

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

ORIGINAL FILED  
DEC 14 2009

LOS ANGELES  
SUPERIOR COURT

Coordination Proceeding  
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER CASES**

**Included Actions:**

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

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

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

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

Wood v. Los Angeles County Waterworks District  
No. 40  
Superior Court of California, County of Los  
Angeles, Case No. BC 391869

Judicial Council Coordination  
Proceeding No. 4408

For Court's Use Only:  
Santa Clara County Case No.  
1-05-CV-049053  
(for E-Posting/E-Service  
Purposes Only)

Date/Time: Tuesday, October 13, 2009 (10:00 a.m.)

Location: Santa Clara County Superior Court 191 N. 1<sup>st</sup> Street, Department 17C  
San Jose, CA 95113

Present: Hon. Jack Komar, Judge R. Gutierrez, Clerk

*Antelope Valley Groundwater Cases (JCCP 4408)  
Los Angeles County Superior Court, Case No. BC 325 201  
Tuesday, October 13, 2009 (10:00 am) / Hon. Jack Komar*

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MINUTE ORDER RE:

**(1) MOTION BY THE PUBLIC WATER SUPPLIERS TO TRANSFER AND TO CONSOLIDATE CASES FOR ALL PURPOSES ALL MATTERS PRESENTLY PENDING UNDER JUDICIAL COUNCIL PROCEEDING NO. 4408 FROM THE SUPERIOR COURTS OF RIVERSIDE COUNTY, LOS ANGELES COUNTY AND KERN COUNTY, SPECIALLY ASSIGNED TO THE HONORABLE JACK KOMAR (ATTY WHITNEY G. MCDONALD)**

**OPERATIVE COMPLAINTS:**

Case Name	Filed in (County)	Case Number
<i>Wm. Bolthouse Farms v. City of Lancaster</i>	Riverside	RIC 353840
<i>Diamond Farming Co. v. City of Lancaster</i>	Riverside	RIC 344436
<i>Diamond Farming Co. v. Palmdale Water District</i>	Riverside	RIC 344668
<i>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.</i>	Kern	S-1500-CV 254-348
<i>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.</i>	Los Angeles	BC 325 201
<i>Willis v. Los Angeles County Waterworks District No. 40</i>	Los Angeles	BC 364 553
<i>Wood v. Los Angeles County Waterworks District No. 40</i>	Los Angeles	BC 391 869

Motion was previously heard on August 17, 2009 and continued for further hearing on October 13, 2009 at 10:00 a.m. in Department 17, Santa Clara County.

Meet and confer letter is to be posted by August 25, 2008.

Supplemental materials to the motion are to be filed by September 8, 2009.

Supplemental oppositions are to be filed by September 18, 2009.

Responses to oppositions are to be filed by September 23, 2009.

**The Motion was heard and GRANTED. Counsel are ordered to meet and confer regarding the form of the Order to Consolidate.**

**(2) CONTINUED HEARING ON MOTION BY PLAINTIFF RICHARD WOOD FOR ORDER ALLOCATING COSTS OF COURT-APPOINTED EXPERT WITNESS (ATTY MICHAEL MCLACHLAN)**

This matter was previously set on August 17, 2009 and September 14, 2009. **Update:** On October 1, 2009, the Court continued this matter to November 30, 2009, at the moving party's request.

**Matter was continued for further hearing on January 8, 2010 in Los Angeles.**

**(3A) CONTINUED HEARING ON THE MOTION BY DEFENDANTS TO DISMISS THE PUBLIC WATER SUPPLIERS' FIRST AMENDED CROSS-COMPLAINT FILED ON JANUARY 10, 2007; and (3B) JOINDER BY CROSS-DEFENDANT ANTELOPE VALLEY JOINT UNION HIGH SCHOOL DISTRICT (ATTY WILLIAM M. SLOAN)**

This is a continued hearing from August 17, 2009.

**Matter was heard and continued for further hearing on January 8, 2010 in Los Angeles.**

**(4) MOTION BY CITY OF LANCASTER, ET AL. TO STAY PROCEEDINGS FOR SIX MONTHS, OR ALTERNATIVELY, CONTINUE TRIAL SETTING CONFERENCE (ATTY DOUGLAS J. EVERTZ)**

This is a continued hearing from August 17, 2009.

**Matter was heard and continued for further hearing on January 8, 2010 in Los Angeles.**

**(5) CONTINUED HEARING ON REQUEST BY BOLTHOUSE TO AMEND THE EXHIBITS TO ITS AMENDED CROSS-COMPLAINT (ATTY RICH ZIMMER)**

This is a continued hearing from August 17, 2009.

At the hearing on June 19, 2009, the Court set forth a briefing schedule for the above motion. On August 17, 2009 the Court noted that formal moving papers have not yet been filed.

**Matter was heard and continued for further hearing on January 8, 2010 in Los Angeles.**

**(6) CONTINUED HEARING ON THE MOTION BY PLAINTIFF WOOD FOR AN ORDER DISQUALIFYING THE LAW FIRM OF LEMIEUX & O'NEIL (ATTY MICHAL MCLACHLAN)**

This matter was previously heard on July 24, 2009 and taken under submission by the Court until August 17, 2009 to allow opposing party to file documents under seal as per the Court's comments on the record. The matter was taken up on the Court's calendar on August 17, 2009 and continued for further hearing on October 13, 2009 at 10:00 a.m. in Department 17, Santa Clara County. **Update:** On October 1, 2009, the Court continued this matter to November 30, 2009, at the moving party's request.

**Matter was continued for further hearing on January 8, 2010 in Los Angeles.**

**(7) TRIAL SETTING CONFERENCE/FURTHER CASE MANAGEMENT CONFERENCE**

This is a continued hearing from August 17, 2009.

