

1 KAMALA D. HARRIS
Attorney General of California
2 ERIC M. KATZ
Supervising Deputy Attorney General
3 MARILYN H. LEVIN (SBN 92800)
NOAH GOLDEN-KRASNER (SBN 217556)
4 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2614
Fax: (213) 897-2802
6 E-mail: Marilyn.Levin@doj.ca.gov
E-mail: Noah.Goldenkrasner@doj.ca.gov
7 *Attorneys for State of California and State of
California 50th District Agricultural Association*

EXEMPT FROM FILING FEES
[Gov. Code, § 6103]

8 ADDITIONAL PARTIES LISTED ON PAGE 2 HEREOF
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12
13 **Coordination Proceeding
Special Title (Rule 3.550(c))**

14 **ANTELOPE VALLEY GROUNDWATER
15 CASES**

16 **Included Actions:**

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

19 **Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
20 Superior Court of California County of
Kern, Case No. S-1500-CV-254-348**

21 **Wm. Bolthouse Farms, Inc. v. City of
22 Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v.
23 Palmdale Water Dist. Superior Court of
California, County of Riverside,
24 consolidated Actions, Case Nos. RIC 353
840, RIC 344 436, RIC 344 668**
25 -----

26 **AND RELATED ACTIONS.**
27
28

Judicial Council Coordination
Proceeding No. 4408

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

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT OF STATE
OF CALIFORNIA, CITY OF LOS
ANGELES, COUNTY SANITATION
DISTRICT OF LOS ANGELES COUNTY
NOS. 14&20, AND ANTELOPE VALLEY-
EAST KERN WATER AGENCY**

[Assigned for All Purposes to the Honorable
Jack Komar]

Trial Date: August 4, 2014

CMC: July 11, 2014

Time: 9:00 a.m.

Place: NA

Department: NA

Action Filed: October 26, 2005

1 WILLIAM J. BRUNICK, Esq. (State Bar No. 46289)
BRUNICK, McELHANEY & KENNEDY PLC
2 1839 Commercenter West
San Bernardino, California 92408-3303

3 MAILING:
4 P.O. Box 13130
San Bernardino, California 92423-3130

5 Telephone: (909) 889-8301
6 Facsimile: (909) 388-1889
E-Mail: bbrunick@bmblawoffice.com
7 Attorneys for Cross-Complainant,
ANTELOPE VALLEY-EAST KERN WATER
8 AGENCY

9 JANET K. GOLDSMITH, State Bar No. 065959
KRONICK, MOSKOVITZ, TIEDEMANN &
10 GIRARD A Professional Corporation
400 Capitol Mall, 27th Floor
11 Sacramento, CA 95814-4416
Telephone: (916) 321-4500
12 Facsimile: (916) 321-4555

13 MICHAEL N. FEUER, State Bar No. 111529
Los Angeles City Attorney
14 RICHARD M. BROWN, General Counsel,
Water and Power
15 RAYMOND ILGUNAS, General Counsel,
Los Angeles World Airports
16 1 World Way, Room 104
Los Angeles, CA 90045-5803
17 Attorneys for Cross-Defendants, CITY OF LOS
ANGELES and LOS ANGELES WORLD
18 AIRPORTS

19 CHRISTOPHER M. SANDERS, Bar No. 195990
ELLISON, SCHNEIDER & HARRIS LLP
20 2600 Capitol Avenue, Suite 400
Sacramento, California 95816
21 Telephone: (916) 447-2166
Facsimile: (916) 447-3512
22 Attorneys for Cross-Defendant
COUNTY SANITATION DISTRICTS OF
23 LOS ANGELES COUNTY NOS. 14 & 20

1 Cross-Defendants, State of California, State of California 50th District Agricultural
2 Association (collectively, State of California), the City of Los Angeles, by and through its
3 Department of Airports, Los Angeles World Airports (LAWA), the County Sanitation Districts of
4 Los Angeles County Nos. 14 and 20 (LA County Sanitation) and Cross-Complainant Antelope
5 Valley-East Kern Water Agency (AVEK) (collectively, Public Overliers) submit the following
6 case management conference statement.

