing and legally permitted to conduct business in California.

15 8. Plaintiff alleges on information and belief that at all relevant times DOE
16 Defendants 1 through 1000, inclusive, are persons or entities who either are currently taking or
17 providing water from the Basin or claim rights to take groundwater from the Basin. Plaintiff is
18 presently unaware of the true names and identities of those persons sued herein as DOE
19 Defendants 1 through 1000 and therefore sues these Defendants by these fictitious names.
20 Plaintiff will amend this Complaint to allege the Doe Defendants' legal names and capacities
21 when that information is ascertained.

22 IV.

23 FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

24 9. The Antelope Valley Groundwater Basin is part of the South Lahontan
25 Hydrologic Region. The Basin underlies an extensive alluvial valley in the western Mojave
26 Desert. The Basin is bounded on the northwest by the Garlock fault zone at the base of the
27 Tehachapi Mountains and on the southwest by the San Andreas fault at the base of the San
28 Gabriel Mountains. The Basin is bounded on the east by ridges and low hills that form a

1 groundwater divide and on the north by various geographic features that separate it from the
2 Fremont Valley Basin.

3 10. Average annual rainfall in the Basin ranges from 5 to 10 inches. Most of the
4 Basin's recharge comes from runoff from the surrounding mountains and hills -- in particular,
5 from the San Gabriel and Tehachapi Mountains and from hills and ridges surrounding other
6 portions of the Valley.

7 11. The Basin has two main aquifers -- an upper aquifer, which is the primary source
8 of groundwater for the Valley, and a lower aquifer. Generally, in the past, wells in the Basin
9 have been productive and have met the needs of users in conjunction with other sources of water,
10 including the State Water Project.

11 12. In recent years, however, population growth and urban demands have led to
12 increased pumping and declining groundwater levels. Plaintiff and the Class are informed and
13 believe that at some yet unidentified point in the past, the Defendants began to extract
14 groundwater from the Antelope Valley to a point above and beyond an average annual safe yield.
15 Plaintiff and the Class are further informed and believe that future population growth and
16 demands will place increased burdens on the Basin. If the trend continues, demand may exceed
17 supply which will cause damage to private rights and ownership in real property. Presently, the
18 rights to the Basin's groundwater have not been adjudicated and there are no legal restrictions on
19 pumping. Each of the Defendants is pumping water from the Basin and /or claims an interest in
20 the Basin's groundwater. Despite the actual and potential future damage to the water supply and
21 the rights of owners of real property within the Valley, the Defendants have knowingly
22 continued to extract groundwater from the Basin, and increased and continue to increase their
23 extractions of groundwater over time. The Defendants continued the act of pumping with the
24 knowledge that the continued extractions were damaging, long term, the Antelope Valley and in
25 the short term, impairing the rights of the property owners.

26 13. Plaintiff and the Class are informed and believe that the Defendants have pumped
27 water in excess of the safe yield.

28

1 14. Various water users have instituted suit to assert rights to pump water from the
2 Basin. In particular, Defendant L.A. Waterworks District 40 and other municipal Appropriators
3 have brought suit asserting that they have prescriptive rights to pump water from the Basin,
4 which they claim are paramount and superior to the overlying rights of Plaintiff and the Class.
5 Those claims threaten Plaintiff's right to pump water on his property.

6 15. In 1983, Plaintiff purchased his ten (10) acre property in the Antelope Valley to
7 serve as his sole residence, which has continued to be the case to date. The most important and
8 fundamental aspect of his purchase was the property right to use water below his land. At all
9 relevant times, Plaintiff has extracted and used groundwater from beneath his property for
10 standard residential purposes. Plaintiff's right to use water below the surface of the land is a
11 valuable property right. Without the right to use the water below his property, the value of
12 Plaintiff's land is substantially reduced.

13 16. Plaintiff is informed and believes that Defendants have extracted so much water
14 from the Basin, by extracting non-surplus water that exceeds a safe yield for a period as yet
15 undetermined, that his ability to pump water is threatened. Plaintiff is further informed and
16 believes that the water level has fallen to such an unreasonable level that his property right in the
17 use of the water has been infringed or extinguished and his interest in the real property has been
18 impaired by the diminution of its fair market value. The Defendants have made it economically
19 difficult, if not impossible, for his to exercise his future right to use the water because they have
20 extracted too much water from the supply in the Basin. His water rights and the value in the real
21 property have been damaged and will continue to be damaged unless this court intervenes on his
22 behalf and on behalf of all class members.

23 17. Plaintiff brings this action on behalf of the following class:
24 All private (i.e., non-governmental) persons and entities that own real property
25 within the Basin, as adjudicated, and that have been pumping groundwater on their property
26 within the five year period preceding the filing of this action for domestic purposes. The Class
27 excludes the defendants herein, any person, firm, trust, corporation, or other entity in which any
28 defendant has a controlling interest or which is related to or affiliated with any of the defendants,

1 and the representatives, heirs, affiliates, successors-in-interest or assigns of any such excluded
2 party. The Class also excludes all persons and entities to the extent their properties are connected
3 to a municipal water system, public utility, or mutual water company from which they receive
4 water service, as well as all property pumping 25 acre-feet per year or more on an average annual
5 basis at any time.

6 18. The Class is so numerous that joinder of all members is impracticable. Plaintiff's
7 claims are typical of the claims of the members of the Class. Plaintiff and members of the class
8 have sustained damages arising out of the conduct complained of herein.

9 19. Plaintiff will fairly and adequately protect the interests of the members of the
10 Class and Plaintiff has no interests which are contrary to or in conflict with those of the Class
11 members he seeks to represent. Plaintiff has retained competent counsel experienced in class
12 action litigation to ensure such protection.

13 20. A class action is superior to other available methods for the fair and efficient
14 adjudication of this controversy since joinder of all members is impracticable. Plaintiff knows of
15 no difficulty that will be encountered in the management of this litigation that would preclude its
16 maintenance as a class action.

17 21. There are common question of law and fact as to all members of the Class, which
18 predominate over any questions affecting solely individual members of the Class. Specifically,
19 the Class members are united in establishing (1) their priority to the use of the Basin's
20 groundwater given their capacity as overlying landowners; (2) the determination of the Basin's
21 characteristics including yield; and (3) the availability of injunctive relief.

22 FIRST CAUSE OF ACTION

23 (For Declaratory Relief Against All Defendants)

24 22. Plaintiff realleges and incorporates herein by reference each of the allegations
25 contained in the preceding paragraphs of this Complaint.

26 23. By virtue of their property ownership, Plaintiff and the Class hold overlying rights
27 to the Basin's groundwater, which entitle them to extract that water and put it to reasonable and
28 beneficial uses on their respective properties.

3
CLASS ACTION COMPLAINT

1 24. Plaintiff is informed and believes, and on the basis of that information and belief
2 alleges, that each of the defendants presently extracts groundwater from the Basin and/or asserts
3 rights to that groundwater which conflict with the overlying rights of Plaintiff and the Class.

