

Envelope: 3656869

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER
CASES**

Judicial Council Coordination
Proceeding No. 4408

Included Consolidated Actions:

Lead Case No. BC 325 201

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
County of Los Angeles, Case No. BC 325 201

**ORDER AFTER HEARING ON
NOVEMBER 14, 2019**

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

**Motion by California Funeral
Services, Inc. to Intervene in
Judgment**

Judge: Honorable Jack Komar, Ret.

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

Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 364 553

Richard A. Wood v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 391 869

1 **This Document Pertains to Add-On Case:**

2 Little Rock Sand and Gravel, Inc., a California
3 corporation v. Granite Construction Company
4 Superior Court of California
5 County of Los Angeles, Case No. MC026932

6 The above-entitled matter came on regularly for hearing on November 14, 2019 at 9:00
7 a.m., telephonically via CourtCall, the Honorable Jack Komar (Ret.) presiding. The
8 appearances are as stated in the record. The Court, having read and considered the supporting
9 and opposing papers, and having heard and considered the arguments of counsel, and good
10 cause appearing therefore, makes the following order:

11 CALIFORNIA FUNERAL SERVICES, INC., (CSI) has filed a motion to
12 intervene in the judgment herein under the terms of Section 5.1.10 of the judgment and to be
13 granted a water production right to pump 122 acre feet a year from the Antelope Valley
14 aquifer.

15 There is no opposition to the motion to intervene but the portion of the motion that
16 seeks pumping rights in a specific amount is objected to by multiple parties, including the
17 Watermaster, who is charged with managing the physical solution approved by the court.
18 The matter came on for telephonic hearing on November 14, 2019 at 9:00 a.m. The appearance
19 of counsel and others is noted in the minutes of the court.

20 Following oral argument, and good cause appearing, it is ordered as follows for the
21 reasons indicated.

22 **CONCLUSIONS AND FINDINGS**

- 23 1. CSI is entitled to intervene under the provisions of the judgment as a previously unknown
24 and unserved party.
- 25 2. The opposing parties are entitled to the same procedural due process as accorded to all
26 other parties for whom the court found sufficient evidence to establish historical pumping
27 which occurred prior to the entry of judgment on December 28, 2015.
- 28

- 1 3. All parties who were awarded legacy pumping rights in the aquifer based upon
2 historical pumping records were awarded a reduced level of pumping in a “ramp down”
3 process by stipulation and court findings based upon pumping records as well as
4 stipulations and objections thereto.
- 5 4. CSI has provided pumping records and expert opinions to justify its request for water
6 production rights. That evidence is clearly subject to the rights of opposition parties to
7 cross examination and to submit contrary evidence.
- 8 5. CSI must produce relevant records establishing that any pumping rights as an omitted
9 party occurred prior to entry of judgment, consistent with the requirements of all parties
10 claiming a “legacy” right to pump from the aquifer.

11 **ORDER**


12 The request of CSI to intervene in the judgment pursuant to Section 5.1.10 of the
13 judgment is granted. An evidentiary hearing will be scheduled to take evidence and for the court
14 to review and consider evidence and objections to the request for specific quantities of pumping
15 rights.

16 All parties may propose to engage in specified discovery which may be submitted to the
17 court for approval only after the parties have met and conferred regarding specific proposals. If
18 the parties stipulate, any such stipulation shall be submitted to the court for approval along with
19 any objections thereto.

20 A telephone conference is set for December 12, 2019 at 1:30 p.m. for purposes of setting
21 further hearing dates. The parties are ordered to meet and confer concerning such hearing dates
22 in advance of the conference call.

23 SO ORDERED.

24
25 Dated: November 14, 2019

26 
27 _____
28 Hon Jack Komar (Ret.)
Judge of the Superior Court