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Government Code Section 6103

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12 Coordination Proceeding

Case No. 105 CV 049053

13 **ANTELOPE VALLEY**
14 **GROUNDWATER CASES**

Judicial Council Coordination Proceeding
No. 4408

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

The Honorable Jack Komar
Santa Clara Case No. Case No. 105 CV 049053

16 Los Angeles County Waterworks District
17 No. 40 v. Diamond Farming Co.

**CITY OF LOS ANGELES' TRIAL
SETTING CONFERENCE STATEMENT**

18 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

19 Diamond Farming Co. v. City of
20 Lancaster

Los Angeles Superior Court
Case No. BC 325201

21 Diamond Farming Co. v. Palmdale Water
District

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

22 Date: July 9, 2012
23 Time: 9:00 a.m.
24 Room: 1515 (Los Angeles)17

25 The City of Los Angeles respectfully submits its Trial Setting Conference Statement for
26 the hearing on July 9, 2012 in Department 1515 of the Los Angeles County Superior Court:

27 Many of the parties to this action met have met repeatedly with Justice Robie, most
28 recently on April 30, 2012 and have arrived at general agreement in principle for a settlement

1 framework, including a basis for allocating the native safe yield of the Antelope Valley
2 Groundwater Basin. The next step in the settlement process is the completion of draft settlement
3 documents, with another mediation session currently scheduled with Justice Robie on September
4 11, 2012. While certain issues remain, the City of Los Angeles is optimistic that they will be
5 resolved and that a settlement can be achieved. In light of these continuing discussions, which
6 may affect the scope of the evidence needed at the next phase of trial, the City would recommend
7 setting a further trial setting conference/case management conference subsequent to
8 September 11, 2012.

9 If the parties are able to reach agreement on a proposed Judgment and Physical Solution,
10 the City of Los Angeles supports a streamlined hearing at which the parties would submit the
11 factual evidence needed to support the Court's determination whether the proposed settlement
12 should be approved and judgment entered. The City of Los Angeles supports the suggestion of
13 Northrop Grumman et al. that presentation of evidence be by declaration and exhibits, and that
14 live testimony be required only if any party notifies the Court that it wishes to cross-examine on
15 that evidence. This procedure could save substantial judicial resources and party expense.

16 If the parties cannot reach agreement on a proposed Judgment and Physical Solution, the
17 Court will need to hear all the evidence supporting all claims of right. A trial setting/case
18 management conference following September 11, 2012 will allow the parties to submit proposed
19 scope and order of production of evidence. Among the issues that the Court may wish to decide
20 prior to all parties' presentation of evidence of pumping is the period of time for which such
21 pumping records must be produced in light of the claims of prescription. Narrowing the relevant
22 time period will save the Court and the parties considerable time and expense at the trial, but
23 resolving the issue would require a formal motion, presentation of evidence and ruling by the
24 Court.

25 Because of the great number of parties, it would be desirable for the Court to schedule
26 testimony of pumping so that the trial date on which pumpage evidence by any given party will
27 be presented is predictable, and not all attorneys need be present for all testimony, unless they so
28 desire. Further, it may be possible to utilize the procedure suggested by Northrop Grumman et al.

1 and try the matter on declarations to the extent no party indicates a desire to challenge the
2 testimony offered.

3 If a full-blown trial of pumpage is needed, the City of Los Angeles recommends that it not
4 commence prior to February 2013, to allow full development of the evidence and an opportunity
5 for discovery. This time frame is suggested in light of the statements by class counsel concerning
6 the work necessary for full development of pumping data for the numerous class members and
7 suggestions by the Public Water Suppliers that the relevant time period may extend over half a
8 century.

9 Finally, the City of Los Angeles believes that a map or maps of the Basin, showing
10 Assessor Parcel Numbers and ownership would be useful to the Court in understanding the
11 evidence concerning individual parties' claims and pumping locations, and recommends that the
12 Court consider the appointment of an expert to prepare such a map to assist it.

13 Dated: July 6, 2012

14 CARMEN A. TRUTANICH, City Attorney
15 Richard M. Brown, General Counsel, Water and Power
16 Nargis Choudhry, General Counsel, Los Angeles World
17 Airports

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20 By Janet K. Goldsmith
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22 Attorneys for Defendant CITY OF LOS ANGELES
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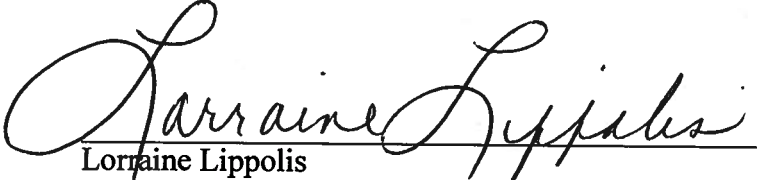
PROOF OF SERVICE

I DECLARE THAT:

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 400 Capitol Mall, Suite 2700, Sacramento, California 95814.

On July 6, 2010, I served the CITY OF LOS ANGELES' TRIAL SETTING CONFERENCE STATEMENT posting the document to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document was executed on July 6, 2012.


Lorraine Lippolis