

Civ. No. _____

**IN THE COURT OF APPEAL, STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION TWO**

**ANTELOPE VALLEY GROUND WATER AGREEMENT
ASSOCIATION (AGWA); U.S. BORAX, INC.; BOLTHOUSE
PROPERTIES, LLC; WM. BOLTHOUSE FARMS, INC.; CRYSTAL
ORGANIC FARMS, A LIMITED LIABILITY COMPANY,
GRIMMWAY ENTERPRISES, INC.; LAPIS LAND COMPANY,
LLC.; A.V. UNIFIED MUTUAL GROUP; SHEEP CREEK WATER
COMPANY; and SERVICE ROCK PRODUCTS CORPORATION,**

Petitioners,

v.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES,**

Respondent.

**LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40,
et al.**

Real Parties In Interest

Appeal from the Judgment of the Superior Court
State of California, County of Los Angeles
The Honorable Jack Komar (Ret.)
Telephone No. (408) 882-2286
Los Angeles County Superior Court Case No. JCCP 4408

**EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE
AND REQUEST FOR TEMPORARY STAY OF PROCEEDINGS
EXHIBITS 11-22 [VOLUME 2 OF 2]**

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CREEK WATER COMPANY, and SERVICE ROCK PRODUCTS
CORPORATION

LIST OF EXHIBIT

Exhibit 1	<p>Los Angeles County Waterworks District No. 40, Palm Ranch Irrigation District, Littlerock Creek Irrigation District, Palmdale Water District, Quartz Hill Water District, Rosamond Community Services District, City of Palmdale, California Water Service Company, City of Lancaster's Notice of Motion and Motion to Transfer and to Consolidate for all Purposes; Memorandum of Points and Authorities; Declaration of Whitney G. McDonald, filed July 15, 2009.</p> <p>Attachment 1: Judicial Council Order Granting Petition for Coordination, June 17, 2005.</p> <p>Attachment 2: Judicial Council Amended Order Assigning Coordination Trial Judge, August 31, 2005.</p> <p>Attachment 3: Los Angeles County Waterworks District No. 40, Palm Ranch Irrigation District, Littlerock Creek Irrigation District, Palmdale Water District, Quartz Hill Water District, Rosamond Community Services District, City of Palmdale, California Water Service Company, City of Lancaster's List of Operative Complaints.</p>
Exhibit 2	<p>U.S. Borax, Inc., Sheep Creek Water Company, Service Rock Products Corporation, Grimmway Enterprises, Inc., Diamond</p>

	Farming Company, Crystal Organic Farms LLC, Bolthouse Properties, LLC, Lapis Land Company, LLC, A.V. United Mutual Group, Wm. Bolthouse Farms, Inc., Antelope Valley Ground Water Agreement Association's (Cross-Defendants) Peremptory Challenge to Assigned Judge (C.C.P. § 170.6), filed October 13, 2009.
Exhibit 3	North Edwards Water District, Big Rock Mutual Water Company, Palm Ranch Irrigation District, Llano-Del Rio Water Company, Littlerock Creek Irrigation District, Palmdale Water District, Little Baldy Mutual Water Company, Llano Mutual Water Company, Desert Lakes Community Services District, City of Palmdale's Opposition to Peremptory Challenge to Assigned Judge (CCP § 170.6), filed October 19, 2009.
Exhibit 4	City of Los Angeles' Joinder in Opposition to Peremptory Challenge to Assigned Judge, filed October 19, 2009.
Exhibit 5	Phelan Piñon Hills Community Services District's Opposition to Peremptory Challenge (C.C.P. § 170.6), filed October 19, 2009.

Exhibit 6	Federal Defendants' Response to Peremptory Challenge to Assigned Judge (CCP 170.6), filed October 19, 2009.
Exhibit 7	Los Angeles County Waterworks District No. 40 and Rosamond Community Services District's Joinder in Opposition to Peremptory Challenge to Assigned Judge, filed October 20, 2009.
Exhibit 8	U.S. Borax, Inc., Sheep Creek Water Company, Service Rock Products Corporation, Grimmway Enterprises, Inc., Diamond Farming Company, Crystal Organic Farms LLC, Bolthouse Properties, LLC, Lapis Land Company, LLC, A.V. United Mutual Group, Wm. Bolthouse Farms, Inc., Antelope Valley Ground Water Agreement Association's (Cross-Defendants) Reply to Oppositions to Peremptory Challenge to Assigned Judge, filed October 22, 2009, by
Exhibit 9	Plaintiff Rebecca Willis' Response to Ex Parte Application For Order Continuing Trial Date and To AGWA's Resquest for Order Protecting Phase 2 Findings, filed October 1, 2008.
Exhibit 10	Reporter's Transcript of Proceedings - October 13, 2009.