4 25. Plaintiff is informed and believes and, on the basis of that information and belief,
5 alleges that each of the Defendants extracts groundwater primarily for non-domestic use.

6 26. The Court has adjudicated the Basin as being in a state of overdraft, setting the
7 safe yield at 110,000 acre-feet per annum. Plaintiff is informed and believes and on that basis
8 alleges that the total claims to the groundwater rights in the Basin far exceed the safe yield set by
9 the Court, thereby requiring reduction or diminution of the claims of some persons or entities
10 claiming rights to use groundwater in the Basin.

11 27. Plaintiff's and the Class' present overlying domestic uses of the Basin's
12 groundwater are superior in right to any non-domestic overlying rights held by the Defendants.
13 As stated in California Water Code section 106, "It is hereby declared to be the established
14 policy of this State that the use of water for domestic purposes is the highest use of water and
15 that the next highest use is for irrigation."

16 28. Plaintiff's and the Class' overlying rights need to be adjudicated and apportioned
17 in a fair and equitable manner as against all Defendants.

18 29. Plaintiff and the Class seek a judicial determination that their rights as overlying
19 users are superior to the rights of the non-domestic overlying use of Defendants.

20 30. Plaintiff and the Class further seek a judicial determination as to the priority and
21 amount of water that all parties in interest are entitled to pump from the Basin.

22 **SECOND CAUSE OF ACTION**

23 (Against All Defendants to Quiet Title)

24 31. Plaintiff realleges and incorporates herein by reference each of the allegations
25 contained in the preceding paragraphs of this Complaint.

26 32. Plaintiff and the Class own land overlying the Antelope Valley alluvial
27 groundwater basin. Accordingly, Plaintiff and the Class have appurtenant rights to pump and
28 reasonably use groundwater on their land.

1 33. Plaintiff and the Class herein request a declaration from the Court quieting title to
2 their appurtenant rights to pump and reasonably use groundwater on their land in the future.
3

4 WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, as
5 follows:

6 1. Declaring that Plaintiff's and the Class' overlying rights to use water from the
7 Basin are superior and have priority vis-a-vis all non-domestic overlying users;

8 2. Apportioning water rights from the Basin in a fair and equitable manner and
9 enjoining any and all uses inconsistent with such apportionment;

10 3. Awarding Plaintiff and the Class the costs of this suit, including reasonable
11 attorneys' and experts' fees and other disbursements; as well as such other and further relief as
12 may be just and proper.
13

14 DATED: May 21, 2013

LAW OFFICES OF MICHAEL D. McLACHLAN, APC
LAW OFFICE OF DANIEL M. O'LEARY

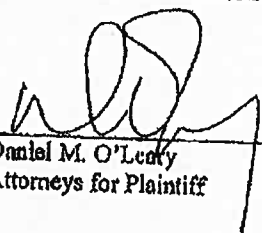
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18 By: 
19 Daniel M. O'Leary
20 Attorneys for Plaintiff
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EXHIBIT C

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

Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

**ANTELOPE VALLEY GROUNDWATER
CASES**

(Santa Clara Case No. 1-05-CV-049053,
Honorable Jack Komar)

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

Case No.: BC 391869

Plaintiff,

**[amended, proposed] ORDER RE:
MOTION FOR AN ORDER
AUTHORIZING COURT-
APPOINTED EXPERT WORK**

v.

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

Defendants.

1 On November 9, 2012, the Court heard argument on Richard Wood's Motion for
2 an Order Authorizing the Court-Appointed Expert Witness Work (the "Motion"). After
3 considering the pleadings filed by all parties and the argument of counsel, the Court
4 hereby lifts the stay on the Court-Appointed expert witness work as detailed in the
5 written estimate which is Exhibit 5 to the Motion (dated January 18, 2012). The Court-
6 appointed expert will generate a report detailing the work conducted and the resulting
7 analysis and data generated. Such report or reports will be posted to the court website for
8 this matter by either Class counsel or designated liason counsel for the public water
9 suppliers.

10
11 Expert Communication and Liason Counsel.

12 It is anticipated that the expert will need to communicate with counsel and class
13 members in the conduct of his work. Such communications will occur in writing where
14 practicable and posted to the case website. Jeffrey Dunn or other attorney representative
15 for the public water suppliers, and a designated landowner attorney, shall be copied on
16 such communications.

17
18 Payment

19 The bills of the court-appointed expert will be sent to Class counsel, who will file
20 notice of such bills within ten days of receipt. Such payments will be made on a per
21 capita basis in equal amounts on each bill from the court-appointed expert.

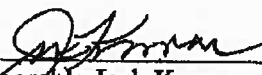
22 The Court orders the following parties to tender payment of checks, payable to
23 "Cardno Entrix," to the Law Offices of Michael D. McLachlan, APC within fifteen (15)
24 days of posting of the notice of payments being due: Rosamond Community Services
25 District, Los Angeles County Waterworks District No. 40, Littlerock Creek Irrigation
26 District, Palm Ranch Irrigation District, North Edwards Water District, Desert Lake
27 Community Services District, California Water Service Company, Quartz Hill Water
28

1 District, the Palmdale Water District, and Phelan Pinon Hills Community Services
2 District.

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IT IS SO ORDERED.

Dated: 12-11-2012



Honorable Jack Komar
Judge of the Superior Court

EXHIBIT D

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

HONORABLE Jack Komar

JUDGE D. McCULLOUGH

DEPUTY CLERK

HONORABLE #1

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am JCCP4408

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

Plaintiff	T. BUNN (X)
Counsel	W. BRUNICK (X)
	W. CARLSON (X)
Defendant	T. CHESTER (X)
Counsel	R. DRAKE (X)
	J. DUNN (X)
	M. DAVIS (X)
	Appearances Cont'd Below:

NATURE OF PROCEEDINGS:

Appearances Continued: D. EVERTA, J. GOLDSMITH, N. GOLDEN-DRASNER, D. HALL, B. HERREMA, J. HUGHES, B. JOYCE, R. KUHS, S. KUNEY, W. LEMIEUX, R. LEININGER, M. LEVIN, N. MAGUIRE, M. McLACHLAN, W. MILIBAND, E. RENWICK, W. RUSINEK, J. LEWIS, C. SANDERS, W. SLOAN, J. TOOTLE, B. WEEKS, J. KRATTLI, J. WORTH AND R. ZIMMER.

