

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

**ANTELOPE VALLEY GROUNDWATER
CASES**

Judicial Council Coordination
Proceeding No. 4408

**~~PROPOSED~~ CASE
MANAGEMENT ORDER FOR
PHASE 2 TRIAL**

Phase 2 Trial: October 6, 2008
(Hon. Jack Komar)

[Exempt from Filing Fees Pursuant to Govt. Code
§6103]

IT IS HEREBY ORDERED:

1. The Phase 2 trial will commence at 9:00 a.m. on October 6, 2008, in Department 1 of the Superior Court of the County of Los Angeles, located at 111 North Hill Street, Los Angeles, California.
2. The Phase 2 trial will address whether sub-basins exist in the Antelope Valley Area of Adjudication ("Basin").
3. Los Angeles County Waterworks District No. 40 shall post and file a declaration regarding the status of service of process on or before September 12, 2008.
4. As previously ordered, expert witness disclosure for the Phase 2 trial took place on August 15, 2008. Designation of supplemental experts for Phase 2 trial took place on September 4, 2008. To the extent that leave of court is granted for designation of additional expert witnesses, other parties shall have the opportunity to designate

1 additional supplemental expert witnesses. Said designations shall be substantially
2 equivalent to the requirements of Code of Civil Procedure section 2034.010, *et seq.*, and
3 which includes a statement as to availability for deposition. In addition, any expert
4 designation shall produce a copy of any reports prepared concurrently with his or her
5 designation.

6 A party intending to call a non-expert witness shall post the name(s) of such
7 witness(es) on the Court's website on September 15, 2008, which shall include a
8 statement as to availability for deposition.

9 5. The parties who have designated witnesses are directed to meet and confer in
10 person and/or by telephone by 12:00 p.m. on September 5, 2008, to develop a schedule
11 for the taking of depositions of the expert witnesses for the Phase 2 trial. To the extent
12 that parties are unable to reach agreement as to any deposition, the Court will conduct a
13 telephonic meet and confer to be scheduled at the earliest convenient to the Court.

14 6. The parties shall make every effort to complete the depositions of the initially
15 designated experts for the Phase 2 trial in time for the depositions of the supplemental
16 experts for the Phase 2 trial. More than one deposition may be scheduled to take place on
17 the same day.

18 7. All deponents are directed to produce their file, and any other requested
19 materials for the Phase 2 trial for inspection, to the greatest extent possible, at least three
20 business days before the date set for the deposition at the expert's place of business or
21 such location as the parties may agree. Such materials may be produced in electronic
22 format.

23 8. The parties are directed to meet and confer concerning any discovery dispute
24 before contacting the Court and before filing any discovery motion. If such attempts
25 prove unsuccessful, the Court will conduct a further meet and confer, either by telephone
26 or in person as the Court may direct. The parties will provide the Court with a letter in
27 advance setting forth the text of any written discovery requests and responses thereto that
28 are in dispute, or other information that will assist the Court in conducting the meet and

1 confer. The parties should contact the Court's clerk to schedule any such meet and
2 confer. The Court expects that all discovery disputes will be resolved through the meet
3 and confer process. Any party may thereafter apply *ex parte* for an order shortening time
4 and specially setting a motion to compel for hearing by providing notice thereof pursuant
5 to the Electronic Filing and Service Order.

6 9. Any party intending to participate in the Phase 2 trial must post a Notice of
7 Intention to Participate in the Phase 2 Trial on the Court's website by September 18,
8 2008. Excuse from this requirement may be given upon a showing of good cause.

9 10. The parties shall post their witness and exhibit lists on September 29, 2008.
10 The witness lists shall provide the name of the witness(es), a short summary of testimony
11 expected to be elicited, and a time estimate. The exhibit lists shall be sufficiently specific
12 as to enable the other parties to identify the exhibit prior to trial. Exhibits shall be
13 identified by phase number ("IP") and thereafter sequentially numbered, starting with the
14 Arabic number 1. The parties shall agree as to the division of exhibit numbers by
15 September 20, 2008. Any further exhibits identified by the parties will numbered in a
16 manner to conform to the parties' previous numbering.

17 11. The parties shall coordinate with one another to determine the actual date and
18 time of the witnesses' testimony at trial. The parties shall make their best efforts to
19 produce all documents relevant to that witnesses' testimony prior to the witness'
20 deposition. Any other documents not previously produced, but which are intended to be
21 used at trial, shall be made available as soon as practicable.

22 12. Upon request, the parties shall provide one another with electronic copies of
23 their exhibits, except those exhibits that are not practical to provide in electronic format.

24 13. Trial briefs shall be filed and posted on or before October 1, 2008.

25 14. Any motion to exclude witnesses or exhibits, or other motions *in limine*, will
26 be heard at the commencement of the trial on October 6, 2008. Any such moving papers
27 shall be filed and posted on or before September 30, 2008. Any opposition papers,
28 including evidentiary objections, shall be filed and posted on October 2, 2008.

Evidentiary objections to evidence submitted in opposition shall be filed and posted on October 3, 2008. No other reply papers are allowed.

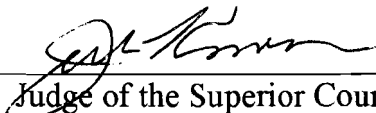
15. Should any party elect to use a third party provider to assist in the projection or presentation of evidence, that party shall permit said third party provider to contract with any other party for the use the same services provided. Third party providers, in any event, shall work together to coordinate the use of equipment.

16. Any party desiring to monitor the Phase 2 trial by telephone may do so through CourtCall, but will not be allowed to question witnesses or participate in oral argument absent prior arrangement with the Court.

17. Prior to the commencement of each day of trial, counsel shall confer as to the order of the next day's witnesses, and shall advise the Court of the same at the commencement of that day of trial.

18. The Court will consider whether to request closing trial briefs as the Phase 2 proceeds.

DATED: **SEP 09 2008**


Judge of the Superior Court
JACK KOMAR