Exhibit 11	Reporter's Transcript of Proceedings - October 27, 2009.
Exhibit 12	Santa Clara County Superior Court Minute Order from October 13, 2009, filed October 13, 2009.
Exhibit 13	Santa Clara County Superior Court Minute Order from October 15, 2009, filed October 15, 2009.
Exhibit 14	Santa Clara County Superior Court Minute Order from October 16, 2009, filed October 16, 2009.
Exhibit 15	Santa Clara County Superior Court Minute Order from October 22, 2009, filed October 2, 2009, by Santa Clara Superior Court.
Exhibit 16	Santa Clara County Superior Court Minute Order from October 23, 2009, filed October 23, 2009.
Exhibit 17	Santa Clara County Superior Court Minute Order from October 23, 2009 (2nd), filed October 23, 2009.
Exhibit 18	Respondent Court's Order After Hearing on Jurisdictional Boundaries, entered November 3, 2006.

Exhibit 19	Respondent Court's Revised Order After Hearing on Jurisdictional Boundaries, entered March 12, 2007.
Exhibit 20	Respondent Court's Order After Phase Two Trial on Hydrologic Nature of Antelope Valley, entered November 6, 2008.
Exhibit 21	Respondent Court's Order after Hearing re Re-Setting Hearing Dates for Motions to Approve Settlements and Other Motions; Case Management Conference being scheduled to February 5, 2010, entered October 28, 2009.
Exhibit 22	Reporter's Transcript of Proceedings - April 24, 2009.

PROOF OF SERVICE BY PERSONAL DELIVERY

I am over the age of eighteen years and not a party to this action.
My business address is 2029 Century Park East, Suite 2100, Los Angeles,
California 90067. On November 6, 2009, I caused to be served via
attorney service, First Legal Support the:

**EXHIBITS IN SUPPORT OF PETITION
FOR WRIT OF MANDATE AND
REQUEST FOR TEMPORARY STAY OF
PROCEEDINGS**

EXHIBITS 11-22 [VOLUME 2 OF 2]

by delivering copies thereof to:

The Hon. Jack Komar
Santa Clara County Superior Court
c/o Clerk, Rowena Walker
191 North First Street
San Jose, CA 95113

The Hon. Jack Komar
Los Angeles County Superior Court
111 North Hill Street
Los Angeles, CA 90012

Further, I posted the document(s) to the website
<http://www.scefiling.org>, a dedicated link to the Antelope Valley
Groundwater Cases. This posting was reported as complete and without
error.

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

Executed on November 6, 2009, at Los Angeles, California.

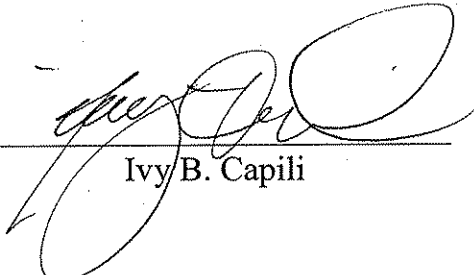

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Exhibit 11

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

3 COUNTY OF LOS ANGELES

6 IN RE:

7 ANTELOPE VALLEY GROUNDWATER)
CASES.) JUDICIAL COUNCIL
COORDINATION NO. 4408
SANTA CLARA COUNTY CASE
NO. 1-05-CV-049053
(FOR COURT'S USE ONLY)

13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

14 BEFORE THE HONORABLE JACK KOMAR

15 JUDGE OF THE SUPERIOR COURT

18 OCTOBER 27, 2009

20 MOTION BY U.S. BORAX INC., BOLTHOUSE PROPERTIES,
21 LLC AND WILLIAM BOLTHOUSE FARMS, INC.
FOR A PEREMPTORY CHALLENGE.

1 APPEARANCES:

2 ATTORNEYS:

3 IN COURT:

4 JEFFREY DUNN
JAMES L. MARKMAN
5 BEN EILENBERG
WILLIAM SLOAN
6 MICHAEL FIFE
MICHAEL MOORE
7 SHELDON BLUM
BOB JOYCE
8 RICHARD ZIMMER