COURT TRIAL - PHASE 4

Court trial- phase 4 resumes from May 28, 2013. Pursuant to previous order of the Court, the following exhibits are marked for identification and admitted into evidence:

- 4-ADAMS-1 Information and Materials Responsive to December 12, 2012 Discovery Order
- 4-ADAMS-2 First Supplemental Response to December 12, 2012 Discovery Order
- 4-ANTELOPEPARK-1 Well efficiency test results
- 4-ANTELOPEPARK-2 Summary of water pumped for years 2011 and 2012
- 4-ANTELOPEPARK-3 Second supplemental response
- 4-AVSOLAR-1 Stipulation
- 4-AVSOLAR-2 Declaration
- 4-AVUHSD-1 Declaration
- 4-AVUHSD-2 Supplemental Declaration
- 4-AVUHSD-3 Stipulation with Antelope Valley

<p align="center">MINUTES ENTERED 05/29/13 COUNTY CLERK</p>

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

HONORABLE Jack Komar

JUDGE

D. McCULLOUGH

DEPUTY CLERK

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JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am

JCCP4408

Plaintiff	T. BUNN (X)
Counsel	W. BRUNICK (X)
	W. CARLSON (X)
Defendant	T. CHESTER (X)
Counsel	R. DRAKE (X)
	J. DUNN (X)
	M. DAVIS (X)
	Appearances Cont'd Below:

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

NATURE OF PROCEEDINGS:

Joint Union High School District
4-AVERYDALE-1 Responses to December 12, 2012
Discovery Order
4-AVERYDALE-2 First Supplemental Responses
4-AVEK-1 Declarations
4-AVEK-2 Deeds confirming AVEK ownership
4-AVEK-3 Supplemental declarations
4-AVEK-4 Stipulation
4-AVWATERSTORAGE-1 Stipulation
4-AVWATERSTORAGE-2 Declaration of Mark Beuhler
4-AVWATERSTORAGE-3 Notice of errata
4-AQUA-J-1 Responses to December 12, 2012
discovery order
4-AQUA-J-2 First Supplemental Responses
4-BAXTER-1 Responses to December 12, 2012
discovery order
4-BAXTER-2 First supplemental responses to
December 12, 2012 discovery order
4-BIGROCKMUTUAL-1 Declaration of John Blalock
4-BLEICHFLAT-1 Responses to December 12, 2012
discover order
4-BLEICHFLAT-2 First Supplemental responses
4-BOLTHOUSE-1 Amended declaration of Anthony L.
Leggio
4-BORAX-1 Declaration of Bruce N. Nelson
4-BORAX-2 Stipulation of facts
4-BORAX-3 Supplemental declaration of Bruce N.
Nelson
4-BURROWS-1 Declaration of Bruce Burrows
4-BURROWS-2 Supplemental declaration
4-BURROWS-3 Second Supplemental declaraion

MINUTES ENTERED 05/29/13 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

HONORABLE Jack Komar

JUDGE

D. McCULLOUGH

DEPUTY CLERK

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JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am

JCCP4408

Plaintiff	T. BUNN (X)
Counsel	W. BRUNICK (X)
	W. CARLSON (X)
Defendant	T. CHESTER (X)
Counsel	R. DRAKE (X)
	J. DUNN (X)
	M. DAVIS (X)

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

Appearances Cont'd Below:

NATURE OF PROCEEDINGS:

- 4-BURROWS-4 Southern California Edison Statements
- 4-BURROWS-5 Stipulation
- 4-BURROWS-6 Third Supplemental declaration of
Bruce Burrows
- 4-CA-1 Declaration
- 4-CA-2 Exhibit A
- 4-CA-3 Exhibit B
- 4-CA-4 Declaration
- 4-CA-5 Exhibit A
- 4-CA-6 Exhibit B
- 4-CA-7 Declaration
- 4-CA-8 Exhibit A
- 4-CA-9 Exhibit B
- 4-CA-10 Declaration
- 4-CA-11 Exhibit A
- 4-CA-12 Exhibit B
- 4-CA-13 Declaration
- 4-CA-14 Exhibit A
- 4-CA-15 Exhibit B
- 4-CA-16 California Water Code Section 55338
- 4-CA-17 Declaration
- 4-CA-18 Exhibit A
- 4-CA-19 Exhibit B
- 4-CA-20 Exhibit C
- 4-CA-21 Exhibit D
- 4-CA-22 Declaration
- 4-CA-23 Exhibit A
- 4-CA-24 Exhibit B
- 4-CA-25 Exhibit C
- 4-CA-26 Exhibit D
- 4-CA-27 Exhibit E

MINUTES ENTERED 05/29/13 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

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D. McCULLOUGH

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ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am

JCCP4408

Plaintiff	T. BUNN (X)
Counsel	W. BRUNICK (X)
	W. CARLSON (X)
Defendant	T. CHESTER (X)
Counsel	R. DRAKE (X)
	J. DUNN (X)
	M. DAVIS (X)
	Appearances Cont'd Below:

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

NATURE OF PROCEEDINGS:

- 4-CA-28 Exhibit F
- 4-CA-29 Exhibit G
- 4-CA-30 Exhibit H
- 4-CA-31 Exhibit I
- 4-CA-32 Exhibit J
- 4-CA-33 Exhibit K
- 4-CA-34 Supplemental declaration of Blain Laumbach
- 4-CA-35 Declaration of Russ Dingman
- 4-CA-36 Exhibit A
- 4-CA-37 Exhibit B
- 4-CA-38 Exhibit C
- 4-CA-39 Exhibit D
- 4-CA-40 Exhibit E
- 4-CA-41 Exhibit F
- 4-CA-42 Exhibit G
- 4-CA-43 Exhibit H
- 4-CA-44 Declaration
- 4-CA-45 Exhibit R1
- 4-CA-46 Exhibit R2
- 4-CA-47 Exhibit R3
- 4-CA-48 Exhibit R4
- 4-CA-49 Exhibit R5
- 4-CA-50 Exhibit R6
- 4-CA-51 Exhibit R7
- 4-CA-52 Exhibit R8
- 4-CA-53 Exhibit R9
- 4-CA-54 Exhibit R10
- 4-CA-55 Exhibit R11
- 4-CA-56 Exhibit R12
- 4-CA-57 Exhibit R13
- 4-CA-58 Exhibit R14

MINUTES ENTERED 05/29/13 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

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JUDGE D. McCULLOUGH

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JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am	JCCP4408	Plaintiff	T. BUNN (X)
		Counsel	W. BRUNICK (X)
	Coordination Proceeding Special		W. CARLSON (X)
	Title Rule (1550(b))	Defendant	T. CHESTER (X)
	ANTELOPE VALLEY	Counsel	R. DRAKE (X)
	GROUNDWATER CASES		J. DUNN (X)
	*ASSIGNED TO JUDGE JACK KOMAR		M. DAVIS (X)
	IN SANTA CLARA COUNTY (8/31/05)	Appearances	Cont'd Below:

NATURE OF PROCEEDINGS:

