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**Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., 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, Eugene B. Nebeker, R and M Ranch, Inc., Edgar C. Ritter Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Trust, Hines Family Trust, Malloy Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E. Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig, Paul S. & Sharon R. Kindig, Jose Maritoren Living Trust, Richard H. Miner, Jeffrey L. & Nancee J. Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Beverly Tobias, Leo L. Simi, White Fence Farms Mutual Water Co. No. 3., William R. Barnes & Eldora M. Barnes Family Trust of 1989, Del Sur Ranch, LLC, Healy Enterprises, Inc., John and Adrienne Reca, Sahara Nursery, Sal and Connie L. Cardile, Gene T. Bahlman, **collectively known as the Antelope Valley Ground Water Agreement Association ("AGWA")**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SANTA CLARA**

**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-254-348Wm. 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 No. RIC 353 840,  
RIC 344 436, RIC 344 668

Judicial Council Coordination Proceeding  
No. 4408

**Santa Clara Case No. 1-05-CV-049053**  
Assigned to The Honorable Jack Komar

**AGWA'S REPLY REGARDING SETTING  
OF TRIAL**

**Date: August 17, 2009**

**Time: 10:00 AM**

**Department: Santa Clara Superior Court,  
Dept. 17C**

1 The procedural problems in this case are manifold and appear to be multiplying rapidly.  
2 District 40 and several other publicly-funded entities propose to address these issues by ignoring  
3 them and, instead, rushing to trial. Only one proposal, made *jointly* by purveyors and landowners, is  
4 in any way productive – take a short break from the litigation and give the principals’ settlement  
5 process a chance to work in the hope that some form of settlement can be reached that perhaps  
6 resolves the adjudication, or at the very least, perhaps, resolves some of the issues in a way that  
7 might render the numerous procedural problems moot. AGWA urges the Court to grant the City of  
8 Lancaster’s Motion.

9 If the Court is not inclined to grant Lancaster’s Motion and to instead set a trial date, then the  
10 Court should not utilize the schedule proposed by District 40. The trial schedule proposed by  
11 District No. 40 is prejudicial and entirely unrealistic. For example, District 40’s schedule allocates  
12 only two weeks in early November for expert depositions for a trial which it would have started just  
13 after the holidays.<sup>1</sup> In the Santa Maria Groundwater Litigation, expert depositions in preparation for  
14 the Phase III trial were conducted over a period of at least a few months in the summer of 2003, for a  
15 trial beginning in October of that year. The Phase III trial there involved the same issues as the  
16 Phase III trial here, many of the same experts and many of the same lawyers. No reason has been  
17 offered why we should not expect the depositions in this case to require a similar length of time to  
18 the depositions in that case.

19  
20  
21 Dated: August 14, 2009

BROWNSTEIN HYATT FARBER SCHRECK, LLP

22  
23 By: 

24 MICHAEL T. FIFE  
BRADLEY J. HERREMA  
ATTORNEYS FOR AGWA  
25

26  
27 <sup>1</sup> AGWA intends to participate in any Phase III trial and to offer expert testimony. AGWA’s counsel  
28 has non-refundable travel plans over the holidays, returning January 5, 2009. If the Court is inclined  
to accept the District 40 schedule, AGWA requests that the proposed trial start date be extended at  
least a week or two in order to allow counsel to effectively participate.

**PROOF OF SERVICE**

**STATE OF CALIFORNIA,  
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On August 14, 2009, I served the foregoing document described as:

**AGWA'S REPLY REGARDING SETTING OF TRIAL**

on the interested parties in this action.

By posting it on the website at 4:00 p.m. on August 14, 2009.  
This posting was reported as complete and without error.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed in Santa Barbara, California, on August 14, 2009.

MARIA KLACHKO-BLAIR  
\_\_\_\_\_  
TYPE OR PRINT NAME

  
\_\_\_\_\_  
SIGNATURE