9

10 TELEPHONIC APPEARANCES:

11 BRADLEY WEEKS
MICHAEL L. CROW
12 STEPHEN M. SIPTROTH
BRADLEY J. HERREMA
13 WILLIAM J. BRUNICK
CHRISTOPHER M. SANDERS
14 MICHAEL D. DAVIS
JEFF GREEN
15 JOHN UKKESTAD
RALPH B. KALFAYAN
16 JANET K. GOLDSMITH
ROBERT G. KUHS
17 THOMAS S. BUNN, III
MICHAEL D. MC LACHLAN
18 KEITH W. LEMIEUX, JR.
DOUGLAS J. EVERTZ
19 CLIFF MELNICK
RICHARD A. WOOD
20 SUSAN J. TRAGER
AMY M. GANTVOORT
21 R. LEE LEININGER
PHILLIP W. HALL

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OFFICIAL COURT REPORTER

27

HEATHER J. GORLEY,
28 CRR CSR #9195

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1 SAN JOSE, CALIFORNIA OCTOBER 27, 2009

2 MORNING SESSION

3 P R O C E E D I N G S

4 THE COURT: GOOD MORNING.

5 ALL COUNSEL: GOOD MORNING.
6 THE COURT: ANTELOPE GROUNDWATER VALLEY WATER
7 CASES.

8 LET'S HAVE COUNSEL STATE THEIR APPEARANCES IN THE
9 COURTROOM FIRST STARTING WITH MY FAR LEFT.

10 MR. JOYCE.

11 MR. JOYCE: GOOD MORNING, YOUR HONOR. BOB
12 JOYCE FOR DIAMOND FARMING COMPANY, CRYSTAL ORGANIC LLC,
13 LAPIS LAND COMPANY AND DEERBORN ENTERPRISES, INC.

14 MR. SLOAN: GOOD MORNING, YOUR HONOR. WILLIAM
15 SLOAN APPEARING ON BEHALF OF U.S. BORAX.

16 MR. ZIMMER: GOOD MORNING, YOUR HONOR.
17 RICHARD ZIMMER APPEARING ON BEHALF OF BOLTHOUSE
18 PROPERTIES AND BOLTHOUSE FARMS.

19 MR. FIFE: GOOD MORNING, YOUR HONOR. MICHAEL
20 FIFE ON BEHALF OF ANTELOPE VALLEY GROUNDWATER AGREEMENT
21 ASSOCIATION.

22 MR. EILENBERG: GOOD MORNING, YOUR HONOR. BEN
23 EILENBERG APPEARING ON BEHALF OF SERVICE ROCK PUBLIC
24 CORPORATION, A SUCCESSOR IN INTEREST TO L. PROPERTIES,
25 SHEEP CREEK WATER COMPANY INCORPORATED AND AVUW MUTUAL
26 GROUP.

27 MR. BLUM: GOOD MORNING, YOUR HONOR. SHELDON
28 BLUM ON BEHALF OF THE BLUM TRUST.

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1 MR. DUNN: GOOD MORNING, YOUR HONOR. JEFFREY
2 DUNN ON BEHALF OF LOS ANGELES COUNTY WATERWORKS
3 DISTRICT NUMBER 40, AND ROSAMOND COMMUNITY SERVICES
4 DISTRICT.

