

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

Coordination Proceeding  
Special Title (Rule 1550(b))

Judicial Council Coordination  
Proceeding No. 4408

**ANTELOPE VALLEY GROUNDWATER  
CASES**

**CROSS-DEFENDANT UNITED  
STATES' NOTICE AND EX PARTE  
APPLICATION FOR EXTENSION  
OF BRIEFING DEADLINES;  
DECLARATION OF R. LEE  
LEININGER**

Included Actions:

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

**Date: March 21, 2014  
Time: 9:00 a.m.  
Dept.: Via Telephonic Court Call**

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

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

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE  
NOTICE THAT on March 21, 2014, at 9:00 a.m. or as soon thereafter as the matter may be  
heard, the United States will, and hereby does, move this Court by way of an *ex parte*  
application, for an order extending the briefing deadlines for the Federal Reserved Water Right  
claim by one month. Good cause exists for the relief sought.

1 This *ex parte* application is made pursuant to California Rules of Court, rules 3.1200 *et*  
2 *seq.*, and Code of Civil Procedure section 128. This application is based on the application, the  
3 attached memorandum of points and authorities and Declaration of R. Lee Leininger, the  
4 [Proposed] Order, the pleadings and papers on file herein, and on such further arguments and  
5 material as the Court may consider at the hearing on this matter.  
6

7 Dated: March 20, 2014

8 /s/ R. Lee Leininger  
9 R. LEE LEININGER  
10 JAMES J. DuBOIS  
11 ATTORNEYS FOR THE UNITED  
12 STATES OF AMERICA  
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1 MEMORANDUM OF POINTS AND AUTHORITES

2 In support of this motion, the United States states:

3 1. By Minute Entry, dated February 19, 2014, the Court deemed the Federal Reserved  
4 Water Right claim submitted, subject to further briefing. The current briefing schedule states:  
5 -Closing brief due 4/02/14;  
6 -Opposition brief due 4/22/14; and  
7 -Reply brief due 5/01/14.

8 2. On March 6, 2014 the Court heard the Antelope Valley East Kern Water Agency and  
9 Public Water Suppliers' Notice and Ex Parte Application to Continue Phase 5 Trial: Declaration  
10 of Jeffrey Dunn, wherein the movants explained that "Numerous parties have engaged in  
11 settlement discussion and settlement talks continue to progress. For this reason, AVEK and the  
12 Public Water Suppliers respectfully request that the Court grant this application for a short  
13 continuance to allow the parties to continue the settlement discussion."  
14

15 3. By Minute Entry, dated March 6, 2014, the Court granted the AVEK and Public Water  
16 Suppliers' motion and "encouraged continued face-to-face good faith settlement discussions."  
17 The Court continued the trial date for one month, from March 10 to April 7.

18 4. The parties have been engaged in settlement negotiations, meeting every week day  
19 beginning March 12, 2014. These discussions are on-going and have been fruitful.

20 5. An extension in the briefing schedule will allow parties to devote all their case time and  
21 resources to the settlement effort. A negotiated settlement, in turn, may curtail or eliminate  
22 issues the parties may otherwise argue in post-trial briefing, thus saving the parties' and the  
23 Court's time and resources.  
24

25 6. Accordingly, the United States requests a one month extension of the briefing schedule.  
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1 Dated: March 20, 2014

/s/ R. Lee Leininger  
R. LEE LEININGER  
JAMES J. DuBOIS  
ATTORNEYS FOR THE UNITED  
STATES OF AMERICA

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