

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael Duane Davis, SBN 93678 Marlene Allen-Hammalund, SBN 126418 GRESHAM SAVAGE NOLAN & TILDEN, APC 3750 University Avenue, Suite 250 Riverside, CA 92501-3335 TELEPHONE NO.: (951) 684-2171 FAX NO. (Optional): (951) 684-2150 E-MAIL ADDRESS (Optional): michael.davis@greshamsavage.com ATTORNEY FOR (Name): AVUMG, SRP, Sheep Creek, Miracle, ABI	<b>FOR COURT USE ONLY</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA/LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District	
PLAINTIFF/PETITIONER: Rosamond Community Services Dist., Los Angeles County Waterworks Dist. No. 40 DEFENDANT/RESPONDENT: Diamond Farming Co., et al	
<b>CASE MANAGEMENT STATEMENT</b> (Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>LIMITED CASE</b> (Amount demanded is \$25,000 or less)	CASE NUMBER: JCCP 4408/SC 1-05CV049053
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: March 14, 2012 Time: 09:00 a.m. Dept.: Room 1515 Div.: CentCivWs Room: 1515 Address of court (if different from the address above):  <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):	

**INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.**

1. **Party or parties (answer one):**
  - a. ☐ This statement is submitted by party (name):
  - b. ☒ This statement is submitted **jointly** by parties (names): Adams Bennett Investments, LLP; Antelope Valley United Mutual Group; Mirace Improvement Corp dba Golden Sands Mobile HP; Service Rock Products, LP; Sheep Creek Water Company; Saint Andrew's Abbey, Inc.
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
  - a. The complaint was filed on (date):
  - b. ☒ The cross-complaint, if any, was filed on (date): August 21, 2008
3. **Service (to be answered by plaintiffs and cross-complainants only)**
  - a. ☐ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
  - b. ☐ The following parties named in the complaint or cross-complaint
    - (1) ☐ have not been served (specify names and explain why not):
    - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
    - (3) ☐ have had a default entered against them (specify names):
  - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
4. **Description of case**
  - a. Type of case in ☐ complaint ☒ cross-complaint (Describe, including causes of action):  
 General Groundwater Adjudication - Antelope Valley Basin

PLAINTIFF/PETITIONER: Rosamond Community Services Dist., Los Angeles County Waterworks Dist. No. 40 DEFENDANT/RESPONDENT: Diamond Farming Co., et al	CASE NUMBER: JCCP 4408/SC 1-05CV0490
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4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

General Groundwater Adjudication; equitable relief includes declaratory relief on multiple issues and the development of a physical solution within a judgment.

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☐ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. ☐ The trial has been set for *(date)*:

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*: Phase IV of trial not yet set.

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

a. ☒ days *(specify number)*: hundreds of days if inclusive of [see attached]

b. ☐ hours (short causes) *(specify)*:

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☐ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:

PLAINTIFF/PETITIONER: Rosamond Community Services Dist.,  
Los Angeles County Waterworks Dist. No. 40  
DEFENDANT/RESPONDENT: Diamond Farming Co., et al

CASE NUMBER:

JCCP 4408/SC 1-05CV049053

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form <b>are willing</b> to participate in the following ADR processes ( <i>check all that apply</i> ):	If the party or parties completing this form in the case <b>have agreed</b> to participate in or have already completed an ADR process or processes, indicate the status of the processes ( <i>attach a copy of the parties' ADR stipulation</i> ):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other ( <i>specify</i> ): w/ Robie, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): April 3/4, 2012 <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: Rosamond Community Services Dist., Los Angeles County Waterworks Dist. No. 40 DEFENDANT/RESPONDENT: Diamond Farming Co., et al	CASE NUMBER:  JCCP 4408/SC 1-05CV0490
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**11. Insurance**

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

**12. Jurisdiction**

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☒ Other (*specify*): McCarran Amendment

Status: not fully resolved.

**13. Related cases, consolidation, and coordination**

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

**14. Bifurcation**

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

**15. Other motions**

- ☒ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
- TBD, reserved.

**16. Discovery**

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Los Angeles County Waterworks District No. 40	PMK Depositions of numerous parties	Unknown
Others anticipated	Unknown	Unknown

- c. ☒ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*): Objections to notice depositions have been posted by some parties. Other discovery issues are anticipated, but the extent is unknown.

PLAINTIFF/PETITIONER: Rosamond Community Services Dist., Los Angeles County Waterworks Dist. No. 40 DEFENDANT/RESPONDENT: Diamond Farming Co., et al	CASE NUMBER: JCCP 4408/SC 1-05CV049053
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## 17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

## 18. Other issues

- ☒ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*): The next phase of trial should first address the legal right of the Public Water Suppliers to claim Prescription and, if established, followed by a trial of the specific claimed rights to prescribe against each of the Overlyers. The second issue for the next phase of trial should address the Public Water Suppliers rights to claim [see attached]

## 19. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*): The parties have been working on the development of a draft "physical solution" for the Basin, with which many parties are expected to agree. The parties are also negotiating rights, priorities and other factors to bring total production within the Court's determination of "safe yield." This process is ongoing.

20. Total number of pages attached (*if any*): 1

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: March 12, 2012

Michael Duane Davis

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

PETITIONER/PLAINTIFF: Rosamond Community Services District, RESPONDENT/DEFENDANT: Diamond Farming Co., et al	CASE NUMBER: Santa Clara Case N
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ATTACHMENT TO CASE MANAGEMENT STATEMENT:

7.a. Hundreds of days if inclusive of Prescription and proving up each party's water rights claims to include their relative priorities.

18. The next phase of trial should first address the legal right of the Public Water Suppliers to claim Prescription and, if established, followed by a trial of the specific claimed rights to prescribe against each of the Overlyers. The second issue for the next phase of trial should address the Public Water Suppliers rights to claim Return Flows and, if established, the specific requirements for their usage, including how the usage of return flows is affected by priorities. The issues relative to the establishment of each individual producer's rights should be reserved for a following phase of trial, as the determination of issues regarding Prescription and Return Flows should help expedite trial of the remaining issues regarding the individual producers' water rights and priorities.

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DINA M. SNIDER