5 MR. MARKMAN: GOOD MORNING, YOUR HONOR. JAMES
6 MARKMAN REPRESENTING THE CITY OF PALMDALE.

7 MR. MOORE: GOOD MORNING YOUR HONOR. SENIOR
Page 3

8 DEPUTY COUNTY COUNSEL MICHAEL MOORE ON BEHALF OF LOS
9 ANGELES WATERWORKS.

10 THE COURT: WE HAVE SOME TELEPHONIC
11 APPEARANCES.

12 AS YOUR NAME IS CALLED PLEASE STATE YOUR
13 APPEARANCE.

14 THE CLERK: JACK STEWART.

15 TAMMY JONES. TAMMY JONES.

16 MICHAEL CROW.

17 MR. CROW: YES. MICHAEL CROW FOR THE STATE OF
18 CALIFORNIA.

19 THE CLERK: STEVEN SIPTROTH.

20 MR. SIPTROTH: PRESENT.

21 THE CLERK: BRADLEY HERREMA.

22 MR. HERREMA: PRESENT.

23 THE CLERK: WILLIAM BRUNICK.

24 MR. BRUNICK: PRESENT.

25 THE CLERK: JOHN TOOTLE.

26 JOHN TOOTLE.

27 CHRISTOPHER SANDERS.

28 MR. SANDERS: PRESENT.

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1 THE CLERK: MICHAEL DAVIS.

2 MR. DAVIS: PRESENT.

3 THE CLERK: JEFF GREEN.

4 MR. GREEN: PRESENT.

5 THE CLERK: JOHN UKKESTAD.

6 MR. UKKESTAD: PRESENT.

7 THE CLERK: RALPH KALFAYAN.

8 MR. KALFAYAN: PRESENT.

9 THE CLERK: JANET GOLDSMITH.

10 MS. GOLDSMITH: PRESENT.
11 THE CLERK: ROBERT KUHS.
12 MR. KUHS: YES.
13 THE CLERK: THOMAS BUNN.
14 MR. BUNN: PRESENT.
15 THE CLERK: MICHAEL MC LACHLAN.
16 MR. MC LACHLAN: PRESENT.
17 THE CLERK: KEITH LEMIEUX.
18 MR. LEMIEUX: YES.
19 THE CLERK: MALISSA MC KEITH.
20 MALISSA MAC KEITH.
21 DOUGLAS EVERTZ.
22 MR. EVERTZ: YES.
23 THE CLERK: CLIFF MELNICK.
24 MR. MELNICK: PRESENT.
25 THE CLERK: RICHARD WOOD.
26 MR. WOOD: PRESENT.
27 THE CLERK: SUSAN TRAGER.
28 MS. TRAGER: PRESENT.
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1 THE CLERK: AMY GANTVOORT.
2 MS. GANTVOORT: PRESENT.
3 THE CLERK: R. LEE LEININGER.
4 MR. LEININGER: PRESENT.
5 THE CLERK: PHILLIP HALL.
6 MR. HALL: PRESENT.
7 THE COURT: ALL RIGHT. ANYBODY ON THE PHONE
8 WHOSE NAME HAS NOT BEEN CALLED?
9 MR. WEEKS: BRADLEY WEEKS FOR QUARTIL WATER
10 DISTRICT.
11 THE COURT: ALL RIGHT, MR. WEEKS.
12 ANYBODY ELSE?

6

13 ALL RIGHT. WE'RE HERE THIS MORNING IN CONNECTION
14 WITH A MOTION PURSUANT TO 170.6 THAT WAS FILED ON THE
15 13TH OF OCTOBER BY SEVERAL OF THE PARTIES.

16 I ASKED FOR BRIEFING ON IT.

17 I THEN -- I MUST TELL YOU -- TOOK A LOOK AT THE
18 SEQUENCING AND AT THIS POINT THERE'S NO ORDER
19 CONSOLIDATING THESE CASES. WE HAVEN'T EVEN HAD THE
20 ACTUAL TRANSFER OF THE CASES TO THE LOS ANGELES
21 SUPERIOR COURT SO THAT IT SEEMS TO ME THAT AT THIS
22 POINT THE -- AT THE VERY MOST I SUPPOSE IT IS PREMATURE
23 TO HAVE FILED THE MOTION.

24 WHAT I ASKED FOR WAS THE PARTIES TO MEET AND
25 CONFER CONCERNING AN ORDER CONSOLIDATING CERTAIN OF THE
26 MATTERS THAT ARE BEFORE THIS COURT. IT HAS NEVER BEEN
27 MY INTENTION TO FINALIZE THAT ORDER OF CONSOLIDATION
28 UNTIL THE SETTLEMENTS HAVE BEEN PRESENTED TO THE COURT

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1 IN CONNECTION WITH THE CLASS ACTIONS.

