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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)

[PROPOSED] ORDER APPROVING
STIPULATIONS CONCERNING COPA
DE ORO LAND COMPANY AND
GRANTING LEAVE TO SERVE
WRITTEN DISCOVERY

Date: April 30, 2013
Time: 9 a.m.
Dept: TBD (CourtCall)
Judge: Hon. Jack Komar
Filing Date: July 11, 2005 (coordination)
Trial Date: May 28, 2013 (Phase IV)

8792/P042313rsb Order

[PROPOSED] ORDER APPROVING STIPULATIONS CONCERNING COPA DE ORO LAND COMPANY
AND GRANTING LEAVE TO SERVE WRITTEN DISCOVERY

1 **ORDER GRANTING APPLICATION OF COPA DE ORO LAND COMPANY FOR**
2 **APPROVAL OF STIPULATIONS CONCERNING COPA DE ORO LAND COMPANY**
3 **AND GRANTING LEAVE TO SERVE WRITTEN DISCOVERY**

4 On April 30, 2013, at 9 a.m. in Department __ of the Los Angeles County Superior
5 Court, the application of cross-defendant Copa de Oro Land Company ("Copa de Oro") came
6 on for hearing via CourtCall, the Honorable Jack Komar presiding. Copa de Oro applied for an
7 order: (1) approving a Stipulation Regarding Facts Pertaining to Copa de Oro Land Company
8 for Trial (the "Ownership Stipulation"), and a Stipulation for Phase IV Trial Regarding Water
9 Use on Copa de Oro Land Company's Property (the "Water Use Stipulation") among Copa de
10 Oro, and public water suppliers; (2) granting Copa de Oro leave to serve requests for admission
11 and Form Interrogatory 17.1 on all parties in this action that have not executed the Ownership
12 Stipulation and the Water Use Stipulation; (3) shortening the time for responding to those
13 requests for admission and that Form Interrogatory to five court days; and (4) establishing that
14 a failure to respond to one or more of those requests for admission shall be deemed to be an
15 admission to the request(s). The parties' appearances were as recorded by the Clerk. The
16 Court has considered the parties' evidence and arguments.

17 The Court finds as follows:

18 (1) In the Ownership Stipulation, Copa de Oro, Los Angeles County Waterworks
19 District No. 40 ("District 40") and Palmdale Water District have stipulated to the truth of the
20 facts stated in the Declaration of Elliot Joelson for Copa de Oro Land Company and its
21 exhibits, posted on the Court's Web site at
22 <http://www.scefilng.org/document/document.jsp?documentId=76507> on January 31, 2013 (the
23 "Joelson Declaration"). The City of Palmdale also has stated its agreement with the Ownership
24 Stipulation;

25 (2) In the Water Use Stipulation, Copa de Oro, District 40, Littlerock Creek
26 Irrigation District, Palm Ranch Irrigation District, Palmdale Water District, City of Palmdale,
27 Rosamond Community Services District, City of Lancaster and the Antelope Valley-East Kern
28 Water Agency ("AVEK") have stipulated to the truth of the facts concerning AVEK water

1 deliveries to Copa de Oro's property during the 2000-2004 period and the amounts of water
2 used for agricultural purposes on Copa de Oro's property in 2000, 2001, 2002, 2003 and 2004;

3 (3) The parties have had considerable time to review the facts stated in the Joelson
4 Declaration and in the Declaration of Vera H. Nelson for Copa de Oro Land Company and its
5 exhibits, posted on the Court's Web site at
6 <http://www.scefilng.org/document/document.jsp?documentId=76508> (the "Nelson
7 Declaration");

8 (4) The Ownership Stipulation and the Water Use Stipulation are the products of the
9 discovery process that the Court established to simplify the Phase IV trial, with the Joelson and
10 Nelson Declarations having been produced in that process;

11 (5) Consistent with the Court's stated intent of simplifying the Phase IV Trial and
12 its powers over this coordinated matter, this Court may authorize Copa de Oro to propound its
13 proposed requests for admission and Form Interrogatory 17.1, attached hereto as Exhibits A
14 and B, to identify any disputes concerning Copa de Oro's property ownership and water use
15 that the parties have not disclosed to date;

16 (6) Shortening the time for responses to Copa de Oro's proposed discovery requests
17 pursuant to the Court's powers over this coordinated matter and Code of Civil Procedure
18 sections 2030.260, subdivision (a), and 2033.250, subdivision (a), will enable the stipulating
19 parties to conclude any steps necessary to ensure they will not need to present evidence
20 concerning facts agreed upon in the Ownership and Water Use Stipulations at the Phase IV trial
21 and assist the Court in organizing the Phase IV trial; and

22 (7) Ordering that a failure to respond to the proposed requests for admission shall be
23 deemed an admission is authorized by Code of Civil Procedure section 404.7 and California
24 Rules of Court, rule 3.504, subdivision (e), and is consistent with the intent of the procedures
25 stated in Code of Civil Procedure section 2033.280, subdivisions (b) and (c).

26 Accordingly, GOOD CAUSE APPEARING, the Court orders as follows:

27 (1) The Ownership Stipulation and the Water Use Stipulation are approved and
28 shall be binding upon the parties to such stipulations for all purposes in this action.

1 (2) Copa de Oro may serve its proposed requests for admission and Form
2 Interrogatory 17.1 in the form attached as Exhibits A and B on every party in this action that is
3 not a signatory to the Ownership Stipulation and the Water Use Stipulation, or has not stated its
4 agreement with both stipulations, by posting those written discovery requests to the Court's
5 Web site at www.scefiling.org.

6 (3) Parties that are served with Copa de Oro's requests for admission and Form
7 Interrogatory 17.1 must post their responses to the Court's Web site at www.scefiling.org
8 within five court days following service by Copa de Oro of those requests and that Form
9 Interrogatory.

10 (4) A party's failure to respond to one or more of Copa de Oro's requests for
11 admission shall be deemed an admission of the matters specified in each request to which the
12 responding party does not serve a response as required by this Order.

13 IT IS SO ORDERED.

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15 Dated: _____, 2013

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18 Hon. Judge Komar
19 Judge of the Superior Court
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