

1 EDGAR B. WASHBURN (BAR NO. 34038)
Email: EWashburn@mofo.com
2 WILLIAM M. SLOAN (BAR NO. 203583)
Email: WSloan@mofo.com
3 MORRISON & FOERSTER LLP
4 425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
5 Facsimile: 415.268.7522

6 Attorneys for U.S. BORAX INC.

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

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

12 **ANTELOPE VALLEY GROUNDWATER CASES**

13 Included Actions:

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

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

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

Judicial Council Coordination
Proceeding No. 4408

Assigned to The Honorable
Jack Komar

**U.S. BORAX RESPONSE TO
PUBLIC WATER SUPPLIERS'
PROPOSAL FOR CLASS
DEFINITIONS**

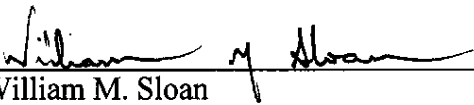
Date: April 16, 2007
Time: 9:00 a.m.
Dept: 1

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24 U.S. Borax does not oppose the proposal submitted by the Public Water Suppliers for class
25 definitions, but wishes to raise two concerns. First, the Subclass A proposal states with respect to any
26 land "that connects to a Public Water Supplier's water service system and does not operate a
27 groundwater well, then such landownership will no longer be a member of the class and will be
28 dismissed from the litigation." Proposal at 3:13-15. U.S. Borax presumes that this exclusion is

1 proposed because the Public Water Suppliers will, in some manner, agree to be legally bound to
2 prevent the construction or utilization of a groundwater well within their service areas in the future.
3 If that presumption is somehow incorrect, then U.S. Borax requests that the Public Water Suppliers
4 address how future pumping by excluded landowners that are dismissed from, and not bound by, this
5 litigation will be controlled. Second, with regard to the exclusion of "all public entities" (Proposal at
6 3:20), U.S. Borax simply requests some clarification as to the Public Water Suppliers' land
7 ownership information for the adjudication area to determine the scope of this relatively vague
8 exclusion. This exclusion does not address the risk that, in the future, publicly owned property not
9 bound by this litigation may transfer into private hands.

10 Dated: April 6, 2007

EDGAR B. WASHBURN
WILLIAM M. SLOAN
MORRISON & FOERSTER LLP

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13 By: 
14 William M. Sloan
15 Attorneys for U.S. BORAX INC.
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