

February 3, 2006

VIA ELECTRONIC POSTING, FACSIMILE & U.S. MAIL

Jeffrey Dunn, Esq.
Best, Best & Krieger
5 Park Plaza, Suite 1500
Irvine, CA 92614

Re: *Antelope Valley Groundwater Cases*

Dear Mr. Dunn:

Please be advised that we have receipted and reviewed the Proposed Order posted by you on February 1, 2006. Please accept this correspondence as our objection to the form and content of the Order as specifically delineated below.

Pursuant to California Rules of Court, rule 391, the Proposed Order is untimely; however, should the Court accept the Proposed Order, please accept this correspondence as our objection.

1. First, the Order is technically incorrect to the extent that it purports to provide for a denial of the various Demurrers. A simple review of the Minute Order and the transcript of the proceedings reflects that the then pending Motions were denied and the Demurrers were "overruled."
2. Secondly, your Proposed Order is, on page 4 commencing on line 22, inaccurate to the extent that it characterizes the claimed consolidation as having been made by the Court upon its own Motion. If you will recall, at the time that Judge Komar requested that efforts be made to formulate a single set of pleadings and to characterize the purveyors' claims as cross-complaints, that the Court was attempting to organize the pleadings in some fashion for management purposes. In response, you expressly suggested to the Court that the Court consolidate the cases, and I, in turn, objected in that the matter had not been fully briefed. It is clear that upon review of the transcript that the Court did not intend to consolidate the cases, as

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suggested in your Proposed Order, "for all purposes." We have no objection to an order referencing consolidation for pleading purposes only, but strongly object to any order which purports to order consolidation for "all purposes," and specifically trial. Any such order would of necessity require a noticed motion, with opposition, if any, followed by hearing and due deliberation before any such order could be entered.

I would request that you modify the Proposed Order to reflect that the Demurrers were overruled and likewise revise the Proposed Order so as to reflect that the consolidation was for pleading purposes only. I am by carbon copy of this correspondence to Judge Komar formally lodging my objections to the Proposed Order in its current form for the reasons stated above. I would suggest that if you disagree with the position I have advanced herein, that we can resolve our differences at the upcoming Case Management Conference on February 17, 2006.

If you wish to discuss, please do not hesitate to contact the undersigned.

Very truly yours,

BOB H. JOYCE

BHJ:dml

cc: Judge Komar via electronic posting, facsimile & U.S. mail
All Parties via electronic posting