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12 Attorneys for Defendant CITY OF LOS ANGELES

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES

15  
16 Coordination Proceeding

Case No. 105 CV 049053

17 **ANTELOPE VALLEY**  
**GROUNDWATER CASES**

Judicial Council Coordination Proceeding  
No. 4408

18 Los Angeles County Waterworks District  
19 No. 40 v. Diamond Farming Co.

Hon. Jack Komar

20 Los Angeles County Waterworks District  
21 No. 40 v. Diamond Farming Co.

**CITY OF LOS ANGELES' CASE**  
**MANAGEMENT STATEMENT**

22 Wm. Bolthouse Farms, Inc. v. City of  
Lancaster

Riverside County Superior Court  
Lead Case No. RIC 344436  
Case No. RIC 344668  
Case No. RIC 353840

23 Diamond Farming Co. v. City of  
Lancaster

Los Angeles Superior Court  
Case No. BC 325201

24 Diamond Farming Co. v. Palmdale Water  
25 District

Kern County Superior Court  
Case No. S-1500-CV-254348

26  
27 Date: November 25, 2008  
Santa Clara Superior Court  
Department 17  
28

1 The City of Los Angeles respectfully submits this narrative case management statement in  
2 advance of the November 25, 2008 Case Management Conference.

3 A. Service of Class Action Notice and Joinder of Remaining Parties

4 It is the City of Los Angeles' view that further phases of trial in the adjudication should be  
5 deferred until service of the class notices has been accomplished for the two classes that have  
6 been certified by the court. Additionally, the date set for further trial should allow for a  
7 reasonable period, perhaps sixty days following service of process, for newly served parties to  
8 familiarize themselves with the status of the case and the court's prior rulings, and to allow them  
9 to retain experts for further phases of trial, should they so wish.

10 The Public Water Suppliers should be directed to file with the Court a statement  
11 confirming the service of all remaining parties and confirming the service of the class notices.

12 B. Further Phases of Trial

13 The City of Los Angeles suggests the following sequencing of issues for determination of  
14 the remaining issues in the case: 1) Safe Yield and Overdraft; 2) Rights not Subject to  
15 Prescription; 3) Appropriative and Prescriptive Rights and 4) Physical Solution. Phase III of the  
16 trial should be limited to the determination of safe yield and of whether the basin is in overdraft,  
17 including the date when overdraft commenced. Determination of overdraft will require evidence  
18 of natural recharge, historical pumping, and of specific adverse effects within the basin, such as  
19 subsidence and reduced water levels. Discovery should be limited to matters related to this phase  
20 of trial. Written expert reports should be required.

21 The City of Los Angeles holds overlying rights which are, by statute, not subject to  
22 prescription. In this regard, its rights are similar to those held by the United States and the State  
23 of California, and these rights should be so recognized. Although their rights may not be  
24 diminished by prescription, a quantification of historical use under these rights, and the potential  
25 extent of future use will assist the parties and the Court in fashioning a physical solution in this  
26 case.


27 It is LADWP's preference that determination of prescriptive rights be deferred until a  
28 fourth phase of trial. Such deferral would narrow the scope of discovery for Phase III, and allow

1 additional time for parties to consider potential settlement of some or all of the remaining issues.  
2 Deferral of prescriptive claims to a subsequent phase of trial will allow public entities such as the  
3 United States, State of California, and LADWP, against whom no prescriptive claims have been  
4 made, to avoid substantial discovery and litigation costs that would be necessary if prescriptive  
5 right claims were included in Phase III of the trial.

6 Dated: November 21, 2008

7 ROCKARD J. DELGADILLO, City Attorney  
8 Richard M. Brown, Senior Assistant City Attorney for  
Water and Power

9 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
10 A Professional Corporation

11 By   
12 Janet K. Goldsmith  
13 Attorneys for Defendant CITY OF LOS ANGELES

**PROOF OF SERVICE**

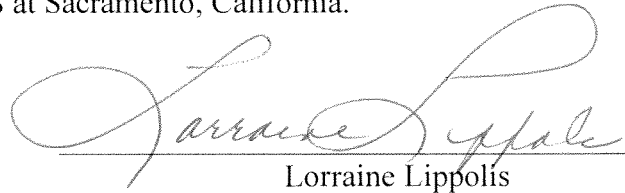
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I, Lorraine Lippolis, declare:

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On November 21, 2008, I served a copy of the within document: CITY OF LOS ANGELES' CMC STATEMENT via electronic posting to the Santa Clara Superior Court E-Filing website, <http://www.scefiling.org/cases/casehome.jsp?caseId=19> .”

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

Executed on November 21, 2008 at Sacramento, California.

  
Lorraine Lippolis