

1 **Michael Duane Davis, SBN 93678**
2 **Marlene Allen-Hammarlund, SBN 126418**
3 **GRESHAM SAVAGE NOLAN & TILDEN, APC**
4 **3750 University Avenue, Suite 250**
5 **Riverside, CA 92501-3335**
6 **(951) 684-2171**
7 **(951) 684-2150 fax**
8 Attorneys for Service Rock Products Corporation,
9 Sheep Creek Water Company, Inc. and A.V. United Mutual Group

10
11 **Michael T. Fife, SBN 203025**
12 **Bradley J. Herrema, SBN 228976**
13 **BROWNSTEIN, HYATT, FARBER, SCHRECK, LLP**
14 **21 East Carrillo Street**
15 **Santa Barbara, CA 93101**
16 **(805) 963-7000**
17 **(805) 965-4333 fax**
18 Attorneys for Antelope Valley Groundwater Agreement Association ("AGWA")

19
20
21 **Bob Joyce, SBN 84607**
22 **LeBEAU THELEN, LLP**
23 **The Atrium**
24 **5001 East Commercenter Drive, Suite 300**
25 **Bakersfield, CA 93309**
26 **(661) 325-8962**
27 **(661) 325-1127 fax**
28 Attorneys for Diamond Farming Company and Crystal Organic Farms, LLC

1
2
3
4
5
6
7 **Edgar B. Washburn, SBN 34038)**
8 **William M. Sloan, SBN 203583)**
9 **Geoffrey R. Pittman, SBN 253876)**
10 **MORRISON & FOERSTER LLP**
11 **425 Market Street**
12 **San Francisco, California 94105-2482**
13 **Phone: (415) 268-7209 • Fax: (415) 276-7545**
14 Attorneys for U.S. BORAX INC.

15
16
17
18
19
20
21 **Richard G. Zimmer, SBN 107263**
22 **T. Mark Smith, SBN 162370**
23 **CLIFFORD & BROWN**
24 **Bank of America Building**
25 **1430 Truxtun Avenue, Suite 900**
26 **Bakersfield, CA 93301-5230**
27 **(661) 322-6023**
28 **(661) 3322-3508 fax**
Attorneys for Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc.

////

////

////

1 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

2 **IN AND FOR THE COUNTY OF LOS ANGELES**

3 Coordination Proceeding) Judicial Council Coordination
4 Special Title (Rule 1550(b))) Proceeding No. 4408
5)
6 **ANTELOPE VALLEY GROUNDWATER**) Santa Clara Case No. 1-05-CV-049053
7 **CASES**) Assigned to the Honorable Jack Komar
8) Department 17
9 Including Actions:)
10 Los Angeles County Waterworks District No.)
11 40 v. Diamond Farming Co.) **SUPPLEMENT TO JOINT CASE**
12 Superior Court of California, County of Los) **MANAGEMENT CONFERENCE**
13 Angeles, Case No. BC 325 201) **STATEMENT**
14)
15 Los Angeles County Waterworks District No.)
16 40 v. Diamond Farming Co.)
17 Superior Court of California, County of Kern,) **DATE: JANUARY 22, 2010**
18 Case No. S-1500-CV-254-348) **TIME: 10:15 a.m.**
19) **DEPT: 1**
20 Wm. Bolthouse Farms, Inc. v. City of)
21 Lancaster)
22 Diamond Farming Co. v. City of Lancaster)
23 Diamond Farming Co. v. Palmdale Water Dist.)
24 Superior Court of California, County of)
25 Riverside, consolidated actions, Case Nos. RIC)
26 353 840, RIC 344 436, RIC 344 668)
27)
28)

18 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

19 The following parties, **SERVICE ROCK PRODUCTS CORPORATION, SHEEP**
20 **CREEK WATER COMPANY, INC.** and **A.V. UNITED MUTUAL GROUP**, by and through
21 their attorneys of record, Gresham Savage Nolan & Tilden, APC, by Michael Duane Davis;
22 **ANTELOPE VALLEY GROUNDWATER AGREEMENT ASSOCIATION** (“AGWA”), by
23 and through its attorneys of record, Brownstein, Hyatt, Farber & Schreck, LLP, by Michael Fife;
24 **DIAMOND FARMING COMPANY** and **CRYSTAL ORGANIC FARMS, LLC**, by and
25 through their attorneys of record, LeBeau Thelen, LLP, by Bob Joyce; **U. S. BORAX, INC.**, by
26 and through their attorneys of record, Morrison & Foerster, LLP by William M. Sloan; and,
27 **BOLTHOUSE PROPERTIES, LLC** and **WM. BOLTHOUSE FARMS, INC.**, by and through
28 their attorneys of record, Clifford & Brown, by Richard G. Zimmer; (hereinafter collectively

referred to as “These Overlying Parties”) file this Supplemental Case Management Conference Statement.

I.

CONSOLIDATION ORDER MUST PRECEDE CLASS SETTLEMENTS

Without changing their position on the underlying issue of “consolidation,” These Overlying Parties submit that this court must issue its ruling on the Public Water Suppliers’ Motion for Consolidation before it can issue its rulings on the issue of settlement of the Class Actions.

The issue of whether and on what terms the various “Coordinated Proceedings” are to be consolidated, if at all, should be decided and memorialized in a written order at the hearing on February 5, 2010.


Thereafter, the Court should afford all parties a reasonable opportunity to receive, review, evaluate and submit comments and/or objections to any proposed “Class settlements” well in advance of the hearing at which the “Class settlements” will be submitted for potential acceptance by this Court.

