

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER  
CASES**

Included Consolidated 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

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

Judicial Council Coordination  
Proceeding No. 4408

Lead Case No. BC 325 201

**CASE MANAGEMENT ORDER  
FOR PHASE 4 TRIAL**

Hearing Date(s): December 11, 2012  
Time: 9:00 a.m.  
Location: Department 1  
Santa Clara County  
Superior Court

Judge: Honorable Jack Komar

1 Richard A. Wood v. Los Angeles County  
2 Waterworks District No. 40  
3 Superior Court of California, County of Los  
4 Angeles, Case No. BC 391 869

5  
6 IT IS HEREBY ORDERED:

7 1. The Phase 4 trial will commence at 9:00 a.m. on February 11, 2013, in  
8 Department 1 of the Superior Court of the County of Los Angeles, located at 111 North Hill  
9 Street, Los Angeles, California or such other location pursuant to court order upon notice.

10 2. The Phase 4 trial will address the issue of current groundwater production of all  
11 parties for the calendar year 2011 and January 1 through November 30, 2012, proof of claimed  
12 reasonable and beneficial use of water for each parcel to be adjudicated, claimed return flows  
13 from imported water, and federal reserved rights. Claims of prescription will be tried following  
14 the decision in Phase 4.

15 3. Expert witness disclosure shall take place on January 4, 2013. Designation of  
16 supplemental experts shall take place on January 11, 2013. Said designations shall meet the  
17 requirements of Code of Civil Procedure section 2034.010, *et seq.*, and include a statement as  
18 to availability for deposition during January 14-31, 2013. In addition, any expert designation  
19 shall produce a copy of any reports prepared concurrently with his or her designation.

20 A party intending to call a non-expert witness shall post the name(s) of such witness(es)  
21 on the Court's website on January 4, 2013, which shall include a statement as to availability for  
22 deposition during January 10-31, 2013.

23 The parties who have designated expert or non-expert witnesses are directed to meet  
24 and confer in person and/or by telephone at 10:00 a.m. on January 7, 2013, to develop a  
25 schedule for the taking of depositions of witnesses for the Phase 4 trial who have been  
26 designated. Counsel for the Los Angeles County Waterworks District No. 40 is directed to  
27 provide telephone conference information to the parties by posting the same to the Court's  
28 website by 12:00 p.m. on January 4, 2013. The purpose of the telephone conference is to

1 develop a schedule for the taking of depositions, such that such taking is concluded by January  
2 31, 2013, which is the expert witness, percipient witness and written discovery cut-off. A  
3 similar telephone conference shall take place in the same manner on January 14, 2013 for the  
4 supplemental expert witnesses designated on January 11, 2013.

5 Any party failing to participate in the telephone scheduling conferences or who refuses  
6 to schedule their witnesses for deposition shall be deemed to have waived the right to  
7 coordinate, and may thereafter have their witness' deposition set at the convenience of the  
8 participating parties on 5 court days notice given pursuant to the Court's Electronic Filing and  
9 Service Order. To the extent that parties are unable to reach agreement as to any deposition,  
10 the Court will conduct a telephonic meet and confer to be scheduled at the earliest convenient  
11 to the Court.

12  
13 4. The parties are directed to conduct a telephone conference at 10:00 a.m. on  
14 December 14, 2012 to discuss a coordinating or liaison committee for purposes of the Phase 4  
15 trial. Counsel for the Los Angeles County Waterworks District No. 40 is directed to provide  
16 telephone conference information to the parties by posting the same to the Court's website by  
17 noon on December 13, 2012. The purpose of the committee is to create a means of attempting  
18 to resolve issues quickly and informally, and to streamline the presentations at trial. The  
19 existence of this committee, however, shall not deprive any other party from raising issues or  
20 concerns to the other parties.

21 5. Any expert or other witnesses designated by the parties on January 4, 2013 shall  
22 be available and prepared to provide deposition testimony, absent other agreement, beginning  
23 on January 14, 2013. Any expert designated by the parties on January 11, 2013 shall be  
24 available and prepared to provide deposition testimony beginning on January 23, 2013. The  
25 parties shall make every effort to complete the depositions of the initially designated experts in  
26 time for the depositions of the supplemental experts to take place before the discovery cut-off  
27 directed above. More than one deposition may be scheduled to take place on the same day.

28 6. Any expert or other witness who is not prepared to testify on the date agreed or

1 noticed for deposition is subject to exclusion at the time of trial.

2 7. All deponents are directed to produce their file on this matter, and any other  
3 requested materials for inspection at least three business days before the date set for the  
4 deposition at the expert's place of business or such location as the parties may agree. Such  
5 materials may be produced in electronic format.

6 8. Other than materials requested through a notice of deposition, the only written  
7 discovery allowed is the Court-ordered discovery dated December \_\_, 2012.

8 9. The parties are directed to meet and confer concerning any discovery dispute  
9 before contacting the Court and before filing any discovery motion. If such attempts prove  
10 unsuccessful, the Court will conduct a further meet and confer, either by telephone or in person  
11 as the Court may direct. The parties will provide the Court with a letter in advance setting forth  
12 the text of any written discovery requests and responses thereto that are in dispute, or other  
13 information that will assist the Court in conducting the meet and confer. The parties should  
14 contact the Court's clerk to schedule any such meet and confer. The Court expects that all  
15 discovery disputes will be resolved through the meet and confer process. Any party may  
16 thereafter apply *ex parte* for an order shortening time and specially setting a motion to compel  
17 for hearing by providing notice thereof pursuant to the Electronic Filing and Service Order.

18 10. Any party intending to participate in the Phase 4 trial must post a Notice of  
19 Intention to Participate in the Phase 4 Trial on the Court's website by December 18, 2012.  
20 Excuse from this requirement may be given upon a showing of good cause.

21 11. The parties shall post their witness and exhibit lists on February 1, 2013. The  
22 witness lists shall provide the name of the witness(es), a short summary of testimony expected  
23 to be elicited, and a time estimate. The exhibit lists shall be sufficiently specific as to enable  
24 the other parties to identify the exhibit prior to trial. Exhibits shall be sequentially numbered,  
25 starting with the Arabic number 1. The parties shall agree through the Liaison Committee as to  
26 the division of exhibit numbers by January 27, 2013.

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

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

7 14. Trial briefs shall be filed and posted on or before January 29, 2013. Responding  
8 trial briefs, *if any*, shall be filed at posted on or before February 5, 2013. Allied parties are  
9 encouraged to file joint briefs.

10 15. Any motion to exclude witnesses or exhibits, or other motions *in limine*, will be  
11 heard at the commencement of the trial on February 11, 2013. Any such moving papers shall  
12 be filed and posted on February 4, 2013. Any opposition papers, including evidentiary  
13 objections, shall be filed and posted on February 7, 2013. Evidentiary objections to evidence  
14 submitted in opposition shall be filed and posted on February 7, 2013. No other reply papers  
15 are allowed.

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

20 17. Any party desiring to monitor the Phase 4 trial by telephone may do so through  
21 CourtCall, but will not be allowed to question witnesses or participate in oral argument absent  
22 prior arrangement with the Court.

23 18. The Court shall be provided with courtesy copies of all exhibits, except those  
24 pertaining to impeachment, preferably in three ring notebooks with numbered dividers, on or  
25 before February 6, 2013. Counsel are directed to coordinate this project with one another.


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

2 20. The Court will consider whether to request closing trial briefs as the Phase 4  
3 proceeds.

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5 DEC 12 2012

6 Dated: \_\_\_\_\_

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9 Hon. Jack Komar  
10 Judge of the Superior Court  
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