

1 WILLIAM M. SLOAN (BAR NO. 203583)  
*Email: [WSloan@mofo.com](mailto:WSloan@mofo.com)*  
2 ALEJANDRO L. BRAS (BAR NO. 280558)  
*Email: [ABras@mofo.com](mailto:ABras@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  
12 Special Title (Rule 3.550)

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

15 Included Actions:

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

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

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

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4408

Los Angeles County Superior Court  
Lead Case No. BC 325 201

*For e-service purposes only:*  
Santa Clara County Superior Court  
Case No. 1-05-CV-049053

25  
26  
27  
28 **U.S. BORAX INC.'S NOTICE RE**  
**CLARIFICATION OF BRIEFING RE**  
**FEDERAL RESERVE RIGHT**

The Hon. Jack Komar

Trial Date: October 7, 2014

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

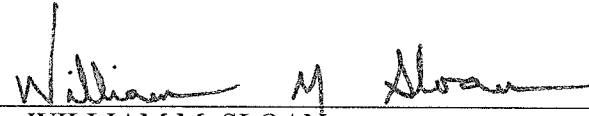
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

The status of briefing on the Federal Reserve Right has generated some confusion. Although the proceedings were not reported, the Court at its May 15, 2015 hearing entertained argument from counsel for the Willis Class about the admissibility of evidence in light of the Willis Class having chosen to not be present in the courtroom for that phase of trial. Subsequent to the hearing, the Court issued a minute order with a briefing schedule, but Willis Class counsel also filed a notice withdrawing its opposition on the evidentiary question and stating "There is no need for further briefing on this issue." (Doc. # 9927). The stipulating parties understood that the briefing proposal only applied to the Willis Class issue, as forcing the stipulating parties (including the United States) to continue to litigate amongst themselves when they have reached a proposed settlement would be an enormous waste of time and judicial resources. U.S. Borax hereby requests that the Court hold in abeyance any further briefing or decisions on the Federal Reserve Right unless and until the proposed judgment and physical solution is ruled upon by the Court. If that settlement is not approved, then the stipulating parties request the opportunity to brief and be heard on the resolution of the Federal Reserve Right.

Respectfully submitted,

Dated: June 22, 2015

WILLIAM M. SLOAN  
MORRISON & FOERSTER LLP

By:   
\_\_\_\_\_  
WILLIAM M. SLOAN  
Attorneys for U.S. BORAX INC.

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

**PROOF OF SERVICE**

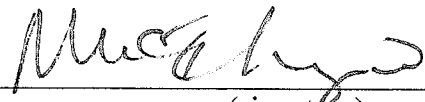
I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on June 22, 2015, I served a copy of the attached **U.S. BORAX INC.'S NOTICE RE CLARIFICATION OF BRIEFING RE FEDERAL RESERVE RIGHT** by electronically posting a true copy thereof to Santa Clara County Superior Court's electronic filing website for complex civil litigation cases with respect to Judicial Council Coordination Proceeding No. 4408, Santa Clara County Superior Court case number 1-05-CV-049053 (Antelope Valley Groundwater Cases).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 22nd day of June, 2015.

Margaret McIlhargie  
(typed)



(signature)