- 4-CA-59 Exhibit R15
- 4-CA-60 Exhibit R16
- 4-CA-61 Exhibit R17
- 4-CA-62 Exhibit R18
- 4-CA-63 Exhibit R19
- 4-CA-64 Exhibit R20
- 4-CA-65 Declaration of Jerry Marcotte
- 4-CA-66 Exhibit 1
- 4-CA-67 Exhibit 2
- 4-CA-68 Exhibit 3
- 4-CA-69 Resume of Jerry Marcotte
- 4-CA-70 Supplemental declartion of Jerry Marcotte
- 4-CA-71 Joint stipulation of facts
- 4-CA-72 2011 Report re Ramp Volumes
- 4-CA-73 State of California stipulation of facts
- 4-CALWATER-1 Declaration of John R. Foth
- 4-COLORADO-1 Responses to December 12, 2012
discovery order
- 4-COLORADO-2 First supplemental responses
- 4-DESERTLAKESCD-1 Declaration of Dollie
Koslopoulos
- 4-D40-1 Declaration of Sam Ariki
- 4-ELDORADO-1 Responses to December 12, 2012
discovery order
- 4-ELDORADO-2 First supplemental responses
- 4-ESOLARREDDAWN-1 Stipulation
- 4-ESOLARREDDAWN-2 Declaration
- 4-ESOLARSIERRA-1 Stipulation
- 4-ESOLARSIERRA-2 Declaration
- 4-ESOLARTUMBLEWEED-1 Stipulation
- 4-ESOLARTUMBLEWEED-2 Declaration

<p align="center">MINUTES ENTERED 05/29/13 COUNTY CLERK</p>
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

HONORABLE Jack Komar

JUDGE

D. McCULLOUGH

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JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am	JCCP4408	Plaintiff	T. BUNN (X)
		Counsel	W. BRUNICK (X)
	Coordination Proceeding Special		W. CARLSON (X)
	Title Rule (1550(b))	Defendant	T. CHESTER (X)
	ANTELOPE VALLEY	Counsel	R. DRAKE (X)
	GROUNDWATER CASES		J. DUNN (X)
	*ASSIGNED TO JUDGE JACK KOMAR		M. DAVIS (X)
	IN SANTA CLARA COUNTY (8/31/05)		Appearances Cont'd Below:

NATURE OF PROCEEDINGS:

4-EVERGREEN-1 Responses to December 12, 2012 discovery order
 4-EVERGREEN-2 First supplemental responses
 4-GRANITE-1 Declaration of William Taylor
 4-GRANITE-2 Declaration of Dennis Atkison
 4-GOLDENSANDS-1 Information responsive to December 12, 2012 discovery order
 4-GOLDENSANDS-2 First supplemental response
 4-GRIMMWAY-1 Declaration of Carl F. Voss, Jr.
 4-GRIMMWAY-2 Supplemental declaration of Carl F. Voss, Jr.
 4-H&N-1 Stipulation
 4-H&N-2 Declaration of Norik Naraghi
 4-LACSD-1 Declaration of Raymond Tremblay
 4-LACSD-2 Stipulation
 4-LANCASTER-1 Water meter readings
 4-LANCASTER-2 Declaration of Carlyle S. Workman
 4-LANE-1 Declaration of Robert J. Pluss
 4-LANE-2 Declaration of John Holliday
 4-LANE-3 Declaration of Dan Browning
 4-LANE-4 Declaration of Peter H. Pouwels
 4-LANE-5 Original deposition transcript of Blake McCullough-Sanden
 4-LANE-5A Original exhibits to deposition of Blake McCullough-Sanden
 4-LANE-6 Declaration of Robert J. Pluss
 4-LANE-7 Declaration of John Holliday
 4-LANE-8 Declaration of Dean Browning
 4-LANE-9 Declaration of Peter H. Pouwels
 4-LANDALE-1 Responses to December 12, 2012 discovery order

MINUTES ENTERED 05/29/13 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

HONORABLE Jack Komar

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ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am

JCCP4408

Plaintiff T. BUNN (X)

Counsel W. BRUNICK (X)

W. CARLSON (X)

Defendant T. CHESTER (X)

Counsel R. DRAKE (X)

J. DUNN (X)

M. DAVIS (X)

Appearances Cont'd Below:

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

NATURE OF PROCEEDINGS:

4-LANDALE-2 First supplemental responses to
December 12, 2012 discovery order
4-LANDINV-1 Business records affidavit
4-LANDINV-2 Copies of meter readings
4-LANDINV-3 Copies of Crop Maps
4-LANDINV-4 Declaration
4-LANDINV-5 Supplemental declaration
4-LANDINV-6 Stipulation of Phase IV Trial
4-LANDINV-7 Stipulation for Phase IV Trial
4-LANDPROJECTS-1 Responses to December 12, 2012
discovery order
4-LANDPROJECTS-2 First Supplemental responses
4-LITTLE ROCKID-1 Declaration
4-LLANODELRIO-1 Declaration of John Blalock
4-LLANOMUTUAL-1 Declaration of John Blalock
4-LOS ANGELES-1 Declaration of Vivian D.
Howell
4-LOSANGELES-2 Declaration of Robert D. Wagner
4-NORTHRUP-1 Application for approval of
stipulation
4-NORTHRUP-2 Declaration of Troy Gabbard
4-NRG-1 Application for approval of
stipulation
4-PALMDALEWD-1 Declaration of Dennis Lamoreaux
4-PALMDALEWD-2 Stipulation
4-PALMDALEWD-3 Stipulation
4-ROSAMOUND-1 Declaration of Elias Shokrian
4-ROSAMOUND-2 Stipulation with public water
suppliers
4-SHADOW ACRES-1 Responses to December 12, 2012
discovery order

<p>MINUTES ENTERED 05/29/13 COUNTY CLERK</p>
--

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

HONORABLE Jack Komar

JUDGE D. MCCULLOUGH

DEPUTY CLERK

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JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am

JCCP4408

Plaintiff T. BUNN (X)

Counsel W. BRUNICK (X)

Counsel W. CARLSON (X)

Defendant T. CHESTER (X)

Counsel R. DRAKE (X)

J. DUNN (X)

M. DAVIS (X)

Appearances Cont'd Below:

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

NATURE OF PROCEEDINGS:

- 4-SHADOW ACRES-2 First supplemental responses
- 4-SERVICE ROCK-1 Information and Materials responsive to 12/12/12 discovery order
- 4-SERVICE ROCK-2 First supplemental responses
- 4-SGSANTELOPEVALLEY-1 Application for approval of stipulation
- 4-SHEEPCREEK-1 Information and materials responsive to 12/12/12 discovery order
- 4-SOCALEDISON-1 Application for approval of stipulation
- 4-SOCALEDISON-2 Declarations
- 4-SUNDALE-1 Responses to December 12, 2012 discovery order
- 4-SUNDALE-2 First supplemental responses
- 4-STANDREWS-1 Information and Materials responsive to 12/12/12 discovery order
- 4-STANDREWS-2 First supplement responses
- 4-SUNNYSIDEFARMS-1 Responses to December 12, 2012 discovery order
- 4-SUNNYSIDEFARMS-2 First supplemental responses
- 4-TEJON-1 Response to discovery order
- 4-TEJON-2 Declaration of Leah Metzger
- 4-TEJON-3 Revised stipulation
- 4-TEJON-4 Declaration of Dennis Atkinson
- 4-TIERRABONITA-1 Responses to December 12, 2012 discovery orders
- 4-USAF-1 Bortsch 5/21/13 Declaration
- 4-USAF-2A Scott 5/28/13 Declaration
- 4-USAF-2B Scott 5/28/13 Declaration
- 4-WAGAS-1 Stipulation, Declaration and supplemental declaration of Edward A. Wopschall

