

SUPERIOR COURT OF CALIFORNIA, ~~COUNTY OF LOS ANGELES~~

DATE: 12/02/05

DEPT. 1

HONORABLE JACK KOMAR

JUDGE

M. GODDERZ

DEPUTY CLERK

HONORABLE
2.3.4.5.6.7.

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

J. HERNAND, CT.ASST.

Deputy Sheriff

L. RIDLEY

Reporter

10:00 am	JCCP4408	Plaintiff	RICHARD ZIMMER	(x)
		Counsel	BOB H. JOYCE	(x)
	Coordination Proceeding Special Title Rule (1550(b))	Defendant	WAYNE K. LEMIEUX	(x)
		Counsel	MICHAEL T. FIFE	(x)
	ANTELOPE VALLEY GROUNDWATER CAS		JEFFREY ROBBINS	(x)
	*ASSIGNED TO JUDGE JACK KOMAR		CHRISTOPHER M. SANDERS	
	IN SANTA CLARA COUNTY (8/31/05			(x)

NATURE OF PROCEEDINGS:

Additional Plaintiff's counsel appearing:	Additional Defendant's counsel appearing:
FREDERICK W. PFAEFFLE (x)	FREDERIC A. FUDACZ (x)
JEFFREY V. DUNN (x)	HENRY S. WEINSTOCK (x)
	THOMAS S. BUNN III (x)
	JAMES L. MARKMAN (x)
Counsel appearing via telephone conference call:	STEVEN R. ORR (x)
JOHN TOOTLE	JULIE A. CONBOY (x)
R. LEE LEININGER (special appearance)	JANET K. GOLDSMITH (x)
	DANIEL V. HYDE (x)

PETITION BY COUNTY SANITATION DISTRICTS NOS 14 AND 20 OF LOS ANGELES COUNTY FOR LEAVE TO INTERVENE;

DEMURRER BY BOLTHOUSE PROPERTIES LLC TO PLAINTIFF'S COMPLAINT BY DECLARATORY AND INJUNCTIVE RELIEF AND ADJUDICATION OF WATER RIGHTS (I.E., THE COMPLAINT FILED IN KERN COUNTY, S-1500-CV-254348) (ATTY RICHARD G. ZIMMER)

DEMURRER BY BOLTHOUSE PROPERTIES LLC TO PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND ADJUDICATION OF WATER RIGHTS (I.E. THE COMPLAINT FILED IN LOS ANGELES, BC325201) (ATTY RICHARD G. ZIMMER)

GENERAL DEMURRER AND SPECIAL DEMURRER BY DEFENDANT DIAMOND FARMING COMPANY TO LOS ANGELES WATERWORKS NO. 40 COMPLAINT IN ACTIONS S-1500-CV-254348 (KERN

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Reporter

10:00 am	JCCP4408	Plaintiff	RICHARD ZIMMER	(x)
		Counsel	BOB H. JOYCE	(x)
	Coordination Proceeding Special			
	Title Rule (1550(b))	Defendant	WAYNE K. LEMIEUX	(x)
		Counsel	MICHAEL T. FIFE	(x)
	ANTELOPE VALLEY GROUNDWATER CAS		JEFFREY ROBBINS	(x)
	*ASSIGNED TO JUDGE JACK KOMAR		CHRISTOPHER M. SANDERS	
	IN SANTA CLARA COUNTY (8/31/05			(x)

NATURE OF PROCEEDINGS:

COUNTY) AND BC325201 (LOS ANGELES) (ATTY BOB JOYCE)

JOINDER BY DEFENDANT DIAMOND FARMING COMPANY TO THE DEMURRERS FILED BY BOLTHOUSE PROPERTIES LLC (ATTY BOB JOYCE)

MOTION BY DEFENDANT DIAMOND FARMING COMPANY TO STRIKE THE COMPLAINT OF LOS ANGELES WATERWORKS NO. 40 IN ACTIONS S-1500-CV-254348 (KERN COUNTY) AND BC325201 (LOS ANGELES) (ATTY BOB JOYCE)

MOTION BY DEFENDANT DIAMOND FARMING COMPANY PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 760.030 FOR AN ORDER DIRECTING PLAINTIFF LOS ANGELES WATERWORKS DISTRICT NO. 40 IN THE COORDINATED ACTIONS S-1500-CV-254348 (KERN COUNTY) AND BC325201 (LOS ANGELES) TO AMEND EACH COMPLAINT SO AS TO CONFORM TO AND FOLLOW PROVISIONS OF CHAPTER 4 OF THE CALIFORNIA CODE OF CIVIL PROCEDURE SECTIONS 760-010 ET SEQ (ATTY BOB JOYCE)

EX PARTE APPLICATION BY THE UNITED STATES FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO AMENDMENT TO COMPLAINT (ATTY R. LEE LEININGER)

The above matters come on for hearing, on the record, and the Court calls the matters in the following order;

- As to the Ex-Parte Application, the Court grants

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		Counsel	BOB H. JOYCE	(x)
	Coordination Proceeding Special Title Rule (1550(b))	Defendant	WAYNE K. LEMIEUX	(x)
		Counsel	MICHAEL T. FIFE	(x)
	ANTELOPE VALLEY GROUNDWATER CAS		JEFFREY ROBBINS	(x)
	*ASSIGNED TO JUDGE JACK KOMAR		CHRISTOPHER M. SANDERS	
	IN SANTA CLARA COUNTY (8/31/05)			(x)

NATURE OF PROCEEDINGS:

the application. Moving party to answer or otherwise respond to amendment to complaint on or before February 6, 2006.

- As to the Demurrer by Bolthouse Properties to Plaintiff's Complaint for Declaratory and Injunctive Relief and Adjudication of Water Rights and the Joinder by Defendant Diamond Farming Company to the Demurrers; the Court overrules the Demurrers.

- As to the Motion by Defendant Diamond Farming Company to Strike the Complaint of Los Angeles Waterworks No. 40; the Court denies the Motion.

- As to the General Demurrer and Special Demurrer by Defendant Diamond Farming Company to Los Angeles Waterworks No. 40 Complaint; the Court overrules the Demurrers.

- As to the Motion by Defendant Diamond Farming Company pursuant to Code of Civil Procedure Section 760.030 for an Order Directing Plaintiff Los Angeles Waterworks District No. 40 in the Coodinated actions to amend each complaint as to conform to and follow provisions of Chapter 4 of the California Code of Civil Procedure Sections 760.010; the Court denies the Motion.

Moving party counsel, on the record, withdraws the Petition by County Sanitation Districts Nos. 14 and 20

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	*ASSIGNED TO JUDGE JACK KOMAR		CHRISTOPHER M. SANDERS	
	IN SANTA CLARA COUNTY (8/31/05)			(x)

NATURE OF PROCEEDINGS:

of Los Angeles County for leave to intervene.

Additionally, the Court makes the following orders;

- Counsel are to meet and confer within 30 days and file and serve Cross-complaints on or before January 15, 2006.

- No Defaults are to be taken without prior permission of this court.

A further Case Management Conference is set for February 17, 2006 at 9:00 a.m., in Department One. (Central Civil courthouse, Los Angeles Superior Court, 111 N. Hill St., Los Angeles, CA. 90012.)

Counsel Jeffrey V. Dunn of Best Best & Krieger to prepare and submit an Order and give notice.