

EXHIBIT A

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT NO. 1 HON. JACK KOMAR, JUDGE
4
5 COORDINATION PROCEEDING
6 SPECIAL TITLE (RULE 1550B)
7 ANTELOPE VALLEY GROUNDWATER CASES
8 PALMDALE WATER DISTRICT AND
9 QUARTZ HILL WATER DISTRICT,
10 CROSS-COMPLAINANTS,
11 VS.
12 LOS ANGELES COUNTY WATERWORKS,
13 DISTRICT NO. 40, ET AL,
14 CROSS-DEFENDANTS.

JUDICIAL COUNCIL
COORDINATION
NO. JCCP4408
SANTA CLARA CASE NO.
1-05-CV-049053

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS
16 FRIDAY, APRIL 24, 2009
17

18 APPEARANCES:
19 (SEE APPEARANCE PAGES)
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25

26
27 GINGER WELKER, CSR #5585
28 OFFICIAL REPORTER

4-24-09_ANTELOPE VALLEY FINAL

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1 CASE NUMBER: JCCP4408
2 CASE NAME: ANTELOPE VALLEY GROUNDWATER
3 LOS ANGELES, CALIFORNIA, FRIDAY, APRIL 24, 2009
4 DEPARTMENT NO. 1 HON. JACK KOMAR
5 REPORTER GINGER WELKER, CSR #5585
6 TIME: 9:00 A.M.
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7 APPEARANCES: (SEE TITLE PAGE)

8

9 THE COURT: ALL RIGHT. GOOD MORNING. THIS IS THE
10 ANTELOPE VALLEY CASES. FIRST THING WE WILL DO IS SEEK
11 APPEARANCES FOR ALL COUNSEL WHO INTEND TO APPEAR. AND
12 IF THERE IS ANY INDIVIDUAL WHO IS A PARTY TO THE LAWSUIT
13 AND REPRESENTING THEMSELVES, I WANT YOU TO STATE YOUR
14 APPEARANCES AS WELL.

15 MR. LEMIEUX: GOOD MORNING, YOUR HONOR, KEITH
16 LEMIEUX, L-E-M-I-E-U-X, FOR LITTLEROCK CREEK IRRIGATION
17 DISTRICT, ET AL.

18 MR. EVERTZ: DOUG EVERTZ FOR THE CITY OF
19 LANCASTER.

20 MR. MARKMAN: JAMES MARKMAN FOR THE CITY OF
21 PALMDALE.

22 MR. WEEKS: BRADLEY WEEKS FOR QUARTZ HILL WATER
23 DISTRICT.

24 MR. BUNN: THOMAS BUNN FOR PALMDALE WATER DISTRICT
25 AND QUARTZ HILL WATER DISTRICT.

26 MR. KUNEY: SCOTT KUNEY ON BEHALF OF VAN DAMN
27 PARTIES.

28 THE COURT: JUST A MINUTE. WE'LL TAKE ONE SIDE,

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1 AND THEN WE'LL TAKE THE MIDDLE.

2 MR. MCLACHLAN: MICHAEL MCLACHLAN FOR THE WOOD
3 CLASS.

4 MR FIFE: MICHAEL FIFE FOR THE ANTELOPE
5 GROUNDWATER AGREEMENT ASSOCIATION.

6 MS. JONES: TAMMY JONES FOR NORTHROP GRUNMAN AND
7 ENEXCO CORP.

13 PRO AND CON, AND I DO BELIEVE THAT THE COURT HAS
14 DISCRETION TO APPOINT A NEUTRAL EXPERT UNDER THE CODE.
15 BUT FOR THE REASONS THAT I STATED, I DON'T THINK THAT IS
16 APPROPRIATE IN THIS CASE.

17 THE COURT: WELL, IF THERE IS A CONFLICT BETWEEN
18 THE POSITIONS OF THE EXPERTS ON EITHER SIDE, YOU THINK
19 THERE IS ANY VALUE IN HAVING A NEUTRAL THIRD EXPERT
20 APPOINTED BY THE COURT WHO ESSENTIALLY HAS NO OX TO
21 GORE.

22 MR. BUNN: I THINK THERE CAN BE, YES. WE HAVEN'T
23 GOTTEN TO THE JURY TRIAL ISSUE YET, BUT I THINK THAT
24 MIGHT BE ESPECIALLY VALUABLE IN A JURY TRIAL SETTING.

25 BUT IN THIS PARTICULAR CASE, I BELIEVE THAT
26 THIS COURT HAS ALREADY SHOWN THAT ALTHOUGH THE ISSUES
27 ARE DIFFICULT THEY ARE SOMETHING THAT THE COURT CAN MAKE
28 SENSE OF. AND, AGAIN, I BELIEVE THAT BOTH SIDES ARE

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1 GOING TO BE ABLE TO PRESENT THEIR EVIDENCE IN SUCH A WAY
2 THAT IT IS GOING TO BE UNDERSTANDABLE TO THE COURT, AND
3 THE COURT CAN MAKE A DECISION.

4 THE COURT: IN TERMS OF SAFE FIELD AND OVERDRAFT.

5 MR. BUNN: YES. THAT IS THE ONLY AREA IN WHICH
6 THE WILLIS CLASS IS NOW REQUESTING AN EXPERT.

7 THE COURT: OKAY. THE WOOD CLASS IS INTERESTED IN
8 SOMETHING BEYOND THAT?

9 MR. BUNN: THAT IS RIGHT. I HAVE NOTHING TO ADD
10 IN THE PAPERWORK THERE. THE WOOD CLASS MOTION IS THE
11 SAME AS I -- AS FAR AS I CAN TELL THE ONE THAT THEY
12 RAISED BEFORE AND THE COURT DENIED.