MINUTES ENTERED 05/29/13 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

HONORABLE Jack Komar

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S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am

JCCP4408

Plaintiff T. BUNN (X)

Counsel W. BRUNICK (X)

W. CARLSON (X)

Defendant T. CHESTER (X)

Counsel R. DRAKE (X)

J. DUNN (X)

M. DAVIS (X)

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05

Appearances Cont'd Below:

NATURE OF PROCEEDINGS:

4-WDS-1	Stipulation	
4-WDS-2	Business records affidavit	
4-WDS-3	Business records affidavit	
4-WDS-4	Response of WDS California II	
4-WDS-5A	Declaration of WDS California	II
4-WDS-5B	Declaration of WDS California	II
4-WESTSIDEPARK-1	Responses to December 12, 2012	
discovery order		
4-WESTSIDEPARK-2	First supplemental responses	
4-WHITEFENCEFARMS-1	Responses to December 12, 2012	
discovery order		
4-WHITEFENCEFARMS-2	First supplemental responses	
4-WHITEFENCEFARMS-3	Second supplemental responses	
4-VANDAMFARMS-1	Stipulation	
4-VANDAMFARMS-2	Business records	
4-VANDAMFARMS-3	Response to court ordered	
discovery		
4-VANDAMFARMS-4	First supplemental response	
4-VANDAMFARMS-5	Declaration of Gary Van Dam	
4-VANDAMFARMS-6	First supplemental declaration	
4-VANDAMCRAIG-1	Stipulation	
4-VANDAMCRAIG-2	Business record affidavit	
4-VANDAMCRAIG-3	Business record affidavit	
4-VANDAMCRAIG-4	Response of Craig Van Dam	
4-VANDAMCRAIG-5	Declaration	
4-VANDAMCRAIG-6	First supplemental declaration	
4-BAHLMAN-1	Stipulation	
4-BAHLMAN-2	Declaration of Gene Bahlman	
4-BOOKMAN-1	Stipulation	
4-BOOKMAN-2	Declaration of Thomas Bookman	
4-CALANDRI-1	Stipulation	

<p align="center">MINUTES ENTERED 05/29/13 COUNTY CLERK</p>

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

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SANDY GECO #3806

Reporter

9:00 am

JCCP4408

Plaintiff	T. BUNN (X)
Counsel	W. BRUNICK (X)
	W. CARLSON (X)
Defendant	T. CHESTER (X)
Counsel	R. DRAKE (X)
	J. DUNN (X)
	M. DAVIS (X)

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

Appearances Cont'd Below:

NATURE OF PROCEEDINGS:

4-CALANDRI-2	Declaration of John Calandri
4-CARDILE- 1	Stipulation
4-CARDILE-2	Declaration of Sal and Connie Cardile
4-CHAVEZ-1	Stipulation
4-CHAVEZ-2	Declaration of Efren Chavez
4-DELSURE-1	Stipulation
4-DELSURE-2	Declaration of Aleks Bahario
4-DICKEY-1	Stipulation
4-DICKEY-2	Declaration of Billie and Randall Dickey
4-GODDE-1	Stipulation
4-GOODE-2	Declaration of Steven Goode
4-GORRINDO-1	Stipulation
4-GORRINDO-2	Declaration of Robert Gorrindo
4-GRIFFIN-1	Stipulation
4-GRIFFIN-2	Declaration of Jim Nye
4-HEALY-1	Stipulation
4-HEALY-2	Declaration of Jane Healy
4-JUNIPERHILLS-1	Stipulation
4-KYLE-1	Stipulation
4-KYLE-2	Declaration of Julie Kyle
4-KYLE-3	Southern California Edison bills
4-KYLE-4	Declaration of Robert Jones
4-MARITORENA-1	Stipulation
4-MARITORENA-2	Declaration
4-MINER-1	Stipulation
4-MINER-2	Declaration of Richard Miner
4-MINER-3	Supplemental declaration
4-Munz-1	Stipulation
4-Munz-2	Declaration of Terry Munz
4-NEBEKER-1	Stipulation

MINUTES ENTERED 05/29/13 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

HONORABLE Jack Komar

JUDGE

D. MCCULLOUGH

DEPUTY CLERK

HONORABLE #1

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am

JCCP4408

Plaintiff	T. BUNN (X)
Counsel	W. BRUNICK (X)
	W. CARLSON (X)
Defendant	T. CHESTER (X)
Counsel	R. DRAKE (X)
	J. DUNN (X)
	M. DAVIS (X)

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

Appearances Cont'd Below:

NATURE OF PROCEEDINGS:

4-NEBEKER-2 Declaration of Dr. Eugene Nebeker
4-NEBEKER-3 Southern California Edison Electric Bills
4-NORTHEWARDS-1 Declaration
4-PALMRANCH-1 Declaration
4-PHELANCSD-1 Response and declaration
4-PHELANCSD-2 Invoice #20120626
4-PHELANCSD-3 Supplemental declaration
4-PHELANCSD-4 Stipulation
4-PHELANCSD-5 Stipulation
4-QHWD-1 Declaration of Chad Reed
4-RECA-1 Stipulation
4-RECA-2 Declaration of John and Adriane Recca
4-SAHARA-1 Stipulation
4-SAHARA-2 Declaration of John (Medhi) Javadi
4-SAHARA-3 Southern California Edison bills
4-SCHILLING-1 Stipulation
4-SCHILLING-2 Declaration of Lawrence Schilling
4-SELAK-1 Stipulation
4-SELAK-2 Declaration of Mabel Selak
4-SIEBERT-1 Stipulation
4-SIEBERT-2 Declaration of Jeffrey Siebert
4-TIERRABONITARANCH-1 Stipulation
4-TIERRABONITARANCH-2 Declaration of Dr. Samuel Kremen
4-TRIPLEM-1 Stipulation
4-TRIPLEM-2 Declaration of Michael Smith
4-TRIPLEM-3 Billing Records
4-VULCAN-1 Stipulation
4-VULCAN-2 Declaration of Robert Bowcock

<p>MINUTES ENTERED 05/29/13 COUNTY CLERK</p>
--

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/29/13

DEPT. 322

HONORABLE Jack Komar

JUDGE D. McCULLOUGH

DEPUTY CLERK

HONORABLE #1

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MARTINEZ, C.A.