2 IN OTHER WORDS, IT WAS NEVER MY INTENT BY ANY
3 ORDER THAT I MADE, AND I NEVER UNDERSTOOD THE REQUEST
4 TO HAVE BEEN MADE BY ANY PARTY TO CONSOLIDATE THE
5 MATTERS WITH THE CLASS ACTIONS PRIOR TO THE TIME THAT
6 THE CLASS ACTIONS SETTLEMENTS WERE PRESENTED TO THE
7 COURT FOR APPROVAL.

8 NOW, IF YOU WANT TO ADDRESS THAT YOU MAY.

9 BUT IT SEEMS TO ME THAT WHAT OUGHT TO HAPPEN HERE
10 IS THAT I OUGHT TO STRIKE THE 170.6 AS HAVING BEEN
11 PREMATURELY FILED. YOU CAN ADDRESS THAT IF YOU LIKE.

12 MR. ZIMMER: IF WE CAN CONFER FOR A MOMENT,
13 YOUR HONOR.

14 (DISCUSSION AMONG COUNSEL, NOT REPORTED.)

15 MR. ZIMMER: YOUR HONOR, THE QUESTION IS AT
16 THIS POINT, AT THE LAST HEARING THERE WAS AN ORDER
17 GRANTING THE MOTION TO CONSOLIDATE AND A MINUTE ORDER
18 THE FOLLOWING DAY ALSO MEMORIALIZING GRANTING OF THE
19 MOTION TO CONSOLIDATE.
20 THE COURT: WHAT IT WAS WAS A STATEMENT BY THE
21 COURT THAT I INTENDED TO GRANT THE MOTION TO
22 CONSOLIDATE. I INTENDED TRANSFER THE RIVERSIDE MATTERS
23 TO THE LOS ANGELES COUNTY SUPERIOR COURT AND TO GRANT
24 AN ORDER OF CONSOLIDATION.
25 THE MINUTE ORDER THAT WAS PREPARED BY THE CLERK
26 REFLECTS THE CLERK'S RATHER CRYPTIC CONCLUSION AS TO
27 WHAT OCCURRED IN COURT.

28 BUT THE ACTUAL ORDER HAS NOT YET BEEN SIGNED, IT

□

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1 HAS NOT BEEN PREPARED. SO THERE, IN FACT, AT THIS
2 POINT, IS NO SUCH ORDER.
3 THAT'S KIND OF THE PROBLEM WITH YOUR -- WITH THE
4 TIMING OF YOUR 170.6.
5 NOW, I'M NOT SUGGESTING TO YOU YOU DON'T HAVE A
6 RIGHT AT SOME POINT TO MAKE THAT APPLICATION. I HAPPEN
7 TO DISAGREE WITH YOUR INTERPRETATION OF THE LAW WITH
8 REGARD TO COORDINATED MATTERS BUT WE WILL TAKE THAT UP
9 AT AN APPROPRIATE TIME SHOULD YOU DECIDE THAT IS WHAT
10 YOU WISH TO DO.
11 BUT AT THIS POINT THE MOTION IS PREMATURE AND
12 UNLESS YOU CAN GIVE ME SOME GOOD CAUSE, REASON WHY I
13 SHOULD NOT DO SO, I INTEND TO STRIKE IT AS HAVING BEEN
14 IMPROVIDENTLY FILED.
15 MR. ZIMMER: WELL, I THINK THERE WAS NO
16 CHOICE BUT TO FILE IT GIVEN THE GRANTING -- AT LEAST
17 THAT WAS THE WORDS IN THE MINUTE ORDER THE MOTION TO

18 CONSOLIDATE WAS GRANTED, THERE WAS NO CHOICE FROM THE
19 PARTIES HERE BASED UPON WHAT THEIR CLIENTS INSTRUCTED
20 TO DO, TO EXERCISE AT THAT TIME. IF THE COURT IS
21 REVERSING ITSELF AND WITHDRAWING THE GRANTING OF THE
22 MOTION TO CONSOLIDATE THAT'S -- THAT MAY BE A DIFFERENT
23 ISSUE, I DON'T KNOW.

