

ORIGINAL FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

OCT 24 2012

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: Friday, October 12, 2012 (9:00 am) Room 1515
Concluded at

Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
October 12, 2012 (9am) / Hon. Jack Komar

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Location: Los Angeles County Superior Court Department 1, Room 534
Central District-Stanley Mosk
Courthouse
111 N. Hill Street
Los Angeles, CA 90012

Present: Hon. Jack Komar, Judge N. Navarro, Clerk (Los Angeles)
Sheila Brock, CSR #10025 R. Walker, Clerk (Santa Clara County),
via CourtCall
J. O'Neal, C.A. Deputy Sheriff

MINUTE ORDER:

Motion by H&N Development Co. West, Inc. ("H&N") to Set Aside Default

Matter was argued and heard. H&N's request for judicial notice is granted, as requested. H&N's motion to set aside the default is granted; H&N's answer shall be filed as soon as possible.

Motion by Antelope Valley Ground Water Agreement Association ("AGWA") for Protective Order (to stay all pretrial discovery); Joinder to same by Landinv, Inc.; Joinder to same by Holliday, Rock Co., Inc.

Matter was argued and heard. The Court ordered the parties to meet and confer regarding the construction of form discovery; the Court took a 20-minute recess to complete this process. The Court resumed session at approximately 10:26 a.m. Mr. Dunn and Mr. Zimmer reported on the status (no agreement was reached).

Following further discussion with counsel, the Court ordered that the parties provide statements of current pumping (up to 2012), and average annual pumping (since 2000). The statements may include, but shall not be limited to, such information as type of pumping, sources of pumping, water uses, how long the pumping has occurred, claims of prescription, return flow, location of property where the pumping occurs/occurred. The statements shall be under penalty of perjury.

Based on the ongoing settlement negotiations, the Court grants the motion by AGWA for protective order, but only until November 9, 2012, subject to further Order of the Court. The motion shall otherwise be continued to **November 9, 2012 at 9:00 a.m. in Department 1.** A proposed order shall be prepared and submitted by Attorney Michael Fife.

Case Management Conference (including setting hearing date on Default/Prove-Up/Trial)

The Court will soon appoint an expert to provide information on the pumping by the Wood Class. The cost of this expert will be shared by the parties in a manner to be later determined by the Court.

The next phase of trial remains for **February 11, 2013 at 9:00 a.m. in Department 1, Room 534.**

A Further Case Management Conference is set for **November 9, 2012 at 9:00 a.m. in Department 1.** Updated statements shall be submitted by November 5, 2012.

Mr. Lemieux requests that the Court set a hearing for a Motion for Preliminary Injunction. The Court set this motion for **November 13, 2012 at 9:00 a.m. in Department 1.**

Motion by Wood Plaintiffs for Order Authorizing Court-Appointed Expert Witness Work by Timothy Thompson of Entrix

Rescheduled from October 5, 2012 to October 12, 2012 at 9am in Department 1, Room 534. The Court further continued this matter to November 9, 2012 at 9:00 a.m. in Department 1.

Motion by Wood Plaintiffs to Decertify Small Pumper Class

Rescheduled from October 5, 2012 to October 12, 2012 at 9am in Department 1, Room 534. The Court further continued this matter to November 9, 2012 at 9:00 a.m. in Department 1.

Ex Parte Request by Angelo and Dolores M. Cassara as Trustees of the Cassara Marital Trust to Join the Willis Class

The request by Angelo and Dolores M. Cassara as Trustees of the Cassara Marital Trust to Join the Willis Class was granted in advance of today's hearing; this issue was not reported.

Future Events:

October 29, 1012	Further mediation with Justice Robie, Sacramento
November 7-8, 2012	Further meeting with Justice Robie, Sacramento
November 9, 2012	CMC/Law & Motion – Department 1, Los Angeles
November 13, 2012	Law & Motion – Department 1, Los Angeles
February 11, 2013	Trial (Phase 4)

PARTIES/ATTORNEYS OF RECORD:

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JEFFREY V. DUNN
EDWARD J. CASEY
R. LEE LEININGER
FRANK SATALINO
THEODORE A. CHESTER, JR.

PARTIES APPEARING VIA COURTCALL ARE LISTED SEPARATELY ON THE ATTACHED ROLL CALL SHEET.

REPORTER: Sheila Brock, CSR #10025 (213) 687-5780 x1058