

MAY 28 2013

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

John A. Clarke, Executive Officer/Clerk  
BY Isaylia Chambers Deputy

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, April 30, 2013 (9:00 am)

via CourtCall

Location: Superior Court of California

Department 40

*Antelope Valley Groundwater Cases (JCCP 4408)  
Los Angeles County Superior Court, Case No. BC 325 201  
April 30, 2013 (9:00am) / Hon. Jack Komar*

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County of Los Angeles

Stanley Mosk Courthouse  
111 N. Hill Street  
Los Angeles, CA 90012

Present: Hon. Jack Komar, Judge  
Sandra Geco, CSR #3806

~~R. Walker~~ (Santa Clara County)  
\_\_\_\_\_, C.A. Deputy Sheriff

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MINUTE ORDER: **CASE MANAGEMENT AND STATUS CONFERENCE, VARIOUS MOTIONS**

1. [Proposed] Fourth Amendment to Case Management Order for Phase Four Trial (submitted by Attorney Janet Goldsmith); Objection to Same by Bolthouse Entities (submitted by Attorney Richard Zimmer); Response to Objection submitted by Attorney Janet Goldsmith) --- the Fourth Amendment to Case Management Order for Phase Four Trial is signed by the Court, *with* changes as delineated by the Court, and entered today.
2. The stipulation submitted on March 14, 2013 by Rosamond Ranch, LP; Elias Shokrian; Shirley Shokrian (Attorney Frank Satalino) is **approved** by the Court; the table below will reflect the same wording (rather than "agreed").
3. **Ex Parte Application by The Wood Plaintiffs (Attorney Michael McLachlan) for Order re Service and Defaults of Unrepresented Parties, Publication of Willis Class Member List, Site Visit by Court** - The request for an order re service and defaults of unrepresented parties and publication of the Willis Class Member List is denied without prejudice, for the reasons stated by the Court. There is limited time prior to trial phase 4, and for that reason, the Court will not undertake a site visit.
4. **Ex Parte Application by Copa de Oro Land Company (Atty Ryan Bezerra) for Approval of Stipulations Concerning Copa de Oro Land Company and Leave to Serve Written Discovery** - No written opposition was filed to the above ex parte application. Mr. Bezerra clarified that the request for admissions is to be served on all parties who have not signed the stipulations. The Court grants Copa de Oro Land Company leave to serve written discovery, but the request shall be limited only to parties who have not signed the stipulations. The Order was signed and entered today.
5. Regarding the May 3, 2013 mediation with Justice Robie, scheduled by the Bolthouse entities (Attorney Richard Zimmer) - Attorney Rick Leininger advised that his client the United States will not be present for the May 3, 2013 mediation with Justice Robie, due to sequestration, but will be available by phone. Mr. Zimmer has no objection to the phone standby by the United States. Mr. Dunn expressed similar concerns and indicated his client will also be unavailable. The Court clarified it made no orders regarding this mediation, but suggested that parties who are unable to attend in person be available by phone.



6. Mr. Sloan suggested the setting of a mandatory settlement conference prior to Phase 4 Trial; the Court announced it *will* set a Mandatory Settlement Conference at a future date. In addition, a pretrial conference will be set *after* the May 13, 2013 hearings have concluded.
7. The Court clarified the trial schedule as follows: Phase 4 Trial will commence on May 28, 2013 (department in Los Angeles to be confirmed), and will continue each day until June 7, 2013. The Court will take a break in session from June 10, 2013 thru *June 21, 2013*, and will resume session on June 24, 2013.
8. Regarding Attorney Richard Zimmer's request, on behalf of the Bolthouse entities, for a Discovery Conference concerning the depositions of Los Angeles County and LACWD No. 40 PMK - - - discussed with the Court; if issues remain unresolved, the Court grants leave for a formal discovery motion to be filed.