7 On March 23, 2014, this Court held a hearing in this matter. At that hearing and in a
8 subsequent Order filed on May 28, 2014, the Court set for August 4, 2014, a Preliminary
9 Approval of Settlement and Evidentiary Hearing in Support of the Proposed Settlement in this
10 case. Further, the Court set a Case Management Conference for July 11, 2014 and Counsel were
11 ordered to prepare a Case Management Conference Statement no later than July 8, 2014. Finally,
12 the Court continued a stay on all discovery and took off calendar the Phase 6 Trial set for August
13 4, 2014 and a number of other Motions and issues to be briefed.

14 The Public Overliers have been extremely supportive of any and all attempts to globally
15 settle this case for many years now. In the past few months those talks have taken shape and the
16 majority of the landowners and public water suppliers, the Wood Class and all of the Public
17 Overliers (collectively, Settling Parties) have reached resolution on 95% of the outstanding issues
18 between them. The Settling Parties are also very close to adding a remaining large landowner
19 group to the settlement. The Settling Parties, in anticipation of settlement, have also drafted a
20 nearly complete Proposed Judgment and nearly complete Proposed Stipulation for Entry of the
21 Proposed Judgment.

22 Unfortunately, in the view of the Public Overliers, the Settling Parties have not been able to
23 gather enough momentum to resolve the remaining issues, finalize the settlement with the AGWA
24 group and finalize the Proposed Judgment and Proposed Stipulation for Entry of Judgment. This
25 is not due to the lack of hard work on the part of the Settling Parties, including the Public
26 Overliers, but nonetheless the task remains incomplete.

27 The Public Overliers, therefore, have a number of concerns. First, LAWA and the State of
28 California have numerous clients, Boards and Councils that cannot agree on the final settlement

1 until the documents are completed, and need at least 6-8 weeks to complete that approval process
2 once the settlement documents are finalized and ready to submit to the Court. LAWA and the
3 State of California will therefore be unable to have signatures in place on those finalized
4 settlement documents before August 4, 2014.

5 Second, the Settling Parties have not had face to face settlement meetings to finalize the
6 settlement documents in weeks. The Public Overliers believe that such face-to-face meetings
7 may bring about the last push to resolve the remaining issues and finalize the settlement
8 documents. We believe the remaining issues can be resolved, but we believe a face-to-face
9 meeting is the best way to break any impasse that remains. Towards this goal of reaching a final
10 agreement, the Public Overliers believe that a Mandatory Settlement Conference, either presided
11 over by the Court, or simply ordered by the Court to take place outside the Court's presence may
12 be needed.

13 Third, the Public Overliers are concerned that the scope and nature of the evidence to be
14 presented to the Court at the Preliminary Approval of Settlement and Evidentiary Hearing in
15 Support of the Proposed Settlement remains unclear to the Parties. The Court has suggested that
16 the Parties will be required to present some evidence in support of the Judgment and there will
17 need to be a discussion and decision regarding the fairness of the Judgment and the ability of the
18 Watermaster to manage the basin, as well as a ruling that the Judgment will benefit the basin and
19 bring the basin back into balance. The particulars of the type of evidence and witnesses necessary
20 to accomplish this task, however, have not been discussed.

21 To this end, the Public Overliers propose the following. The Public Overliers propose that
22 the Settling Parties attempt to agree on a single expert who will review the Proposed Judgment,
23 previous Court rulings, all the Settling Parties' supporting documents, and all settlement
24 documents, and opine on the ability of the Watermaster to manage the basin, as well as whether
25 or not the Judgment will benefit the basin and bring the basin back into balance. Additionally, the
26 expert will provide evidence in support of the terms of the Judgment.

27 The Public Overliers envision a hearing in which the Court hears testimony from the expert
28 and arguments from Counsel regarding the fairness of the Proposed Judgment, as well as any

1 opposition to the Proposed Judgment. At such a hearing the Court can then either enter the
2 Judgment as an Interlocutory Judgment, with the clear understanding that there may be necessary
3 hearings, trials, and rulings regarding remaining issues with non-settling parties, including the
4 possible need for evidence regarding prescription and self help or, alternatively, reject the
5 Proposed Judgment.