These Overlying Parties further submit that, should the “Class settlements” provide for any present or future confirmation or awarding of water or water rights to the members of either class, or any other party(ies) to the Coordinated Proceedings, prior to the consolidation of all Coordinated Proceedings for all purposes, the rights and interests of These Overlying Parties will have been irreparably impaired, and their due process rights denied.

DATED: January 19, 2010

Respectfully submitted,

GRESHAM SAVAGE NOLAN & TIDEN, APC

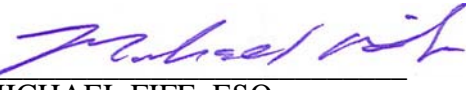
By: 

MICHAEL DUANE DAVIS, ESQ.
Attorneys for SERVICE ROCK PRODUCTS
CORPORATION, SHEEP CREEK WATER
COMPANY, and A.V. UNITED MUTUAL GROUP

1 DATED: January 20, 2010

Respectfully submitted,

2 BROWNSTEIN, HYATT, FARBER &
3 SCHRECK, LLP

4 By: 
5 MICHAEL FIFE, ESQ.
6 BRADLEY HERREMA, ESQ.
7 Attorneys for ANTELOPE VALLEY
8 GROUNDWATER AGREEMENT
9 ASSOCIATION ("AGWA")

10 DATED: January 19, 2010

Respectfully submitted,

11 LEBEAU THELEN LLP

12 By: _____
13 BOB JOYCE, ESQ.
14 Attorneys for DIAMOND FARMING
15 COMPANY and CRYSTAL ORGANIC FARMS, INC.

16 DATED: January 19, 2010

Respectfully submitted.

17 MORRISON & FOERSTER, LLP

18 By: _____
19 WILLIAM M. SLOAN, ESQ.
20 Attorneys for U. S. BORAX, INC.

21 DATED: January 19, 2010

Respectfully submitted.

22 CLIFFORD & BROWN

23 By: _____
24 RICHARD G. ZIMMER, ESQ.
25 Attorneys for BOLTHOUSE PROPERTES,
26 LLC and WM. BOLTHOUSE FARMS, INC.

1 DATED: January 19, 2010

Respectfully submitted,

2 BROWNSTEIN, HYATT, FARBER &
3 SCHRECK, LLP

4
5 By: _____

6 MICHAEL FIFE, ESQ.
7 BRADLEY HERREMA, ESQ.
8 Attorneys for ANTELOPE VALLEY
9 GROUNDWATER AGREEMENT
10 ASSOCIATION ("AGWA")

11 DATED: January 19, 2010

Respectfully submitted,

12 LEBEAU THELEN LLP

13 By:  _____

14 BOB JOYCE, ESQ.
15 Attorneys for DIAMOND FARMING
16 COMPANY and CRYSTAL ORGANIC FARMS, INC.

17 DATED: January 19, 2010

Respectfully submitted.

18 MORRISON & FOERSTER, LLP

19 By: _____

20 WILLIAM M. SLOAN, ESQ.
21 Attorneys for U. S. BORAX, INC.

22 DATED: January 19, 2010

Respectfully submitted.

23 CLIFFORD & BROWN

24 By: _____

25 RICHARD G. ZIMMER, ESQ.
26 Attorneys for BOLTHOUSE PROPERTES,
27 LLC and WM. BOLTHOUSE FARMS, INC.

1 DATED: January 20, 2010

Respectfully submitted,

2 BROWNSTEIN, HYATT, FARBER &
3 SCHRECK, LLP

4
5 By: _____
6 MICHAEL FIFE, ESQ.
7 BRADLEY HERREMA, ESQ.
8 Attorneys for ANTELOPE VALLEY
9 GROUNDWATER AGREEMENT
10 ASSOCIATION ("AGWA")

11 DATED: January 20, 2010

Respectfully submitted,

12 LEBEAU THELEN LLP

13 By: _____
14 BOB JOYCE, ESQ.
15 Attorneys for DIAMOND FARMING
16 COMPANY and CRYSTAL ORGANIC FARMS, INC.

17 DATED: January 20, 2010

Respectfully submitted.

18 MORRISON & FOERSTER, LLP

19 By: William M. Sloan
20 WILLIAM M. SLOAN, ESQ.
21 Attorneys for U. S. BORAX, INC.

22 DATED: January 20, 2010

Respectfully submitted.

23 CLIFFORD & BROWN

24
25 By: _____
26 RICHARD G. ZIMMER, ESQ.
27 Attorneys for BOLTHOUSE PROPERTIES,
28 LLC and WM. BOLTHOUSE FARMS, INC.

1 DATED: January 19, 2010

Respectfully submitted,

2 BROWNSTEIN, HYATT, FARBER &
3 SCHRECK, LLP

4
5 By: _____

6 MICHAEL FIFE, ESQ.
7 BRADLEY HERREMA, ESQ.
8 Attorneys for ANTELOPE VALLEY
9 GROUNDWATER AGREEMENT
10 ASSOCIATION ("AGWA")

11 DATED: January 19, 2010

Respectfully submitted,

12 LEBEAU THELEN LLP

13 By: _____

14 BOB JOYCE, ESQ.
15 Attorneys for DIAMOND FARMING
16 COMPANY and CRYSTAL ORGANIC FARMS, INC.

17 DATED: January 19, 2010

Respectfully submitted.

18 MORRISON & FOERSTER, LLP

19 By: _____

20 WILLIAM M. SLOAN, ESQ.
21 Attorneys for U. S. BORAX, INC.

22 DATED: January 19, 2010

Respectfully submitted.

23 CLIFFORD & BROWN

24 By:  _____

25 RICHARD G. ZIMMER, ESQ.
26 Attorneys for BOLTHOUSE PROPERTIES,
27 LLC and WM. BOLTHOUSE FARMS, INC.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18

Teri Gallagher
TERI D. GALLAGHER