Deputy Sheriff

SANDY GECO #3806

Reporter

9:00 am

JCCP4408

Plaintiff	T. BUNN (X)
Counsel	W. BRUNICK (X)
	W. CARLSON (X)
Defendant	T. CHESTER (X)
Counsel	R. DRAKE (X)
	J. DUNN (X)
	M. DAVIS (X)
	Appearances Cont'd Below:

Coordination Proceeding Special
 Title Rule (1550(b))
 ANTELOPE VALLEY
 GROUNDWATER CASES
 *ASSIGNED TO JUDGE JACK KOMAR
 IN SANTA CLARA COUNTY (8/31/05)

NATURE OF PROCEEDINGS:

4-WILLOW-1	Stipulation
4-WILLOW-2	Declaration of Richard Nelson
4-WILSON-1	Stipulation
4-WILSON-2	Declaration of Donna Wilson

Court trial is continued to May 30, 2013 at 9:00 a.m. in Department 322.

MINUTES ENTERED 05/29/13 COUNTY CLERK

EXHIBIT E

BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101-2706

1 MICHAEL T. FIFE (State Bar No. 203025)
2 BRADLEY J. HERREMA (State Bar No. 228976)
3 BROWNSTEIN HYATT FARBER SCHRECK, LLP
4 21 East Carrillo Street
5 Santa Barbara, California 93101
6 Telephone No: (805) 963-7000
7 Facsimile No: (805) 965-4333

8 **Attorneys for:** Gene T. Bahlman, William Barnes, William R. Barnes & Eldora M. Barnes Family
9 Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the
10 John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie L.
11 Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven Godde as
12 Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust,
13 Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms, Healy Enterprises,
14 Inc., John Javadi and Sahara Nursery, Juniper Hills Water Group, Gailen Kyle, Gailen Kyle as
15 Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia
16 Kyle, Wanda E. Kyle, Maritorena Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry
17 S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard
18 and Michael Nelson, Robert Jones, John and Adrienne Reca, Mabel Selak, Jeffrey L. & Nancee J.
19 Siebert, Dr. Samuel Kremen and Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property
20 FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow
21 Springs Company, Donna Wilson, collectively known as the Antelope Valley Groundwater
22 Agreement Association ("AGWA")

23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

24 **FOR THE COUNTY OF LOS ANGELES**

25 **ANTELOPE VALLEY**
26 **GROUNDWATER CASES**

) Judicial Council Coordination Proceeding
) No. 4408

27 **Included Actions:**

) **Santa Clara Case No. 1-05-CV-049053**
) Assigned to The Honorable Jack Komar

28 Los Angeles County Waterworks District No.)
40 v. Diamond Farming Co. Superior Court of)
California County of Los Angeles, Case No. BC)
325 201 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,)
consolidated actions, Case No. RIC 353 840,)
RIC 344 436, RIC 344 668)

) **AGWA's REQUEST FOR CORRECTION**
) **OF PHASE IV MINUTE ORDER OF MAY**
) **29, 2013**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 The Antelope Valley Groundwater Agreement Association ("AGWA") requests
3 correction of the Court's Minute Order of May 29, 2013 to correct what appears to be an
4 inadvertent error in the Minute Order regarding the exhibits offered into evidence by counsel for
5 AGWA and admitted by the Court.

6 The May 29, 2013 Minute Order posted on the Court website July 17, 2013 omits the
7 following exhibits that were marked for identification and admitted into evidence during the
8 Phase IV trial:

- 9 • 4-Bahlman-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
10 Gene Bahlman
- 11 • 4-Bahlman-2: Declaration of Gene Bahlman in Lieu of Deposition Testimony for
12 Phase IV Trial
- 13 • 4-Bookman-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
14 Gene Bahlman
- 15 • 4-Bookman-2: Declaration of Thomas Bookman in Lieu of Deposition Testimony
16 for Phase IV Trial
- 17 • 4-Calandri-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
18 John Calandri, Calandri Farms, Sunrise Farms LP, and B.J. Calandri, John
19 Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust
- 20 • 4-Calandri-2: Declaration of John Calandri in Lieu of Deposition Testimony for
21 Phase IV Trial
- 22 • 4-Cardile-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
23 Sal and Connie Cardile
- 24 • 4-Cardile-2: Declaration of Sal and Connie Cardile in Lieu of Deposition
25 Testimony for Phase IV Trial
- 26 • 4-Chavez-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
27 Efren Chavez

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- 1 • 4-Chavez-2: Declaration of Efren Chavez in Lieu of Deposition Testimony for
- 2 Phase IV Trial
- 3 • 4-Del Sur-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 4 Del Sur Ranch, LLC
- 5 • 4-Del Sur-2: Declaration of Aleks Baharlo in Lieu of Deposition Testimony for
- 6 Phase IV Trial
- 7 • 4-Dickey-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 8 Billie and Randall Dickey
- 9 • 4-Dickey-2: Declaration of Billie and Randall Dickey in Lieu of Deposition
- 10 Testimony for Phase IV Trial
- 11 • 4-Godde-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 12 Steven Godde and Forrest Godde Trust of 1998
- 13 • 4-Godde-2: Declaration of Steven Godde in Lieu of Deposition Testimony for
- 14 Phase IV Trial
- 15 • 4-Gorrindo-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 16 Robert Gorrindo
- 17 • 4-Gorrindo-2: Declaration of Robert Gorrindo in Lieu of Deposition Testimony for
- 18 Phase IV Trial
- 19 • 4-Griffin-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 20 Laura Griffin
- 21 • 4-Griffin-2: Declaration of Jim Nye in Lieu of Deposition Testimony for Phase IV
- 22 Trial
- 23 • 4-Healy-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 24 Jane Healy and Healy Enterprises, Inc.
- 25 • 4-Healy-2: Declaration of Jane Healy in Lieu of Deposition Testimony for Phase
- 26 IV Trial
- 27 • 4-Juniper Hills-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping
- 28 by Juniper Hills Water Group