24 THE COURT: THE COURT IS NOT REVERSING
25 ITSELF. I AM TELLING YOU THAT I HAVE NOT MADE THE
26 ORDER AT THIS POINT IN WRITING. IT WILL BE MADE. I
27 WANT COUNSEL TO MEET AND CONFER. AND I SUPPOSE I
28 SHOULD GIVE YOU SOME FURTHER DIRECTION AS TO WHAT I

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1 EXPECT TO BE IN THAT ORDER.
2 WHAT I HAD INTENDED WAS TO CONSOLIDATE THE
3 VARIOUS DECLARATORY RELIEF CAUSES OF ACTION WHICH ARE
4 PRESENT, EXPRESSLY OR IMPLIEDLY IN EVERY PROCEEDING
5 THAT IS PENDING BEFORE THE COURT. RIGHTS, WATER RIGHTS
6 AS WE ALL KNOW ARE CORRELATIVE AND THEY -- IN A SINGLE
7 AQUIFER IT IS INEVITABLE THAT THE RIGHTS ARE ALL
8 RELATED TO EACH OTHER AND AFFECTED BY EACH OTHER. AND
9 THE COURT CANNOT MAKE AN ORDER CONCERNING THE USE OF
10 GROUNDWATER AS TO ONE PARTY WITHOUT AFFECTING ANOTHER
11 PARTY.

12 AND THAT'S WHY IT SEEMS TO ME THE DECLARATORY
13 RELIEF ACTIONS NEED TO BE JOINED. BUT I BELIEVE THAT
14 IS THE CONCERN THE FEDERAL GOVERNMENT HAS WITH REGARD
15 TO THE ADJUDICATION WITHIN THE PARAMATERS OF THE
16 MC CARRAN ACT. I'M NOT ASKING COUNSEL TO BE HAPPY WITH
17 THE COURT'S DECISION. I JUST WANT YOU TO UNDERSTAND
18 WHAT IT IS. AND -- AND THAT'S FINE IF COUNSEL WISH TO
19 FILE A 170.6 YOU HAVE THE POWER TO DO THAT. I DON'T

20 THINK IT IS TIMELY. I KNOW IT IS NOT TIMELY AT THE
21 MOMENT. AND WHETHER IT'S TIMELY AFTER AN ORDER OF
22 CONSOLIDATION IS MADE IS A QUESTION THAT REQUIRES, I
23 SUPPOSE, AN ULTIMATE DETERMINATION BY A COURT. AND I
24 WILL -- I WILL TELL YOU THAT I UNDERSTAND THAT
25 REASONABLE LAWYERS AND JUDGES CAN DIFFER ABOUT SUCH
26 ISSUES. AND -- BUT THAT'S ULTIMATELY GOING TO HAVE TO
27 BE DETERMINED.

28 MR. SLOAN: YOUR HONOR, IF I MAY.

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1 THE COURT: YES.

2 MR. SLOAN: WILLIAM SLOAN ON BEHALF OF U.S.
3 BORAX.

4 WOULD YOUR HONOR CONSIDER ISSUING A CLARIFYING
5 ORDER WITH RESPECT TO THE MINUTE ORDER THAT WAS ISSUED
6 BECAUSE IT OBVIOUSLY PRESENTS US WITH THE QUESTION OF
7 WHAT WAS THE EFFECT OF THAT MINUTE ORDER. AND WE HAVE
8 TO DETERMINE WHAT ACTIONS TO TAKE FROM THAT IF YOU WERE
9 TO ISSUE A CLARIFYING ORDER ON THAT.

10 THE COURT: WELL, THE MINUTE ORDER IS GOING TO
11 SAY THAT THE 170.6 AFFIDAVIT IS STRICKEN AS HAVING BEEN
12 PREMATURELY FILED. AND I WILL CLARIFY, AND I HOPE I'M
13 DOING THAT RIGHT NOW AS TO WHAT I INTEND AND WHAT I
14 WANT COUNSEL TO DO WITH REGARD TO THE PREPARATION OF AN
15 ORDER IN CONFORMITY WITH THE ORAL ORDER THAT I MADE
16 WHICH PERHAPS WAS NOT TOTALLY CLEAR AS TO WHAT IT WAS I
17 WAS ATTEMPTING TO ACCOMPLISH.