**RESULTS OF MARCH 25, 2013 HEARING ON APPROVAL OF PARTIES' STIPULATIONS ON EVIDENCE RELEVANT TO PHASE FOUR TRIAL BELOW:**

Date Submitted	Parties	Attorney(s)	Approved/Not Approved or Other Status
3/11/13	Phelan Piñon Hills Community Services District	Wesley A. Miliband	Deferred for the Public Waters Suppliers to obtain more detail on well location and pumping volume. It was represented that those facts will likely be the subject of stipulations. The Court indicated that the legal effect of the facts is a legal issue to be decided in view of the well being located in the Antelope Valley Jurisdictional area but that the water pumped is used in adjacent Mojave County, which is the subject of a separate court proceeding.

3/14/13	Rosamond Ranch, LP; Elias Shokrian; Shirley Shokrian	Frank Satalino	<b>Approved.</b>
3/14/13	"Public Parties," including State of California, State of California 50 <sup>th</sup> District Agricultural Association (collectively, State of California), City of Los Angeles, by and through its Department of Airports, Los Angeles World Airports (LAWA), the County Sanitation Districts of Los Angeles Nos. 14 and 20 (LA County Sanitation), Antelope Valley-East Kern Agency (AVEK)	Noah Golden-Krasner; Christopher M. Sanders; William J. Brunick; Janet K. Goldsmith	
3/14/13	Copa de Oro Land Company, Los Angeles County Waterworks District No. 40, Palmdale Water District	Ryan S. Bezerra	Resulted in a partial stipulation agreeing to the declaration as to all years pumping except 2000 and 2001. The stipulation, as modified, will be filed with the Court by the parties.
3/15/13	Northrop Grumman Systems Corporation and the "PWAs"	Neal Maguire	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Southern California Edison Company and the "PWAs"	Neal Maguire	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	AV Solar Ranch 1, LLC and the "PWAs"	Neal Maguire	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	eSolar, Inc. and Red Dawn Sun Tower, LLC	Neal Maguire	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	eSolar, Inc. and Tumbleweed Sun Tower, LLC	Neal Maguire	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.

3/15/13	eSolar, Inc. and Sierra Sun Tower, LLC	Neal Maguire	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Boron Community Services District	James Worth	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Antelope Park Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Aqua J Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Averydale Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Baxter Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Bleich Flat Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Colorado Mutual Water Company	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	El Dorado Mutual Water Company	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.

3/15/13	Evergreen Mutual Water Company	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Land Projects Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Landale Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Shadow Acres Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Sundale Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Sunnyside Farms Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Tierra Bonita Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	West Side Park Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	White Fence Farms Mutual Water Company, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.

3/15/13	Adams Bennett Investments, LLC	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Miracle Improvements Corporation dba Golden Sands Mobile Home Park aka Golden Sands Trailer Park	Michael Duane Davis	Approved.
3/15/13	Sheep Creek Water Company	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	Service Rock Products, LP (originally named as Service Rock Products Corporation)	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
3/15/13	St. Andrew's Abbey, Inc.	Michael Duane Davis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.

