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5 Attorneys for Palmdale Water District

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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
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10 Coordination Proceeding
11 Special Title (Rule 1550 (b))

Judicial Council Coordination
Proceeding No. 4408

12 **ANTELOPE VALLEY GROUNDWATER**
13 **CASES**

[Assigned to The Honorable Jack Komar, Judge
Santa Clara County Superior Court, Dept. 17]

Santa Clara Court Case No. 1-05-CV-049053

CASE MANAGEMENT CONFERENCE
STATEMENT OF PALMDALE WATER
DISTRICT

Date: November 25, 2008
Time: 10:30 A.M.
Dept.: Santa Clara – Dept. 17C

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21 Palmdale Water District submits this case management conference statement in response to the
22 Court's Order of November 5, 2008 to address: (1) the status of the service of notice in the two class
23 action proceedings; and (2) the scheduling and issue identification for remaining phases of trial.

24 With respect to the class notice, Palmdale Water District joins in the Case Management
25 Conference Statement filed by Los Angeles County Waterworks District No. 40.

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1 With respect to the issues for the next phase of trial, Palmdale Water District agrees with
2 County Waterworks District No. 40 that the next phase of the trial should be limited to a determination
3 of the safe yield of the basin and whether the basin is or has been in overdraft, and offers the following
4 additional points in support of that position.

5 First, Palmdale Water District believes that a judicial determination of safe yield will materially
6 assist the parties in settlement negotiations. It has become apparent that the lack of agreement on safe
7 yield poses a substantial impediment to the parties' efforts to reach agreement on the remaining issues
8 and to craft a physical solution.

9 Second, the determination of overdraft and safe yield requires only expert testimony and can be
10 done on a basin-wide basis. Much of the underlying technical work has already been done.

11 Third, some parties have requested a jury trial on issues of prescriptive rights. Palmdale Water
12 District does not concede that the parties are entitled to a jury trial on these issues. But, in any case, it
13 makes sense to separate issues to be tried to the Court from those potentially to be tried to a jury.

14 Fourth, overdraft and safe yield can be tried much more expeditiously than prescription. As
15 previously mentioned, the evidence will likely consist entirely of expert testimony. The underlying
16 data has already been made available to the parties. Other than expert depositions, there should not be
17 much additional discovery necessary. By contrast, claims of prescriptive rights will require
18 considerable discovery and percipient witness testimony. A trial on the issues of overdraft and safe
19 yield could be scheduled much sooner and involve much less trial time, and be a more efficient use of
20 the parties' and the Court's resources.

21 If the issues in Phase 3 are limited to overdraft and safe yield, as suggested herein, Palmdale
22 Water District believes that the trial should be scheduled as soon as reasonably possible. The District
23 believes that an October trial date, as suggested by the federal government, is too far out and will not
24 maintain sufficient pressure for settlement. On the other hand, the District believes than an April trial
25 date, as suggested by County Waterworks District No. 40, is too aggressive. It would require the
26 parties to concentrate their efforts immediately on trial preparation, and would not leave sufficient time
27 for meaningful settlement discussions. In addition, the District believes that the concentrated, last-
28 minute discovery in Phase 2, while perhaps unavoidable, led to an inefficient use of the Court's time as

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well as the parties' time. There needs to be sufficient time to prepare and exchange expert reports and to conduct meaningful depositions.

Dated: November 21, 2008

Respectfully submitted,
LAGERLOF, SENECAL, GOSNEY & KRUSE, LLP

By: _____
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Attorneys for Palmdale Water District