

**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

Wood v. A.V. Materials, Inc., et al., Superior Court of California, County of Los Angeles, Case No. BC 509546

Wood v. County of Los Angeles, Superior Court of California, County of Los Angeles, Case No. BS 143790 [ADD-ON PETITION IS PENDING]

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, August 25, 2015

10:00 a.m.

Location: Department 12

Superior Court of California
County of Santa Clara

Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
August 25, 2015 (10:00am) / Hon. Jack Komar, Ret.

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Present: Hon. Jack Komar, Judge

Donna O'Hara, Clerk (SC)

F. Taranto, Deputy Sheriff

Pamela Cardiff, Reporter, CSR#11430

ATTORNEYS PRESENT IN COURT:

Lynne Brennan, Esq., Ralph, Kalfayan, Esq., Mr. Robert Kuhs, Esq., June Allin, Esq., Miles Hogan, Esq., Wendy Wang, Esq., Jeffrey Dunn, Esq.

ATTORNEYS PRESENT VIA COURTCALL: See attached CourtCall List

MINUTE ORDER:

(1) Motion to Withdraw Based on Conflict of Interest or, in the Alternative, Motion for Continuance of the Phase VI Physical Solution Trial;

(2) Hearing on Claims by Phelan Piñon Hills Community Services District

The Clerk lodges the following deposition transcripts as listed:

- 1) Reporter's Transcript of Proceedings November 4 and 5, 2014
- 2) Trial Testimony of Joseph Scalmanini Thursday, January 13, 2011 Walnut creek, CA, pages 148-556
- 3) Trial Testimony of Joseph Scalmanini, Thursday, January 20, 2011
- 4) Deposition of Donald Bartz Los Angeles, CA Wednesday, January 8, 2014, Volume I
- 5) Deposition of Thomas E. Harder, Los Angeles, CA Wednesday, January 22, 2014, pages 1-91
- 6) Deposition of Thomas Harder, PG, CHG, Pasadena, CA Monday, October 20, 2014, Volume 1
- 7) Deposition of Dennis E. Williams, PHD Los Angeles, CA Thursday, January 16, 2014, Volume I
- 8) Deposition of Dennis E. Williams, PhD
Irvine, CA Monday, October 13, 2014, Volume I
- 9) Continued Deposition of Mark J. Wildermuth, taken at 301 North Lake Ave, Pasadena, CA commencing at 10:01 AM, Monday, November 8, 2010, before Judith A. Mango, CSR, page 411-567
- 10) Continued Deposition of Mark J. Wildermuth, taken at 301 North Lake Ave, Pasadena, CA commencing at 8:47 AM, Monday, November 22, 2010, before Judith A. Mango, CSR, pages 568-911
- 11) Reporters transcript of proceedings August 3, 2015
- 12) Reporters Transcript of proceedings August 4, 2015

10:02 AM On the record, The Court hears argument from Attorney for Plaintiff, R. Willis, Ms. Lynne Brennan, regarding the Motion to withdraw based on conflict of interest.

10:10 AM The Court hears further argument from Mr. Ralph, Kalfayan, regarding the Motion to withdraw based on conflict of interest.

10:31 AM The Court hears further argument from Attorney for Plaintiff, Richard Wood, Mr. Michael McLachian, regarding their opposition to the Motion to withdraw based on conflict of interest.

10:42 AM Courtcall parties call in at this time. The Court announces that they are only to listen and that they may not comment on arguments being made in court. Mr. McLachian continues argument.

10:51 AM Ms. Brennan gives further argument.

11:04 PM Mr. Kalfayan gives further argument.

11:11 AM Mr. McLachian gives further opposition.

11:16 AM Attorney for Defendant, Tejon Ranchcorp, Mr. Robert Cush, makes comments on the arguments related to the motion.

11:19 AM The Court rules on the Motion to withdraw based on a conflict of interest that there is no conflict of interest and denies the motion and the alternative motion for a continuance on the Phase VI physical solution trial.

11:19 AM Mr. Kalfayan gives further argument and request a stay of these proceedings.

11:26 AM Mr. McLachian addresses the court regarding the request for a stay.

11:27 AM Ms. Brennan addresses the court regarding the request for a stay.

11:29 AM Attorney for the City of Lancaster, Mr. Jeffrey Dunn gives argument in opposition to the request for a stay.

11:28 AM The Court denies the request for a stay.

11:33 AM Counsels switch places at counsel table to present arguments related to the 3 remaining causes of action.

11:36 AM Counsels for Plaintiff's Phelan Piñon Hills Community Services District, Ms. June Allin, and Mr. Miles Hogan, and Counsel for defendant's LA County Waterworks District No. 40, Ms. Wendy Wang and Mr. Jeffrey Dunn.

11:37 AM Ms. Allin starts to present the case on behalf of Phelan Piñon.

Exhibits 54 and 55 is identified and admitted into evidence

11:43 AM The Court takes its lunch break

1:29 PM Back on the record, all parties listed above are present in the court. The Court asks Mr. McLachlan to prepare an order that reflects the courts ruling related to the motions addressed in this mornings hearing.

1:30 PM Ms. Allin calls expert witness, Mr. Thomas Edward Harder to the stand. Mr. Harder is sworn and examined directly on behalf of Plaintiff Phelan Piñon Hills Community Services District

Exhibit 56 is identified

1:34 PM Direct examination continues

1:58 PM The Court takes its afternoon recess

2:28 PM Back on the record, Courtcall has joined and is listening in on the hearing. Ms. Allin continues cross examination.

Exhibit 53 is identified

2:38 PM Mr. Dunn cross-examines the witness and the witness is excused.

2:39 PM Plaintiffs rest for this portion of the trial. Mr. Dunn moves for a judgment (631.8 Motion) on the 4th and 5th, 7th, 8th causes of action.

2:56 PM Ms. Allin responds to Mr. Dunn's motion.

Exhibit 53 and 56 are admitted into evidence

3:02 PM The Court refrains from providing a statement of decision for this phase, pending further argument.

3:08 PM The Court stands adjourned. The next hearing will be 9/4/15 at 1:30 pm via CourtCall; and 9/28/15 in Los Angeles County courthouse in a courtroom to be determined.

The Deposition Transcripts previously lodged with the court has been returned to Counsel that presented them. The Court retains the exhibits that have been marked and admitted into evidence.