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Tejon Ranchcorp

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

ANTELOPE VALLEY GROUNDWATER)	Judicial Council Coordination No. 4408
CASES)	
)	Santa Clara Case No. 1-05-CV-049053
Included Actions:)	Assigned to Hon. Jack Komar
Los Angeles County Waterworks District No. 40)	
v. Diamond Farming Co., Superior Court of)	TEJON RANCHCORP'S CASE
California, County of Los Angeles, Case No. BC)	MANAGEMENT STATEMENT
325201;)	
)	
Los Angeles County Waterworks District No. 40)	
v. Diamond Farming Co., Superior Court of)	
California, County of Kern, Case No. S-1500-CV-)	Date: March 8, 2010
254-348;)	Time: 9: 00 a.m.
)	Dept: 1 (Los Angeles)
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)	
_____)	

TEJON RANCHCORP (Tejon) submits the following Case Management Statement:

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A. At-Issue Status

The Public Water Suppliers (“Water Suppliers”) have not completed service of their cross-complaint. Accordingly, these consolidated actions are not at-issue. It is inconceivable that a court would allow a plaintiff to proceed to trial against a known defendant who has never been served. Yet, that is precisely what the Water Suppliers are advocating. Furthermore, without complete service, this court runs the risk of losing jurisdiction over the United States and rendering the functional equivalent of an advisory opinion as to the largest landowner in the Adjudication Area. This court should not proceed to trial until all indispensable parties have been served and this court concludes that it has jurisdiction to render a binding decision on all stake holders.

B. Jury Trial Demanded.

Tejon demands a jury trial on the Water Suppliers’ claims of prescription and all elements of such claims. Tejon and other landowners have a fundamental constitutional right to a jury trial on prescription claims. (*Arciero Ranches v. Meza* (1993) 17 Cal.App.4th 114, 124-125; *Frahm v. Briggs* (1970) 12 Cal.App.3d 441, 445.) Denial of the right to jury trial is reversible error. (*Arciero Ranches v. Meza, supra; Frahm v. Briggs, supra*, at p. 446.)

C. Phase 3 Issues.

On November 6, 2008, following Phase 2 Trial, the court issued an order determining that there is “hydraulic connection between the so called east and west portions of the Antelope Valley over the bedrock ridge.” The court further found:

“The effect of the hydraulic connection on the rights of the parties to the litigation cannot be determined at this stage of the proceedings. There are multiple claims to be adjudicated in

this case, including declaratory relief, claims of prescription, claims of overlying owners to quiet title to water rights, claims that portions of the basin should be treated as a separate area for management purposes in the event a physical solution to water use is established, among other issues and claims. The resolution of many of these claims may well be affected by the nature and extent of the hydraulic connectivity of water within various portions of the aquifer. **However, it would be premature to make any such determination at this stage of the proceedings.** (*Sic*)” (*Emphasis added.*)

Thus, although the court has concluded that there is hydraulic connection between the east and west portions of the Antelope Valley over the Bedrock Ridge, the court found it premature to determine whether there is one or more separate groundwater basins within the Adjudication Area. Accordingly, the next phase of trial should focus on the “nature and extent of the hydraulic connectivity of water within various portions of the aquifer.” (Nov. 6, 2008 Order, p. 3.). Once the nature and extent of the hydraulic connection within the aquifer is established, the court can then address safe yield and overdraft.

D. Trial Schedule.

The Phase 3 Trial should be set for the fall of 2010. Counsel for Tejon has a trial set for the week of July 26, 2010. Additionally, the July 2010 trial schedule proposed by the Water Suppliers is not realistic.

The Water Suppliers are comprised of at least nine coordinated parties presenting a unified position. Accordingly, the PWS have the means to prepare for the next phase of trial

within 4 ½ months. The other parties to these consolidated actions are less coordinated, are generally represented by smaller firms, and do not have the resources to double-set depositions, and prepare for trial within the time frame proposed.

The parties did not have sufficient time in advance of the Phase 2 Trial to efficiently conduct expert discovery. As a result, multiple depositions were set simultaneously throughout the state. Counsel were forced to make last minute travel arrangements and pay for expedited transcripts at greater expense to their clients. The Phase 3 Trial should be set sufficiently in advance, and the issues to be tried should be sufficiently identified, that the parties can efficiently prepare for trial. Working back from the trial date, the following schedule is suggested:

	DESCRIPTION	DATE
1	Phase 3 Trial Commences	Fall 2010
2	Reply Briefs Due	+ 5 Court Days
3	Opposition Briefs Due	+ 15 Days
4	Opening Briefs and Motions Due	+ 30 Days
5	Exchange Trial Exhibits	+ 30 Days
6	Expert Witness Discovery Cut-off	+ 45 Days
7	Supplemental Expert Witness Disclosure	+ 95 Days
8	Discovery Cut Off	+ 95 Days
9	Expert Witness Disclosure	+ 105 Days
10	Notice of Election To Participate in Phase 3 Trial	+ 105 Days
11	Court Order Detailing Phase 3 Trial Issues	+ 180 Days

Dated: March 3, 2010

KUHS & PARKER

By /s/
 Robert G. Kuhs, Attorney for
 Tejon

PROOF OF SERVICE

I, Lidia E. Luna, declare:

I am employed in the County of Kern, State of California. I am over the age of 18 and am not a party to the within action; my business address is Kuhs & Parker, 1200 Truxtun Avenue, Suite 200, Bakersfield, California 93301.

On March 3, 2010, I caused the foregoing document(s) described as: **TEJON RANHCORP'S CASE MANAGEMENT STATEMENT** to be served on the parties in this action, as follows:

- (X) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: www.scefiling.org regarding the Antelope Valley Groundwater matter.
- () (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced document(s) were placed in seal envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at Bakersfield, California, addressed to:
- () (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for delivery on the next business day. Each copy was enclosed in an envelope or package designated by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.
- () (BY FACSIMILE TRANSMISSION) I am "readily familiar" with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.
- (X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- () (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/

Lidia E. Luna