

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
425 Market Street
4 San Francisco, California 94105-2482
Telephone: 415.268.7000
5 Facsimile: 415.268.7522

6 Attorneys for U.S. BORAX INC.

7
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,
Case No. S-1500-CV-254-348

19 **Wm. Bolthouse Farms, Inc. v. City of Lancaster**
20 **Diamond Farming Co. v. City of Lancaster**
21 **Diamond Farming Co. v. Palmdale Water Dist.**
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 OPPOSITION TO
MOTION FOR APPOINTMENT
OF BILL B. DENDY AS
MANDATORY SETTLEMENT
CONFERENCE REFEREE**

Date: August 20, 2007
Time: 9:00 a.m.
Dept: 1

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24 U.S. Borax opposes the Motion for Appointment of Bill B. Dendy as Mandatory Settlement
25 Conference Referee. None of the authorities cited in the moving papers authorize turning a voluntary
26 alternative dispute effort amongst the parties—one that has already commenced—into a refereed
27 mandatory settlement conference. As the Motion observes, Mr. Dendy “already has had preliminary
28 meetings with many of the active parties’ principals.” Motion at p. 3. These meetings were agreed to

1 under the specific condition that they were subject to California's codified confidentiality provisions.
2 If Mr. Dendy is transformed into a referee that reports to the Court, the effect will be to turn the
3 voluntary effort into a second forum for litigation-type interaction. In sum, the motion will frustrate
4 the very purpose of engaging Mr. Dendy. For these reasons, U.S. Borax requests that this Court deny
5 the Motion for Appointment.

6 Dated: August 6, 2007

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

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9 By: /s/ William M. Sloan

10 William M. Sloan

11 Attorneys for U.S. BORAX INC.
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