3/15/13	<p>Gene T. Bahlman; William &amp; Julie Barnes; William R. Barnes &amp; Eldora M. Barnes Family Trust of 1989; Thomas M. Bookman; B.J. Calandri; John Calandri; John Calandri as Trustee of the John and B.J. Calandri 2001 Trust; Son Rise Farms; Calmat Land Company; Sal and Connie L. Cardile; Efren and Luz Chavez; Consolidated Rock Products, Del Sur Ranch LLC; Steven Godde as Trustee of the Forrest G. Godde Trust; Lawrence A. Godde; Lawrence A. Godde and Godde Trust; Robert and Phillip Gorrindo; Gorrindo Family Trust; Laura Griffin; Healy Farms; Healy Enterprises, Inc.; John Javadi and Sahara Nursery; Juniper Hills Water Group; Gailen Kyle; Gailen Kyle as Trustee of the Kyle Trust; James W. Kyle; James W. Kyle as Trustee of the Kyle Family Trust; Julia Kyle; Wanda E. Kyle; Maritorena Living Trust; Jose and Marie Maritorena; Richard H. Miner; Barry S. Munz; Terry A. Munz and Kathleen M. Munz; Eugene B. Nebeker; R and M Ranch, Inc.; Richard and Michael Nelson; Robert Jones; John and Adrienne Reza; Mabel Selak; Jeffrey L. &amp; Nancee J. Siebert; Dr. Samuel Kremen and Tierra Bonita Ranch Company; Beverly Tobias; Triple M Property FKA and 3M Property Investment Co.; Vulcan Materials Co. and Vulcan Lands, Inc.; Willow Springs Company and Donna Wilson</p>	Michael T. Fife	<p>The proposed stipulations of the AGWA Group were objected to by the Public Water Producers subject to further consideration. The principal basis for the objection related to the "Crop Duty" determinations used to calculate water production. The Court directed that the parties meet and confer to create stipulations of the undisputed facts, including ownership and location of the subject properties so that the facts could be presented to the parties' experts for opinions on "crop duties" at the time of trial so as to avoid having to call all the parties to testify concerning undisputed facts. The parties agreed to engage in that meeting.</p>
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3/15/13	Little Rock Sand and Gravel, Inc.; Holliday Rock Co., Inc., successor-in-interest to Littlerock Aggregate Co., Inc. dba Antelope valley Aggregate, Inc.; The Frank and Yvonne Lane 1993 Family Trust, Dated March 5, 1993, as Restated July 20, 2000; The George and Charlene Lane Family Trust; Monte Vista Building Sites, Inc.; A.V. Materials, Inc.; Landinv, Inc.; Bruce Burrows and 300 A 40 H, LLC	James W. Lewis	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
03/20/13	SGS Antelope Valley Development, LLC	Neal P. Maguire	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
03/22/13	Diamond Farming Company; Crystal Organic Farms; Grimmway Enterprises, Inc.; Lapis Land Company, LLC	Bob H. Joyce	Deferred, with the expectation expressed by the parties that further stipulations will be agreed to by the respective parties.
4/29/13	Copa de Oro Land Company and Phelan Pinon Hills Community Services District	Wesley Milliband	

**PWAs** includes Los Angeles County Waterworks District No. 40, Quartz Hill Water District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Palmdale Water District, the City of Palmdale, the City of Lancaster, and Rosamond Community Services District.

Parties who have objected and declined to enter into stipulations are ordered to inspect the declarations and advise the proponents, no later than April 15, 2013, of any reasons why they do not believe the declarations are accurate or why they cannot otherwise agree to stipulate. Counsel will prepare the proposed Order and post the same for comment. The parties will have 5 days to post comments in writing to the Court so the Court may evaluate the comments before signing the Order.

**Future Events:**

Date	Type	Location
April 30, 2013 (9am)	Further Status Conference; Ex Parte Applications; Informal Discovery Conference	CourtCall
May 3, 2013	Mediation with Justice Robie (scheduled by the Bolthouse entities, Attorney Zimmer) – taken off calendar	Sacramento
May 13, 2013 (9am)	Motion by LACWD No. 40 for an Order (1) requiring disclosure of ex parte communications; (2) precluding information protected by the mediation confidentiality as evidence; (3) enjoining further disclosure of information protected by the mediation privilege; and (4) show cause re imposition of sanctions and other appropriate relief	Room 222, Mosk Courthouse, Superior Court of California, County of Los Angeles
May 13, 2013 (9am)	Motions in Limine re federal reserved rights and/or return flows	Room 222, Mosk Courthouse, Superior Court of California, County of Los Angeles
May 13, 2013 (9am)	Motion by Latham & Watkins (Atty Daniel P. Brunton) to Withdraw as Counsel for High Desert Investments, LLC and Joinder to Same by AV Solar Ranch 1, LLC (Atty Neal P. Maguire)	Room 222, Mosk Courthouse, Superior Court of California, County of Los Angeles
To be set	Pretrial Conference (to be set after May 13, 2013)	TBA
To be set	Mandatory Settlement Conference	TBA

May 28, 2013 (9am)	Trial – Phase 4  To continue each day until June 7, 2013. The Court will take a break in session from June 10, 2013 thru June 21, 2013, and will resume session on June 24, 2013.	TBA
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**PARTIES/ATTORNEYS OF RECORD:**

See attached CourtCall Roll Call List.

**REPORTER:** This hearing was not reported.