- 1 • 4-Kyle-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 2 R&M Ranch and Julie and Gailen Kyle
- 3 • 4-Kyle-2: Declaration of Julie Kyle in Lieu of Deposition Testimony for Phase IV
- 4 Trial
- 5 • 4-Kyle-3: Southern California Edison bills for 2011-2012 and pump tests
- 6 demonstrating pumping in 2011-2012
- 7 • 4-Maritorena-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping
- 8 by Jose, Marie, Jean (John) Maritorena, Maritorena Farms, and Jose Maritorena
- 9 Living Trust
- 10 • 4-Maritorena-2: Declaration of John Maritorena in Lieu of Deposition Testimony
- 11 for Phase IV Trial
- 12 • 4-Miner-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 13 Richard Miner
- 14 • 4-Miner-2: Declaration of Richard Miner in Lieu of Deposition Testimony for
- 15 Phase IV Trial
- 16 • 4-Miner-3: Supplemental Declaration of Richard Miner
- 17 • 4-Munz-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 18 Terry Munz
- 19 • 4-Munz-2: Declaration of Terry Munz in Lieu of Deposition Testimony for Phase
- 20 IV Trial
- 21 • 4-Nebeker-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 22 Nebeker Ranch
- 23 • 4-Nebeker-2: Declaration of Dr. Eugene Nebeker in Lieu of Deposition Testimony
- 24 for Phase IV Trial
- 25 • 4-Nebeker-3: Copies of Southern California Edison electrical bills, pump test, and
- 26 summary of pumping calculations for 2011-2012.
- 27 • 4-Reca-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
- 28 John and Adrienne Reca

- 1 • 4-Reca-2: Declaration of John and Adrienne Reca in Lieu of Deposition
2 Testimony for Phase IV Trial
- 3 • 4-Sahara-1: Declaration of John (Medhi) Javadi in Lieu of Deposition Testimony
4 for Phase IV Trial
- 5 • 4-Sahara-2: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
6 Sahara Nursery
- 7 • 4-Sahara-3: Southern California Edison bills for 2011-2012 and pump tests
- 8 • 4-Schilling-1: Declaration of Lawrence Schilling in Lieu of Deposition Testimony
9 for Phase IV Trial
- 10 • 4-Schilling-2: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
11 Lawrence Schilling
- 12 • 4-Selak-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
13 Mabel Selak
- 14 • 4-Selak-2: Declaration of Mabel Selak in Lieu of Deposition Testimony for Phase
15 IV Trial
- 16 • 4-Siebert-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
17 Jeffrey and Nancee Siebert
- 18 • 4-Siebert-2: Declaration of Jeffrey and Nancee Siebert in Lieu of Deposition
19 Testimony for Phase IV Trial
- 20 • 4-Tierra Bonita-1: Stipulation for Phase IV Trial re 2011-12 Groundwater
21 Pumping by Tierra Bonita Ranch
- 22 • 4-Tierra Bonita-2: Declaration of Dr. Samuel Kremen in Lieu of Deposition
23 Testimony for Phase IV Trial
- 24 • 4-Tierra Bonita-3: Southern California Edison Bills for 2011-2012 and pump tests
25 and acreage farmed
- 26 • 4-Triple M-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by
27 Triple M Properties
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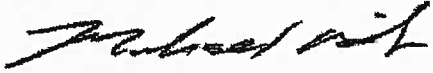
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- 4-Triple M-2: Declaration of Michael Smith in Lieu of Deposition Testimony for Phase IV Trial
- 4-Vulcan-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by Vulcan Materials and its affiliated entities
- 4-Vulcan-2: Declaration of Robert Bowcock in Lieu of Deposition Testimony for Phase IV Trial
- 4-Willow-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by Willow Springs Co.
- 4-Willow-2: Declaration of Richard Nelson in Lieu of Deposition Testimony for Phase IV Trial
- 4-Wilson-1: Stipulation for Phase IV Trial re 2011-12 Groundwater Pumping by Donna Wilson
- 4-Wilson-2: Declaration of Donna Wilson in Lieu of Deposition Testimony for Phase IV Trial

AGWA requests that the Minute Order for May 29, 2013 be corrected accordingly to accurately reflect the Court's admission of the above exhibits.

Dated: July 23, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 
MICHAEL T. FIFE
BRADLEY J. HERREMA
ATTORNEYS FOR AGWA

BROWNSTEIN HYATT FARBEN SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101-2706

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PROOF OF SERVICE

**STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On July 23, 2013, I served the foregoing document described as:

AGWA's REQUEST FOR CORRECTION OF PHASE IV MINUTE ORDER OF MAY 29, 2013

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on July 23, 2013.

This posting was reported as complete and without error.

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

Executed in Santa Barbara, California, on July 23, 2013.

**LINDA MINKY
TYPE OR PRINT NAME**



SIGNATURE

EXHIBIT F

1 WAYNE K. LEMIEUX (SBN 43501)
2 W. KEITH LEMIEUX (SBN 161850)
3 CHRISTINE CARSON (SBN. 188603)
4 LEMIEUX & O'NEILL
5 4165 E. Thousand Oaks Blvd., Suite 350
6 Westlake Village, CA 91362
7 Telephone: (805) 495-4770
8 Facsimile: (805) 495-2787

9 Attorneys for
10 LITTLEROCK CREEK IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT,
11 NORTH EDWARDS WATER DISTRICT, DESERT LAKE COMMUNITY SERVICES DISTRICT,
12 LLANO DEL RIO WATER CO., LLANO MUTUAL WATER CO., BIG ROCK MUTUAL WATER
13 CO.

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

16 Coordinated Proceeding
17 Special Title (Rule 1550(b))

18 ANTELOPE VALLEY GROUNDWATER
19 CASES

20 Included Actions:

21 Los Angeles County Waterworks District No. 40
22 v. Diamond Farming Co. Los Angeles County
23 Superior Court Case No. BC 325201;

24 Los Angeles County Waterworks District No. 40
25 v. Diamond Farming Co., Kern County Superior
26 Court, Case No. S-1500-CV-234348;

27 Wm. Bolthouse Farms, Inc. v. City of Lancaster
28 Diamond Farming Co. v. City of Lancaster v.
Palmdale Water District, Riverside County
Superior Court, Consolidated Actions, Case Nos.
RIC 353840, RIC 344436, RIC 344668

AND RELATED CROSS-ACTIONS

Judicial Council Coordination No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar – Dept. 12

**REQUEST FOR CORRECTION OF PHASE 4
MAY 29, 2013 MINUTE ORDER**

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2
3 The May 29, 2013 Minute Order, posted on the website for this case on July 17, 2013, appears to
4 inadvertently omit the following which were marked for identification and admitted into evidence during
5 the Phase 4 trial:

6 Palm Ranch Irrigation District's [Peter Tuculet's] Declaration in Lieu of Deposition for Phase 4
7 Trial with exhibits thereto. (4-PalmRanch-1.)

8 North Edwards Water District's [Dollie Kostopoulos's] Declaration in Lieu of Deposition for
9 Phase 4 Trial with Exhibits thereto. (4-NorthEdwards-1.)

10 Correction of the minute order of May 29, 2013, which was posted on the website for this case on
11 July 17, 2013, is requested by North Edwards Water District and Palm Ranch Irrigation District.