18 MR. SLOAN: AND IF I MAY THE OTHER QUESTION I
19 HAVE IS YOU REFERRED TO THE PROPOSED SETTLEMENTS WITH
20 THE CLASSES.

21 DO YOU HAVE AT LEAST AT THIS POINT IN YOUR MIND A
22 SCHEDULE OR PERHAPS AN ORDER WITHIN WHICH YOU WOULD

23 ADDRESS THE VARIOUS MOTIONS. AS WE SEE IT THE MOTION
24 TO CONSOLIDATE IS A THRESHOLD ISSUE THAT NEEDS TO BE
25 ADDRESSED FIRST BEFORE --

26 THE COURT: WELL, I'M NOT SURE I AGREE WITH
27 THAT BUT IT WAS -- I THOUGHT I INDICATED ON THE RECORD
28 AT THE LAST HEARING THAT I WANTED TO HAVE A MOTION TO

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1 APPROVE THE CLASS ACTION SETTLEMENTS BY JANUARY THE 8TH
2 FOR HEARING ON THAT DATE.

3 AND I EXPECTED COUNSEL FOR THE TWO CLASSES TO
4 HAVE THAT MOTION ON FILE AND I THOUGHT THEY INDICATED
5 AT THE TIME THAT -- MY RECOLLECTION IS THEY INDICATED
6 AT THE TIME THEY WOULD DO SO AND WE WOULD HAVE A
7 HEARING AT THAT TIME.

8 BUT, YOU KNOW, OBVIOUSLY IF PARTIES HAVE -- ANY
9 TWO PARTIES TO ANY LAWSUIT CAN ENTER INTO A SETTLEMENT
10 ANY TIME THEY WISH. THERE IS A REQUIREMENT IN THIS
11 PARTICULAR CASE WITH A CLASS ACTION THAT THE CLASS
12 ACTIONS BE APPROVED BY THE COURT SO I NEED TO KNOW
13 EXACTLY WHAT IT IS THAT THEY'RE DOING. AND, FRANKLY, I
14 DON'T KNOW WHAT THE IMPACT OF WHAT THOSE SETTLEMENTS
15 MIGHT BE ON THE REMAINING CASES WE HAVE HERE.

16 AND SO THAT IT FRANKLY HAS NEVER BEEN MY
17 INTENTION TO SIGN THE CONSOLIDATION ORDER UNTIL THAT
18 HEARING OCCURS WHEN I HAVE AN OPPORTUNITY TO REVIEW THE
19 CLASS ACTION SETTLEMENTS. BUT IT DOES SEEM TO ME AT
20 SOME POINT IT'S NECESSARY THAT THESE MATTERS BE
21 CONSOLIDATED SO THERE CAN BE A SINGLE JUDGMENT IN TERMS
22 OF EITHER A PHYSICAL SOLUTION OR A DECLARATION AS TO
23 WHAT THE RIGHTS OF THE PARTIES MIGHT BE WITH REGARD TO
24 THE GROUNDWATER RIGHTS THAT THEY HAVE.

25 MR. MC LACHLAN: YOUR HONOR, THIS IS MIKE

26 MC LACHLAN.

27 THE COURT: YES.

28 MR. MC LACHLAN: I WANTED TO INTERJECT

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1 SOMETHING RELEVANT WHENEVER THE COURT GETS TO A
2 SENSIBLE PLACE.

3 THE COURT: GO AHEAD.

4 MR. MC LACHLAN: ON THE QUESTION OF THE
5 JANUARY 8TH HEARING ON SETTLEMENTS, SINCE WE LEFT YOUR
6 COURT, I GUESS IT WAS TWO WEEKS AGO, A WEEK AND A HALF
7 AGO, WE'VE BEEN ENDEAVORING TO SORT OF PUSH THOSE,
8 THOSE TENTATIVE SETTLEMENT AGREEMENTS FORWARD AND HAVE
9 HAD NO LUCK WHATSOEVER DOING THAT. MY OFFICE, FRANKLY,
10 CAN'T EVEN GET ANYONE FROM ACCOUNTING TO EVEN RESPOND
11 TO AN E-MAIL OR PHONE CALL.

