

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

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: Monday, July 29, 2013 (10:30am)

Location: Superior Court of California
County of **Los Angeles**

Department 48, 5th Floor
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, CA 90012

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
July 29, 2013 (10:30am) / Hon. Jack Komar*

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Present: Hon. Jack Komar, Judge
_____, Reporter

Annie Barton, Clerk (Los Angeles)
Rowena Walker, Clerk (Santa Clara)
S. Sato, C.A. Deputy Sheriff (Los Angeles)

MINUTE ORDER: **LAW & MOTION AND CASE MANAGEMENT CONFERENCE**

- **Wood Plaintiffs' Petition for Inclusion of Add-On Case (Wood v. A.V. Material, Case No. BC509546) (Atty McLachlan) - withdrawn by moving party**
- **LACWD No. 40's Petition to Add-On Case (Wood v. A.V. Material, Case No. BC509546) (Atty Dunn)**

LACWD No. 40's Petition to Add on Case No. BC509546 is granted. **Wood v. A.V. Material, Case No. BC509546** is added on and included with **ANTELOPE VALLEY GROUNDWATER CASES, JCCP 4408** (the complaint is attached as Exhibit B for reference). Mr. Dunn will prepare the Proposed Order.

- **Wood Plaintiffs' Ex Parte Application for an Order to Show Cause re Sanctions for Failure to Pay Court-Appointed Expert (Atty McLachlan)**
- **Ex Parte Application for an Order Modifying the December 11, 2012 Order re Motion for an Order Authorizing Court Appointed Expert Work (Atty Lemieux); various Joinders thereto**

The Court, at this time, declined to expand the scope of the December 11, 2012 Order (attached as Exhibit C for reference). The Court will sign amended order(s) to the December 11, 2012 Order, so long as it's approved as to form and substance by all affected parties, including other water suppliers. Because there is an agreement by the parties that the money will be paid, the application by the Wood Class for sanctions for non-payment to the court appointed expert will not be heard and the request for sanctions is vacated by the Court.

- **AGWA's Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Fife)**
- **Littlerock Creek Irrigation District, et al.'s Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Lemieux)**
- **Granite Construction Company's Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Kuhs)**
- **Little Rock Sand and Gravel, Inc., et al.'s Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Lewis)**

The clerk is instructed to amend the May 29, 2013 minute order to reflect the requests (to include exhibits inadvertently omitted) made by the parties listed above. A copy of the May 29, 2013 minute order (Exhibit D) and copies of the attached requests (Exhibits E, F, G and H) will be attached to today's minute order for reference.

- **Case Management Conference – including setting hearing for Phase 5 Trial (Prescription) and issue of Jury vs. Non-Jury**

The Court discussed with all counsel present the issues to be tried in Phase 5. A Further Case Management Conference, including trial setting for Phase 5, is set for September 6, 2013 at 10:00 a.m. in Superior Court of California, County of LOS ANGELES, department to be announced.

Counsel are to meet and confer regarding scheduling of Phase 5 Trial, and submit briefs, by August 16, 2013, on the issues of jury vs. non-jury, an equity trial, and the difference between, for example, of prescriptive rights in a riparian situation, as opposed to groundwater. Counsel shall submit positions and contentions within 10 days and responses are to be completed within 30 days.

Mr. Dunn has volunteered to host meet and confer sessions prior to the next case management conference/trial setting conference on September 6, 2013.

Mr. Dunn and the Public Water Suppliers ("PWS") shall prepare an order directing them to provide specific information concerning prescription claims, for each, including the period of claimed overdraft upon which they rely, the amount of imported water brought in during that period, the amount of claimed return flows, the amount of their water claimed to be pumped as overlying owners, and other related information to their claims. Mr. Dunn and the PWS are to confer with the Land Owner Group to discuss other information that the group would find helpful.

The Court requests that Mr. Dunn prepare the proposed order after today's hearing, to be posted online at www.scefilng.org, with responses, comments or objections due within 5 days thereafter.

Future Events:

Date	Type	Location
September 6, 2013 at 10:00 a.m.	Further Case Management Conference Trial Setting Conference (with trial estimates to be provided to the Court)	Superior Court of California, County of LOS ANGELES, Department TBA

PARTIES/ATTORNEYS OF RECORD:

Counsel present in Courtroom:

Daniel M. O'Leary (for Richard Wood)

Jeffrey V. Dunn (for Los Angeles Co. Waterworks District No. 40)
Michael Fife (for Antelope Valley Groundwater Agreement Associate "AGWA")
W. Keith Lemieux (for Little Creek Irrigation District)
Thomas S. Bunn, III (for Palmdale Water District)
Douglas J. Evertz (for City of Lancaster Rosamond Community Services)
Warren R. Wellen (for L.A. County Waterworks District 40)
R. Lee Leininger (for United States)
Edward S. Renwick (for WAGAS Land Co.)
Doug Gosling (for Scott Kinney)
Joseph D. Hughes (for H & N Development Company)
Theodore A. Chester, Jr. (for Landin V, Luc Burroughs)
James W. Lewis (for Littlerock Sand & Gravel)
Steven R. Orr (for Palmdale)
Leland P. McElhaney (for AVEK)
Wesley A. Miliband (for Phelan Pinon Hills CSD)
Christopher M. Sanders (for County Sanitation Districts of Los Angeles Country Nos. 14 & 20)
John S. Tootle (for California Water Service Company)
Michael D. Davis (for AV United Mutual Group, Adams Bennett Inv., Golden Sands, et al.)
Bob H. Joyce (for Diamond Farming, et al.)
Richard Zimmer (for Bolthouse Properties & Bolthouse Farms)
Robert Kuhs (for Tejon Ranchcorp, Granite Construction)
Noah Golden-Krasner (for State of CA)

Counsel present through CourtCall:

William R. Carlson for Antelope Valley Water Storage, LLC)
Marilyn Levin (for State of California Santa Monica Mountains Conservancy)
Sheldon Blum (for Blum Trust)
William M. Sloan (for US Borax)
Walter E. Rusinek (for NRG Solar Alpine LLC)
William J. Brunick (Antelope Valley East Kern Water Agency)
Janet K. Goldsmith (for City of Los Angeles)
Andrew J. Ramos (for Copa De Oro)
Bradley J. Herrema (for Antelope Valley Ground Water)
Chad Reed (for Quartz Hill Water District)

REPORTER:

*** THIS MATTER WAS NOT REPORTED ***

ATTACHMENTS:

- A. CourtCall List
- B. Copy of Complaint in *Wood v. A.V. Material*, Case No. BC509546
- C. Copy of December 11, 2012 Order
- D. Copy of May 29, 2013 Minute Order
- E. AGWA's Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Fife)
- F. Littlerock Creek Irrigation District, et al.'s Request for Correction of Phase IV Minute

- Order of May 29, 2013 (Atty Lemieux)
- G. Granite Construction Company's Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Kuhs)
 - H. Little Rock Sand and Gravel, Inc., et al.'s Request for Correction of Phase IV Minute Order of May 29, 2013 (Atty Lewis)