12 DATED: July 22, 2013

LEMIEUX & O'NEILL

13
14 By: 

W. KEITH LEMIEUX

CHRISTINE CARSON ✓

15 Attorneys for Littlerock Creek Irrigation District, Palm
16 Ranch Irrigation District, North Edwards Water District,
17 Desert Lake Community Services District

EXHIBIT G

1 Robert G. Kuhs, SBN 160291
Bernard C. Barmann, Jr., SBN 149890
2 Keri L. Bland, SBN 265088
3 Kuhs & Parker
P. O. Box 2205
4 1200 Truxtun Avenue, Suite 200
Bakersfield, CA 93303
5 Telephone:(661) 322-4004
6 Facsimile: (661) 322-2906
E-Mail: rgkuhs@kuhsparkerlaw.com

7 Attorneys for Granite Construction Company
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**
11

12 ANTELOPE VALLEY GROUNDWATER
13 CASES

14 Included Actions:

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

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

20 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
21 Diamond Farming Co. v. Lancaster, Diamond
22 Farming Co. v. Palmdale Water Dist., Superior
23 Court of California, County of Riverside, Case
No. RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

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

**REQUEST FOR CORRECTION OF
PHASE 4 MAY 29, 2013 MINUTE
ORDER**

24 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

25 The May 29, 2013 Minute Order, posted on the website for this case on July 17, 2013,
26 mistakenly describes Granite Construction Company's exhibit 4-GRANITE-2 as "Declaration
27 of Dennis Atkinson," which should be described as follows:
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4-GRANITE-2 "Declaration of Steven McCracken in Lieu of Testimony at Phase IV Trial".

Granite requests that the Minute Order for May 29, 2013 be corrected accordingly to accurately reflect the Court's admission of the above exhibit.

Dated: July 26, 2013

KUHS & PARKER

By 
Robert G. Kuhs, Attorney for Granite
Construction Company

KUHS & PARKER
ATTORNEYS AT LAW
P.O. Box 2208
BAKERSFIELD, CA 93308
(861) 922-4004
(861) 322-2906 (FAX)

EXHIBIT H

1 James W. Lewis (SBN 207599)
2 **TAYLOR & RING**
3 10900 Wilshire Boulevard, Suite 920
4 Los Angeles, California 90024
5 Telephone: (310) 209-4100
6 Facsimile: (310) 208-5052

7 **Attorneys for Cross-defendants,**
8 LITTLE ROCK SAND AND GRAVEL, INC.,
9 a California Corporation;
10 THE GEORGE AND CHARLENE LANE FAMILY TRUST;
11 THE FRANK AND YVONNE LANE 1993 FAMILY
12 TRUST, DATED MARCH 5, 1993, AS RESTATED
13 JULY 20, 2000; MONTE VISTA BUILDING SITES, INC.,
14 a California Corporation; A.V. MATERIALS, INC.,
15 a California Corporation;
16 HOLLIDAY ROCK CO., INC.,
17 successor in interest to
18 LITTLEROCK AGGREGATE CO., INC. dba
19 ANTELOPE VALLEY AGGREGATE, INC.;
20 LITTLEROCK AGGREGATE CO., INC. dba
21 ANTELOPE VALLEY AGGREGATE, INC.

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16 ANTELOPE VALLEY GROUNDWATER CASES) Judicial Council Coordination No.
17 Included Actions:) 4408
18 Los Angeles County Waterworks)
19 District No. 40 v. Diamond) For filing purposes only:
20 Farming Co. Superior Court of) Santa Clara County Case No.
21 California County of Los Angeles,) 1-05-CV-049053
22 Case No. BC 325 201) [Assigned to the Honorable Jack
23) Komar]
24 Los Angeles County Waterworks 2)
District No. 40 v. Diamong)
Farming Co. Superior court of)
California, County of Kern, Case)
No. S-1500-CV-254-348) Date: April 12, 2013
Wm. Bolthouse Farms, Inc. V. City) Time: 9:00 a.m.

1 of Lancaster Diamong Farming Co.)
V. City of Lancaster Diamond)
2 Farming Co. V. Palmdale Water)
Dist. Superior Court of)
3 California, County of Riverside,)
consolidated actions, Case No.)
4 RIC 353 840, RIC 344 436, RIC 344)
668)

5

6 PLEASE TAKE NOTICE that the court's May 29, 2013 minute
7 order regarding the exhibits admitted during the Phase IV Trial,
8 posted on the website for this case on July 17, 2013, mistakenly
9 describes the following exhibits:

10 4-Lane-1 Declaration of Robert J. Pluss

11 4-Lane-2 Declaration of John Holliday

12 4-Lane-3 Declaration of Dan Browning

13 4-Lane-4 Declaration of Peter H. Pouwels

14 These cross-defendants respectfully request that the above
15 numbered exhibits be changed as follows so that they accurately
16 reflect the court's admission of the exhibits presented at the
17 time of trial:

18 4-Lane-1 Declaration of George M. Lane

19 4-Lane-2 Notice of Errata Regarding Exhibits to Declaration
20 of George M. Lane

21 4-Lane-3 Declaration of Blake McCullough-Sanden Re Phase 4
22 Trial

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1 4-Lane-4 Stipulation of Facts for Trial Pursuant to Case
2 Management Order for Phase IV Trial
3

4 Dated: July 26, 2013

TAYLOR & RING

6
7 By: 

James W. Lewis
Attorneys for Cross-
Defendants HOLLIDAY ROCK
CO., INC., successor in
interest to LITTLEROCK
AGGREGATE CO., INC. dba
ANTELOPE VALLEY
AGGREGATE, INC.; THE
FRANK AND YVONNE LANE
1993 FAMILY TRUST, DATED
MARCH 5, 1993, AS
RESTATED JULY 20, 2000,
successor in interest to
FRANK A. LANE, ROE 612;
THE GEORGE AND CHARLENE
LANE FAMILY TRUST,
Successor in interest to
George M. Lane, Roe 316;
MONTE VISTA BUILDING
SITES, INC., a
California Corporation;
A.V. MATERIALS, INC., a
California Corporation,
ROE 9; A.C. WARNACK,
as Trustee of the A.C.
WARNACK TRUST; LITTLE
ROCK SAND AND GRAVEL,
INC.

1 PROOF OF SERVICE
2 (C.C.P. 1013A, 2015.5)

3 STATE OF CALIFORNIA

4 I am employed in the County of Los Angeles, State of California.
5 I am over the age of eighteen years and not a party to the within
6 action; my business address is 10900 Wilshire Boulevard, Suite 920,
7 Los Angeles, California 90024.

8 On July 26, 2013, I served the foregoing document, described as:

9 REQUEST FOR CORRECTION OF PHASE 4 MAY 29, 2013 MINUTE ORDER
10 on the interested parties in this action in the following manner:

11 X BY ELECTRONIC SERVICE AS FOLLOWS by posting the document(s)
12 listed above to the Santa Clara website in the action of the Antelope
13 Valley Groundwater Litigation, Judicial Council Coordination
14 Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

15 Executed on July 26, 2013 at Los Angeles, California.

16 XX (State) I declare under penalty of perjury under the laws of
17 the State of California that the above is true and correct.

18 James W. Lewis

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