At the hearing held on July 24, 2009, the Court referred counsel to Justice Robie, through his secretary, Linda Moore, at 916-651-7254, for interested parties to participate in a settlement conference with Justice Robie.

**The Request by the Willis Class to Dismiss Without Prejudice the Mojave Public Utility District from the Second Amended Class Action Complaint, received on September 29, 2009, was heard and GRANTED.**

**A hearing on the Motion by U.S. Borax Inc., Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc. for a Peremptory Challenge (C.C.P. §170.6) was set for hearing on October 27, 2009 at 9:00 a.m. in San Jose. Oppositions to the Motion are due on October 19, 2009; replies are due on October 22, 2009.**

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**PARTIES/ATTORNEYS OF RECORD: SEE COURTCALL ROLL CALL LIST ATTACHED**

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	James L. Markman	
Antelope Valley United Water Group	Michael D. Davis	
U.S. Borax	William Sloan	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Rebecca Willis	Ralph Kalfayan	
Palmdale Water District	Thomas Bunn	
Antelope Valley Kern Water Agency	William J. Brunick	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

# CourtCall® Appearance Calendar

**October 2009**

1st Revision 10/12/2009 05:32 PM

**13 Tuesday**

**17C Judge Jack Komar**

**Santa Clara County Superior Court**

**10:00 AM Dial: (866) 708-0801**

Time	Case Information	Attorney Information
	<b>Case #: 105CV049053</b> <b>Case Name:</b> Antelope Valley Groundwater Litigation (JCCP 4408) <b>Proceeding Type:</b> Motion	Firm: Alston & Bird, LLP- Los Angeles Phone: (213) 576-1000 Contact: Tammy L. Jones ✓ For Defendant(s), Northrop Grumman, Enxco Development, Palmdale Hills Property
		<del>Firm: Attorney General's Office</del> <del>Phone: (916) 327-7875</del> <del>Contact: Michael L. Crow</del> <del>For Defendant(s), State of California</del>
		Firm: Bartkiewicz Kronick & Shanahan Phone: (916) 446-4254 Contact: Stephen M. Siptroth ✓ For Cross-Defendant(s), Copa De Oro Land Company
		<del>Firm: Brownstein Hyatt Farber Schreck</del> <del>Phone: 805-963-7000</del> <del>Contact: Bradley J. Herrema</del> <del>For Defendant(s), Antelope Valley Groundwater Agreement Association (Agwa)</del>
		<del>Firm: California Water Service Company</del> <del>Phone: 310-257-1433</del> <del>Contact: John S. Tootle</del> <del>For Defendant(s), Antelope Valley</del>
		<del>Firm: Charlton Weeks LLP</del> <del>Phone: 661-265-0959</del> <del>Contact: Bradley T. Weeks</del> <del>For Interested Party, Quartz Hill Water District</del>
		<del>Firm: Ellison Schneider &amp; Harris LLP</del> <del>Phone: 916-447-2166</del> <del>Contact: Christopher M. Sanders</del> <del>For Defendant(s), Los Angeles County Sanitation Districts</del>
		Firm: Fagen Friedman Fulfroft LLP Phone: (323) 330-6300 ✓ Contact: Anna Miller ✓ For Cross-Defendant(s), Antelope Valley Jcint Union High School District.

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Time	Case Information	Attorney Information
		<del>Firm: Hanna &amp; Morton LLP</del> <del>Phone: 213-430-2505 ext. 516</del> <del>Contact: Edward S. Renwick</del> <del>For Cross-Defendant(s), Wagas Land Company, LLC.</del>
		<del>Firm: John Ukkestad - Client</del> <del>Phone: (661) 272-0015</del> <del>Contact: John Ukkestad</del> <del>For Client, John Ukkestad</del>
		<del>Firm: Kuhs &amp; Parker</del> <del>Phone: (661) 322-4004</del> <del>Contact: Robert G. Kuhs</del> <del>For Defendant(s), Tejon Ranch Corporation</del>
		<del>Firm: Lemieux &amp; O'Neill</del> <del>Phone: 805-495-4770</del> <del>Contact: Keith W. Lemieux, Jr.</del> <del>For Defendant(s), Little Rock Creeks et al</del>
		<del>Firm: Lewis Brisbois Bisgaard &amp; Smith</del> <del>Phone: 213-580-3902</del> <del>Contact: Melissa McKeith</del> <del>For Cross-Complainant(s), Anaverde, LLC</del>
		Firm: Meserve, Mumper & Hughes, LLP Phone: 213-620-0300 ✓ Contact: Cliff Melnick ✓ For Defendant(s), Cameron Properties
		Firm: Mike Floyd - Client - Phone: (661) 943-3201 ✓ Contact: Mike Flood ✓ For Client, Mike Floyd
		<del>Firm: Richard A. Wood - Client</del> <del>Phone: 661-946-1161</del> <del>Contact: Richard A. Wood</del> <del>For Client, Richard Wood</del>
		<del>Firm: SmithTrager LLP</del> <del>Phone: (949) 752-8971</del> <del>Contact: Susan M. Trager</del> <del>For Cross-Defendant(s), Phelan Pinion Hills Community</del>

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		Firm: Southern California Edison Company Phone: 626-302-3712 Contact: Amy M. Gantvoort ✓ For: Representing, Southern California Edison Company
		Firm: U.S. Department of Justice Phone: 303-844-1364 Contact: R. Lee Leininger ✓ For: Defendant(s), United States
		Firm: Young Wooldridge LLP Phone: 661-327-9661 ext. 161 ✓ Contact: Scott K. Kuney ✓ For: Defendant(s), Van Dam & Antelope Valley