

1 Bob H. Joyce, (SBN 84607)
2 Andrew Sheffield, (SBN 220735)
3 Kevin E. Thelen, (SBN 252665)

4 LAW OFFICES OF
5 **LEBEAU • THELEN, LLP**
6 5001 East Commercenter Drive, Suite 300
7 Post Office Box 12092
8 Bakersfield, California 93389-2092
9 (661) 325-8962; Fax (661) 325-1127

10 Attorneys for DIAMOND FARMING COMPANY,
11 a California corporation, CRYSTAL ORGANIC
12 FARMS, a limited liability company, GRIMMWAY
13 ENTERPRISES, INC., and LAPIS LAND COMPANY, LLC

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **IN AND FOR THE COUNTY OF LOS ANGELES**

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

Judicial Council Coordination No. 4408

18 ANTELOPE VALLEY GROUNDWATER
19 CASES

Case No.: 1-05-CV-049053

20 Included actions:

21 Los Angeles County Waterworks District No.
22 40 vs. Diamond Farming Company
23 Los Angeles Superior Court
24 Case No. BC 325201

**REQUEST OF GRIMMWAY
ENTERPRISES, INC., LAPIS LAND
COMPANY, LLC, CRYSTAL
ORGANICS, LLC, AND DIAMOND
FARMING COMPANY TO MODIFY
THE MARCH 22, 2010 CASE
MANAGEMENT ORDER**

25 Los Angeles County Waterworks District No.
26 40 vs. Diamond Farming Company
27 Kern County Superior Court
28 Case No. S-1500-CV 254348 NFT

Date: May 6, 2010
Time: 9:00 a.m.
Dept: 1

Diamond Farming Company vs. City of
Lancaster
Riverside County Superior Court
Lead Case No. RIC 344436 [Consolidated
w/Case Nos. 344668 & 353840]

AND RELATED CROSS-ACTIONS.

Cross-defendants herein, GRIMMWAY ENTERPRISES, INC., LAPIS LAND COMPANY,
LLC, CRYSTAL ORGANICS, LLC, AND DIAMOND FARMING COMPANY, hereby respectfully

1 request on their own behalf and on behalf of other participating litigants that this court amend this
2 court's "ORDER AFTER CASE MANAGEMENT CONFERENCE ON MARCH 22, 2010" ("Order").

3 In relevant part, the Order provides:

4 "The parties shall comply with the provisions of Code of Civil Procedure
5 Section 2034.210 and engage in a simultaneous disclosure and exchange
6 of expert information, including any reports prepared by such experts, on
7 July 1, 2010. Any supplemental disclosures and exchange of information
shall occur on July 15, 2010. Expert depositions shall be taken between
July 15 and August 30, 2010."

8 These moving cross-defendants hereby request that the Order be amended as follows:

9 "The parties shall comply with the provisions of Code of Civil Procedure
10 Section 2034.210 and engage in a simultaneous disclosure and exchange
11 of expert information, including any reports prepared by such experts, on
12 July 15, 2010. Any supplemental disclosures and exchange of
information shall occur on July 29, 2010. Expert depositions shall be
taken between July 29 and September 13, 2010."

13 The foregoing request is justified based upon the following. For many months, the principals
14 of most all primary participant stakeholder parties in this litigation, both public and private, have
15 engaged in substantial and substantive settlement negotiations, principal-to-principal. Those efforts are
16 ongoing and involve face-to-face meetings conducted every two weeks, lasting at least one day and in
17 many instances, two days for each settlement negotiation session. Over the last two months, significant
18 and substantial breakthroughs and progress has been achieved by and between the participating
19 principals. There exists increasing optimism that a negotiated agreement will be achieved.

20 The purpose of the foregoing request for modification of the court's Order would permit the
21 participating principals, both public and private, to defer with the hope of completely avoiding the
22 additional litigation costs for expert witness preparation, thus saving both public funds and private
23 capital.

24 Under the Code of Civil Procedure, and given the scheduled Phase III trial date, the simultaneous
25 disclosure and exchange of expert information would under the Code of Civil Procedure have normally
26 been required on August 9, 2010. The existing order contemplates that exchange approximately five
27 weeks prior to the date that it would normally have been due pursuant to the Code of Civil Procedure.
28

1 The proposed amendment, would still result in an exchange approximately three weeks prior to when
2 it would have otherwise been normally due pursuant to the Code of Civil Procedure. There exists no
3 significant prejudice which would outweigh the substantial cost savings to be deferred and ultimately
4 and hopefully avoided by the participating public and private principals involved. It is anticipated that
5 the other participating principals will, through their respective attorneys of record, file joinders to this
6 request.

7 Respectfully submitted,

8 Dated: April 29, 2010

LeBEAU • THELEN, LLP

9
10
11 By: 

BOB H. JOYCE
Attorneys for DIAMOND FARMING COMPANY,
a California corporation, CRYSTAL ORGANIC
FARMS, a limited liability company, GRIMMWAY
ENTERPRISES, INC., and LAPIS LAND
COMPANY, LLC

PROOF OF SERVICE

1 ANTELOPE VALLEY GROUNDWATER CASES
2 JUDICIAL COUNCIL PROCEEDING NO. 4408
3 CASE NO.: 1-05-CV-049053

4 I am a citizen of the United States and a resident of the county aforesaid; I am over the age
5 of eighteen years and not a party to the within action; my business address is: 5001 E. Commercenter
6 Drive, Suite 300, Bakersfield, California 93309. On April 30, 2010, I served the within **REQUEST**
7 **OF GRIMMWAY ENTERPRISES, INC., LAPIS LAND COMPANY, LLC, CRYSTAL**
8 **ORGANICS, LLC, AND DIAMOND FARMING COMPANY TO MODIFY THE MARCH 22,**
9 **2010 CASE MANAGEMENT ORDER**

10 **(BY POSTING)** I am "readily familiar" with the Court's Clarification Order.
11 Electronic service and electronic posting completed through www.scefiling.org ; All papers filed
12 in Los Angeles County Superior Court and copy sent to trial judge and Chair of Judicial Council.

13 Los Angeles County Superior Court
14 111 North Hill Street
15 Los Angeles, CA 90012
16 Attn: Department 1
17 (213) 893-1014

Chair, Judicial Council of California
Administrative Office of the Courts
Attn: Appellate & Trial Court Judicial Services
(Civil Case Coordinator)
Carlotta Tillman
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Fax (415) 865-4315

18 **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and
19 processing correspondence for mailing. Under that practice it would be deposited with the U.S.
20 Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California, in
21 the ordinary course of business.

22 **(STATE)** I declare under penalty of perjury under the laws of the State of
23 California that the above is true and correct, and that the foregoing was executed on April 30,
24 2010, in Bakersfield, California.

25 
26 **LEQUETTA HANSEN**