

EXHIBIT 5

**March 22, 2010
Court Order**

ORIGINAL FILED
APR 23 2010
LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER
CASES**

Judicial Council Coordination
Proceeding No. 4408

Included Consolidated Actions:

Lead Case No. BC 325 201

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
County of Los Angeles, Case No. BC 325 201

**ORDER AFTER CASE
MANAGEMENT CONFERENCE
ON MARCH 22, 2010**

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

Hearing Date(s): March 22, 2010
Time: 9:00 a.m.
Location: Department 1, LASC

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
Riverside, consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judge: Honorable Jack Komar

Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 364 553

Richard A. Wood v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los

*Antelope Valley Groundwater Litigation (Consolidated Cases)
Los Angeles County Superior Court, Lead Case No. BC 325 201
Order After Case Management Conference on March 22, 2010*

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3 The matter came on as a regularly scheduled telephonic Case Management Conference
4 on March 22, 2010 in Department One in the above entitled Court. All parties appeared by
5 telephone. Those parties appearing are listed in the minutes of the Court prepared by the Clerk of
6 Court.

7 The parties having briefed and argued the issues, good cause appearing, the Court makes
8 the following Case Management order:

9 The Third Phase of Trial is scheduled for September 27, 2010 at 9:00 a.m. in
10 Department One of this Court. The time of trial is estimated at 10 court days. The Court will be
11 in session for trial Monday through Thursday of each week. If additional days of trial are
12 required, the Court will schedule such after conferring with the parties.

13 The parties shall comply with the provisions of Code of Civil Procedure Section
14 2034.210 and engage in a simultaneous disclosure and exchange of expert information,
15 including any reports prepared by such experts, on July 1, 2010. Any supplemental disclosures
16 and exchange of information shall occur on July 15, 2010. Expert depositions shall be taken
17 between July 15 and August 30, 2010.

18 On July 1, 2010, any party who intends to call non-expert witnesses to provide
19 percipient testimony shall file a statement listing such witness, the subject matter of their
20 testimony, and an estimate of the amount of time required for their testimony on direct.

21 All discovery shall be completed in compliance with the Code of Civil Procedure 30
22 days before trial and all motions shall be heard no later than 15 days before trial.

23 Trial briefs and motions in limine shall be filed no later than September 15, 2010 and
24 any responses or opposition shall be filed no later than September 24, 2010.

25 The public water provider parties have essentially alleged that the basin is in overdraft,
26 that extraction of water on an annual basis exceeds recharge, and that the basin will suffer
27 serious degradation and damage unless the Court exercises its equitable jurisdiction. In this
28 third phase of trial, the Court will hear evidence to determine whether the basin, as previously

1 defined by the Court in trial phases one and two, is in such overdraft and to determine whether
2 there is a basis for the Court to exercise its equitable jurisdiction, including the implementation
3 of a “physical solution,” as prayed for by the public water provider parties. The public water
4 providers have the burden of proof.

5 The Court will not hear any evidence concerning prescription claims nor does it expect
6 to hear evidence of individual pumping of water by any party within the basin; rather, it expects
7 to hear evidence concerning total pumping and total recharge from all sources, with a further
8 breakdown showing the amount of imported water on an annual basis.

9 Any party requiring further clarification of the issues in this third phase of trial is
10 invited to request such clarification and the Court will consider a further case management
11 conference to provide such clarification unless it is a simple matter permitting the Court to
12 issue a clarifying order.

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14 Dated: March 22, 2010

/s/ Jack Komar
Honorable Jack Komar
Judge of the Superior Court

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