13 THE COURT: MY CONCERN ABOUT THAT IS THAT I THINK

14 COUNSEL VERY OFTEN REALLY DOES NEED ASSISTANCE IN
15 REPRESENTING ITS CLIENT, HIS OR HER CLIENT, AS THE CASE
16 MAY BE, WITH REGARD TO TECHNICAL ISSUES AND SHOULD NOT
17 HAVE TO MAKE AN ELECTION AS TO WHICH OF THE OTHER
18 PARTIES EXPERTS THEY WISH TO AGREE WITH OR DISAGREE WITH
19 WITHOUT HAVING SOME ASSISTANCE THEMSELVES.

20 THE DIFFICULTY I HAVE HERE IS THAT 730 OF
21 THE EVIDENCE CODE IN TERMS OF CIVIL CASES DOES NOT, IN
22 MY OPINION, AUTHORIZE THE APPOINTMENT OF A CONSULTANT AT
23 THE EXPENSE OF ANY OF THE OTHER PARTIES. IT DOES
24 AUTHORIZE THE APPOINTMENT OF AN EXPERT WHO IS A NEUTRAL
25 EXPERT WHO WOULD BE THE COURT'S EXPERT WHO THEN HAS --
26 IS AVAILABLE TO ALL PARTIES, CAN BE CALLED BY ANY PARTY
27 INCLUDING THE COURT.

28 SO I'M -- THAT IS A GREAT CONCERN,

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1 MR. MCLACHLAN. I UNDERSTAND YOUR NEEDS, BUT I DON'T
2 THINK UNDER THESE CIRCUMSTANCES THAT BASED ON WHAT I
3 HAVE SEEN TO THIS POINT THAT THE COURT HAS THE ABILITY
4 TO SAY WE ARE GOING TO HIRE A CONSULTANT FOR YOU AND YOU
5 ARE GOING TO ASSESS THE CHARGE TO ONE OF THE OTHER
6 PARTIES WHO IS NOT EVEN THE FIRST PARTY TO FILE THIS
7 LAWSUIT. THERE ARE OTHER PARTIES THAT HAVE FILED THIS
8 LAWSUIT AS WELL.

9 SO IF YOU WOULD LIKE TO ADDRESS THAT, I
10 WOULD APPRECIATE IT.

11 MR. MCLACHLAN: I WOULD. AND AS I BELIEVE I SAID
12 UP IN SAN JOSE WHEN WE ARGUED THE FIRST PART OF THIS
13 MOTION, I THINK WE MADE VERY CLEAR IN OUR PAPERWORK. WE
14 ARE NOT -- WE HAVE NOT ASKED THE COURT TO APPOINT A

26 TUNE OF \$100,000 WHICH WE CANNOT RECOVER AT ANY POINT IN
27 TIME. THAT IS JUST NOT A CHOICE WE CAN MAKE.

28 SO THIS IS -- WHAT I WOULD SUGGEST IS I

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1 UNDERSTAND THE COURT'S POSITION ABOUT, LOOK, WE MAY NOT
2 EVEN NEED THIS IF WE GET DOWN TO THE ISSUE OF SAFE YIELD
3 AND OVERDRAFT, AND THOSE ARE MOOTED.

4 IF THE COURT WERE TO SAY THE SMALL PUMPERS
5 CLASS MOTION FOR THIS EXPERT IS GRANTED TODAY, BUT
6 DOLLAR ONE CANNOT BE SPENT IF AND UNTIL THE -- THAT NEXT
7 STAGE OF THE TRIAL OCCURS AND THOSE PREDICATE ISSUES TO
8 THE SAFE YIELD AND OVERDRAFT ARE DEALT WITH AND ARE
9 RESOLVED ADVERSELY TO THE CLASS, THEN I THINK IT
10 RESOLVES THE PROBLEM. THEN WE DON'T HAVE TO FILE OUR
11 MOTION TO WITHDRAW MONDAY OR TUESDAY WHICH I DON'T THINK
12 WE HAVE A CHOICE.

13 THE COURT: WELL, I INDICATED TO YOU THAT I THINK
14 IT IS APPROPRIATE FOR THE COURT TO APPOINT AN EXPERT TO
15 DEAL WITH THOSE ISSUES AT THE APPROPRIATE TIME. NOW YOU
16 KNOW IF YOU WANT THE COURT TO MAKE AN ORDER AND STAY IT
17 UNTIL IT BECOMES NECESSARY, I DON'T HAVE ANY DIFFICULTY
18 IN DOING THAT BECAUSE I AGREE WITH YOU. I WOULD NOT
19 WANT TO SEE YOU COMMIT MALPRACTICE BY NOT BEING ABLE TO
20 BE ADEQUATELY PREPARED TO REPRESENT YOUR CLIENTS'
21 INTEREST.

22 I THINK WHAT YOU HAVE DONE HERE IS
23 ADMIRABLE. AND IN THE -- AS FAR AS I'M CONCERNED IN THE
24 HIGHEST STANDARDS OF THE PROFESSION STEPPING FORWARD AS
25 THE SAME WITH MR. KALFAYAN AND MR. ZLOTNICK REPRESENTING
26 THESE PEOPLE WHO WOULD OTHERWISE HAVE TO BE SERVED