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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES

11  
12 **Coordination Proceeding  
Special Title (Rule 1550(b))**

13 **ANTELOPE VALLEY GROUNDWATER  
14 CASES**

15 **Included Actions:**

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

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

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

24  
25 **AND RELATED ACTIONS.**  
26  
27  
28

Judicial Council Coordination  
Proceeding No. 4408

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

**STATE OF CALIFORNIA'S RESPONSE  
TO BRIEFS IN OPPOSITION TO  
RICHARD WOOD'S MOTION FOR  
ORDER ALLOCATING COURT-  
APPOINTED EXPERT WITNESS  
COSTS; JOINDER IN REBECCA  
WILLIS' BRIEF IN SUPPORT OF  
RICHARD WOOD'S MOTION**

Date: June 12, 2009

Time: 9:00 a.m.

Dept: 17C

Judge: Hon. Jack Komar

1 On June 12, 2009, the Court will hear the motion of Richard Wood for an order allocating  
2 costs of the court-appointed expert witness to the public water suppliers. The State of California  
3 (“State”) did not file an opposition or other response to the Wood motion because the State is not  
4 a target of the motion.

5 Now, however, two briefs in opposition to the Wood motion have been filed. One  
6 opposition, on behalf of Palmdale Water District, Los Angeles County Waterworks’ District No.  
7 40, Rosamond Community Services District and City of Palmdale, argues that the costs of the  
8 expert should be apportioned to all parties, not just the public water suppliers. The other  
9 opposition, on behalf of City of Lancaster and City of Palmdale, in addition to asserting that the  
10 costs should be allocated to all parties, suggests that if the Court is inclined to assign costs at this  
11 stage of the case, the Wood motion should be continued until such time as a motion may be  
12 brought to coordinate the Wood complaint with the other coordinated proceedings.

13 If the Court issues an order allocating court-appointed expert costs, the State agrees with  
14 the Wood motion, for the reasons stated therein, that costs should be assigned to the public water  
15 suppliers only. In addition, the State fully joins in the brief in support of the Wood motion filed  
16 by Rebecca Willis and the Willis class on June 4, 2009.

17 The State disagrees with the statement in the opposition of City of Lancaster, et al., that  
18 “Evidence Code section 731(c) necessarily implies costs of the court’s expert be borne by all  
19 parties to the adjudication...” The plain language of section 731(c) demonstrates that its meaning  
20 is not as narrow as City of Lancaster, et al., suggest. The section provides, in pertinent part, that  
21 “...the compensation fixed by Section 730 shall, in the first instance, be apportioned and charged  
22 to the several parties *in such proportion as the court may determine...*” (Emphasis added.)  
23 Under that section, the court has the discretion to allocate costs equally among all of the parties,  
24 or, the court may apportion the costs unequally, i.e., to some but not all of the parties. Evidence  
25 Code section 731(c) simply is not a barrier to allocating court-appointed expert costs to the public  
26 water suppliers only, as the Wood motion requests.

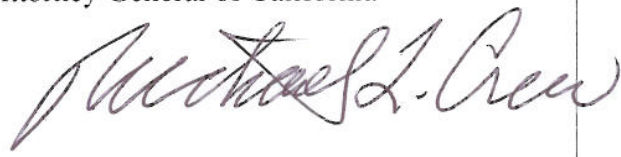
27 If the Court is not inclined to grant the Woods motion, the Court should apportion costs  
28 among the parties only after a hearing to determine how the costs should be assigned equitably

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among some or all of the parties, in which every party has the opportunity to be heard on the merits. A motion for such a determination is not presently before the Court.

Dated: June 5, 2009

Respectfully Submitted,  
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