

1
2
3
4
5
6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
9

10 Coordination Proceeding
Special Title (Rule 1550 (b))

11 **ANTELOPE VALLEY GROUNDWATER**
12 **CASES**

13 Included Consolidated Actions:

14 Los Angeles County Waterworks District No.
15 40 v. Diamond Farming Co.
16 Superior Court of California
County of Los Angeles, Case No. BC 325 201

17 Los Angeles County Waterworks District No.
18 40 v. Diamond Farming Co.
19 Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

20 Wm. Bolthouse Farms, Inc. v. City of Lancaster
21 Diamond Farming Co. v. City of Lancaster
22 Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
23 Riverside, consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

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

Judicial Council Coordination
Proceeding No. 4408

[Assigned to The Honorable Jack Komar, Judge
Santa Clara County Superior Court, Dept. 17]

Lead Case No. BC 325 201

Santa Clara Court Case No. 1-05-CV-049053

~~proposed~~ **FIRST AMENDED CASE**
MANAGEMENT ORDER

Judge: Honorable Jack Komar

1 The following proposed First Amended Case Management Order for settlement approval
2 hearings related to settlement of the Small Pumper Class claims and a more global settlement among the
3 majority of parties was proposed by the Small Pumper Class and joined by a number of other parties.
4 The proposed First Amended Case Management Order came before the Court pursuant to an Ex Parte
5 Application to Amend the Case Management Order, entered on November 4, 2014, which was heard at
6 the Case Management Conference on January 22, 2015. The Court, being fully advised, adopts and
7 revises the schedule as follows:

8 1. The deadline for filing Stipulation(s) for Entry of Judgment by the Stipulating
9 Parties shall be **February 26, 2015**. Upon the filing of the Stipulations, the following procedures are
10 established for the approval of the Small Pumper Class settlement and the Proposed Judgment and
11 Physical Solution.

12 2. The Small Pumper Class Motion for Preliminary Approval of the proposed Small
13 Pumper Class settlement shall be scheduled for hearing on **March 19, 2015 at 10:00 a.m.** The hearing
14 will do the following:

- 15 a. Preliminary presentation of Settlement, including Physical Solution, to the
16 Court;
- 17 b. Determine the Small Pumper Class membership closing date shall be the
18 date of final approval of the Small Pumper Class settlement, with notice of same to
19 be sent out in the Small Pumper Class notice of settlement;
- 20 c. Set a deadline of **April 1, 2015** for the mailing of the Class notice;
- 21 d. Determine and Order the Form of Notice to Class;
- 22 e. Set a deadline of **May 15, 2015** for objections to the Small Pumper Class
23 Settlement;
- 24 f. Set a date of **August 3, 2015** for the Fairness/Final Approval hearing to
25 take place at the same date and time as the Court hearing on the approval of the
26 Stipulated Judgment and Physical Solution. The hearing will be held in Los
27 Angeles starting at ¹⁰9:00 a.m.

~~g. No Objections to the Stipulated Judgment and Physical Solution will be heard on March 19, 2015, and instead will occur on August 3, 2015.~~

3. Subject to the prior Orders of the Court, written statement of objections to the proposed Stipulated Judgment and Physical Solution, and any assertion of claims or rights to produce groundwater from the Basin by a Non-Stipulating Party, shall be due no later than **April 1, 2015**.

4. Disclosure of witnesses and exhibits regarding any objections to the Proposed Stipulated Judgment and Physical Solution, assertion of claims or rights to produce groundwater from the Basin by Non-Stipulating Parties, the Public Water Suppliers claim of prescription, and the prove-up by the Stipulating Parties for the Stipulated Judgment and Physical Solution shall be due no later than **April 27, 2015**.

5. Discovery regarding objections to the proposed Stipulated Judgment and Physical Solution, claim of prescription, and any assertion of claims or rights of by Non-Stipulating Parties shall be completed by **July 17, 2015**.

6. Trials or hearings on final approval of the Small Pumper Class Settlement and on prove-up of the Stipulated Judgment and Physical Solution shall commence on **August 3, 2015, and continuing through August 7, 2015, and if necessary, August 17 through August 21, 2015**. Subject to further orders and scheduling of the Court, such trial or hearings shall include the taking of evidence regarding the following subjects:

- a. Prescription by the Public Water Suppliers;
- b. Prove-up by Stipulating Parties;
- c. Proof of claim to produce groundwater by Non-Stipulating Parties;
- d. Prove-up of defaults;
- e. Prove-up of Physical Solution;
- f. Fairness and final approval of the Small Pumper Class Settlement.

7. Within thirty (30) days of the final approval by the Court of the Small Pumper Class Settlement, the Small Pumper Class shall file with the Court either:

- a. A stipulation providing for payment of attorneys' fees and expert fees and costs;

b. A petition for payment of attorneys' fees and expert fees and cost.

Dated: January 22, 2014



Hon. Jack Komar
Judge of the Superior Court