6 At this point, however, because the Settlement Agreement is not finalized and because of
7 the time needed for approval by public entities, the Court will need to set a new date for the
8 hearing on the Proposed Judgment. The Court may wish also to set tentative dates for further
9 briefing on Phase 5 issues and perhaps even for further trial for claims of non-settling parties.

10 \\\
11 \\\
12 \\\
13 \\\
14 \\\
15 \\\
16 \\\
17 \\\
18 \\\
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: July 2, 2014

OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA

By: 
NOAH GOLDEN-KRASNER
Attorneys for the State of California,
Santa Monica Mountains Conservancy,
and State of California 50th District
Agricultural Association

Dated: July __, 2014

ELLISON, SCHNEIDER & HARRIS L.L.P.

By: _____
CHRISTOPHER M. SANDERS
Attorneys for the County Sanitation
Districts of Los Angeles County Nos. 14
and 20

Dated: July __, 2014

BRUNICK, MCELHANEY & KENNEDY
PLC

By: _____
WILLIAM J. BRUNICK
Attorneys for the Antelope Valley-East
Kern Water Agency

Dated: July __, 2014

KRONICK, MOSKOVITZ, TIEDEMANN
& GIRARD

By: _____
JANET K. GOLDSMITH
Attorneys for the City of Los Angeles by
and through its Department of Airports,
Los Angeles World Airports

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: July __, 2014

OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA

By: _____
NOAH GOLDEN-KRASNER
Attorneys for the State of California,
Santa Monica Mountains Conservancy,
and State of California 50th District
Agricultural Association

Dated: July __, 2014

ELLISON, SCHNEIDER & HARRIS L.L.P.

By: _____
CHRISTOPHER M. SANDERS
Attorneys for the County Sanitation
Districts of Los Angeles County Nos. 14
and 20

Dated: July 8, 2014

BRUNICK, MCELHANEY & KENNEDY
PLC

By: William J. Brunick
WILLIAM J. BRUNICK
Attorneys for the ANTELOPE VALLEY-
EAST KERN WATER AGENCY

Dated: July 8, 2014

Kronick, Moskovitz, Tiedemann & Girard

By: Janet K. Goldsmith
JANET K. GOLDSMITH
Attorneys for the CITY OF LOS ANGELES
BY AND THROUGH ITS DEPARTMENT
OF AIRPORTS, LOS ANGELES WORLD
AIRPORTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

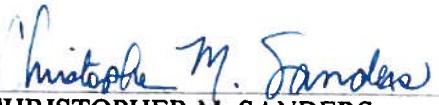
Dated: July __, 2014

OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA

By: _____
NOAH GOLDEN-KRASNER
Attorneys for the State of California,
Santa Monica Mountains Conservancy,
and State of California 50th District
Agricultural Association

Dated: July __, 2014

ELLISON, SCHNEIDER & HARRIS L.L.P.

By:  _____
CHRISTOPHER M. SANDERS
Attorneys for the County Sanitation
Districts of Los Angeles County Nos. 14
and 20

Dated: July __, 2014

BRUNICK, MCELHANEY & KENNEDY
PLC

By: _____
WILLIAM J. BRUNICK
Attorneys for the Antelope Valley-East
Kern Water Agency

Dated: July __, 2014

KRONICK, MOSKOVITZ, TIEDEMANN
& GIRARD

By: _____
JANET K. GOLDSMITH
Attorneys for the City of Los Angeles by
and through its Department of Airports,
Los Angeles World Airports

PROOF OF SERVICE

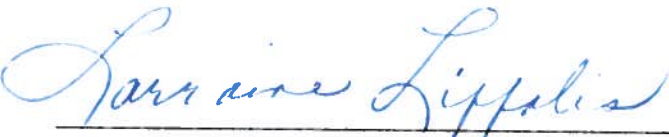
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 July 8, 2014, I served a copy of the within document: PUBLIC OVERLIERS' JOINT CASE MANAGEMENT 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 July 8, 2014 at Sacramento, California.



Lorraine Lippolis