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7 **SACRAMENTO, CALIFORNIA 95816-4907**
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11 **Attorneys for Cross-Defendant**
12 **Copa De Oro Land Company**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF LOS ANGELES**

15 **Coordination Proceeding Special Title**
16 **(Rule 1550(b))**

17 **ANTELOPE VALLEY GROUNDWATER**
18 **CASES**

19 **Included Actions:**

20 **Los Angeles County Waterworks District**
21 **No. 40 v. Diamond Farming Co., Superior**
22 **Court of California, County of Los Angeles,**
23 **Case No. BC 325 201;**

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

28 **Wm. Bolthouse Farms, Inc. v. City of**
Lancaster, Diamond Farming Co. v.
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case No.
RIC 353 840, RIC 344 436, RIC 344 668

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Case No. BC 391869
Assigned to Hon. Jack Komar

(Santa Clara Case No. 01-05-CV-049053)

COPA DE ORO LAND COMPANY'S
TRIAL SETTING CONFERENCE
STATEMENT

BY FAX

Date: July 9, 2012
Time: 9 a.m.
Dept: 316, Room 1515
Judge: Hon. Jack Komar

8792/P070612kcg

COPA DE ORO'S TRIAL SETTING CONFERENCE STATEMENT

1 pursuant to Article X, section 2 of the California Constitution, the reasonableness of the water
2 uses on which the public water suppliers would rely in asserting prescription. The conflicts
3 resulting from such global litigation could reverse the progress toward settlement that the
4 parties have made through the many mediation sessions with Justice Robie.

5 The Court accordingly should set, for the next phase of trial, discrete issues that are
6 largely legal in nature. These issues could include, for example, the status and priority of the
7 federal government's claimed reserved right, the ownership of return flows from the use of
8 State Water Project water and the notice element of the public water suppliers' prescription
9 claim. In addition, to the extent that any future phase of trial would involve the examination of
10 individual parties' water use, the Court should consider appointing a special master to conduct
11 a preliminary examination that would be presented to the Court.

12 **III. DISCOVERY PROCEDURES**

13 Pursuant to the Court's authority over this complex case (Cal. Rules of Ct., rule
14 3.541(b), 3.750), Copa de Oro respectfully requests that the Court actively manage discovery in
15 the next phase of litigation. Copa de Oro has two specific proposals and is submitting, with
16 this statement, a proposed order that reflects these proposals.

17 First, for lay discovery, the Court should require parties to consult with the Court before
18 propounding lay discovery requests. The Court should require that a party proposing to
19 propound lay discovery schedule a conference with the Court, and give parties all notice at least
20 ten days' notice of the proposed discovery and the conference, before serving lay discovery
21 requests. The Court should order that any oppositions to the proposed discovery be filed and
22 served at least five days before the conference and that all parties may appear at such a
23 conference by CourtCall.

24 Second, for expert discovery, the Court should require the parties to disclose their
25 experts in conformity with Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, which
26 requires an expert witness to provide a written report containing the following: (i) a complete
27 statement of the opinions the witness will express and the basis and reasons for them; (ii) the
28

1 facts or data considered by the witness in forming them; (iii) any exhibits that will be used to
2 summarize or support them; (iv) the witness's qualifications; (v) a list of all other cases, during
3 the previous four years, in which the witness testified as an expert at trial or by deposition; and
4 (vi) a statement of the compensation to be paid for the study and testimony in the case.
5 Disclosure of such reports should simplify and expedite any expert testimony required for the
6 next phase of trial.

7
8 Dated: July 6, 2012

Respectfully submitted,

9 BARTKIEWICZ, KRONICK & SHANAHAN
10 A Professional Corporation

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12 By: 

Katrina C. Gonzales

13 Attorneys for Copa de Oro Land Company
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PROOF OF SERVICE

I, Terry M. Olson, declare as follows:


I am a citizen of the United States and a resident of Sacramento County. I am over the age of 18, not a party to this action and am employed at Bartkiewicz, Kronick & Shanahan, 1011 Twenty-Second Street, Sacramento, California 95816. On July 6, 2012, I served, in the manner described below, the following document:

COPA DE ORO LAND COMPANY'S TRIAL SETTING CONFERENCE STATEMENT

I posted this document to the Court's World Wide Website located at www.scefiling.org.

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

Executed at Sacramento, California on July 6, 2012.



Terry M. Olson

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(Santa Clara Case No. 01-05-CV-049053)

[PROPOSED] ORDER AFTER TRIAL
SETTING CONFERENCE

8792/P070612kcg

[PROPOSED] ORDER AFTER TRIAL SETTING CONFERENCE

1 After hearing the issues at the Trial Setting Conference held on July 9, 2012, at 9:00
2 a.m., in Department 1, Room 534, the Honorable Jack Komar presiding, and good cause
3 appearing therefor, the Court issues the following Order to all parties pursuant to Code of Civil
4 Procedure section 187 and California Rules of Court rules 3.541, 3.728, 3.729 and 3.750:

5 1. Any party proposing to propound discovery pursuant to the
6 Civil Discovery Act (Code of Civil Procedure §§ 2016.010 through 2036.050) other than expert
7 discovery under Code of Civil Procedure sections 2034.010 through 2034.730 shall schedule a
8 conference with the Court before serving that non-expert discovery. That party shall file and
9 serve the proposed discovery, and notice of the conference, on all parties at least 10 days before
10 the conference. Any party who opposes such proposed discovery shall file with the Court and
11 serve all parties with its opposition at least five days before the conference. The conference
12 with the Court may be telephonic and all parties may appear by CourtCall.

13 2. The disclosure of any expert witness information pursuant to Code of Civil
14 Procedure section 2034.260, Code of Civil Procedure section 2034.280 or otherwise shall
15 include a written report that conforms with Rule 26(a)(2)(B) of the Federal Rules of Civil
16 Procedure.

17 It is so ordered.

18
19 Dated: July __, 2012

BY THE COURT

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The Hon. Jack Komar
Judge of the Superior Court
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[PROPOSED] ORDER AFTER TRIAL SETTING CONFERENCE

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Terry M. Olson