12 SO I WOULD JUST LIKE THE COURT TO KNOW AT THIS
13 POINT IN TIME GIVEN THE NOTICE TIMEFRAME AND THE 45
14 DAYS FOR THE COUNTY TO APPROVE IT, SPEAKING FOR THE
15 SMALL PUMPER CLASS, I THINK IT IS EXTREMELY UNLIKELY
16 THERE WILL BE ANYTHING BEFORE THE COURT ON JANUARY THE
17 8TH. AND GIVEN THE CURRENT SITUATION IT STRIKES ME AS
18 A SMALL PUMPER CLASS SETTLEMENT IS LIKELY TO HAVE
19 EITHER FALLEN APART OR IS FALLEN APART. I DON'T KNOW.
20 I CAN'T GET A RESPONSE. I DON'T KNOW WHAT IS HAPPENING
21 WITH THE WILLIS SETTLEMENT.

22 MR. KALFAYAN: I CAN SPEAK TO THE WILLIS
23 SETTLEMENT WHEN WE GET A CHANCE.

24 THE COURT: TELL ME WHO YOU ARE AND SPEAK.

25 MR. KALFAYAN: RALPH KALFAYAN FOR THE WILLIS
26 CLASS.

27 THE COURT: GO AHEAD.

28 MR. KALFAYAN: YOUR HONOR, WE HAVE BEEN

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13

1 WORKING ON THE SETTLEMENT ON A DAILY BASIS PRACTICALLY
2 SINCE THE LAST HEARING AND WE HAVE A DIFFERENT VIEW
3 THAN THE WOODS CLASS. WE DON'T HAVE ANY INDICATION
4 THAT THE WILLIS CLASS SETTLEMENT CANNOT BE PUT TOGETHER
5 FOR A HEARING ON JANUARY 8.

6 THE COURT: ALL RIGHT.

7 MR. KALFAYAN: SO WE'RE DILIGENTLY WORKING ON
8 PREPARING A SETTLEMENT AGREEMENT WE WILL BE SHARING
9 WITH THE PUBLIC WATER SUPPLIERS VERY SHORTLY.

10 THE COURT: ALL RIGHT. I APPRECIATE THAT
11 INFORMATION.

12 LET ME ASK THE PUBLIC WATER SUPPLIERS WHAT'S
13 GOING ON WITH THE WOODS CLASS.

14 MR. MARKMAN: JAMES MARKMAN FOR CITY OF
15 PALMDALE.

16 AND I -- OF COURSE, WE'RE HELD TO BEING -- TO
17 CONFIDENTIALITY ON ANY TERMS THAT WERE ESSENTIALLY PUT
18 ON THE RECORD IN JUDGE ROBEY'S COURTROOM. BUT THE
19 BOTTOM LINE, WHAT WAS PUT ON THE RECORD IN JUDGE
20 ROBEY'S COURTROOM GOT TO THE DRAFTING STAGE AND
21 SOMETHING VERY FUNDAMENTAL ABOUT IT BECAME UNACCEPTABLE
22 TO ONE OF THE PARTIES WHICH WAS MORE OR LESS ANNOUNCED
23 AFTER SEVERAL DRAFTS OR ONE OR TWO DRAFTS WERE
24 CIRCULATED. AND IT WAS A BIT SURPRISING AND -- BUT
25 IT'S OUT THERE AND IT DOES HAVE AN IMPACT ON THE WOODS
26 CLASS.

27 SO -- AND -- AND I'M NOT GOING TO CAST ASPERSIONS
28 ABOUT WHO IS NOT TALKING TO WHO BECAUSE I AM TALKING TO

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1 ALL SIDES OF THIS EVERY OPPORTUNITY I HAVE. THE LAST
2 EFFORT I KNOW WAS TO TRY TO GET BACK WITH JUDGE ROBEY
3 AND RESURRECT THAT PROCESS SO IT COMES TO A CONCLUSION
4 SO I THINK THAT'S WHAT'S HAPPENED. THERE WAS A -- AS
5 PEOPLE HAVE A RIGHT TO DO SOMEBODY SWALLOWED AND DIDN'T
6 DIGEST VERY WELL TWO OR THREE WEEKS LATER AND NOW WANTS
7 SOME KIND OF MODIFICATION TO THE APPROACH.

8 THE COURT: WELL, AS WITH ANY CASE, ESPECIALLY
9 A WATER CASE, IT SEEMS, IN DRIPS AND DROPS. I'M HOPING
10 THAT YOU WILL TAKE STEPS TO GET BACK TO JUSTICE ROBEY
11 AS SOON AS POSSIBLE TO SEE IF YOU CAN GET THAT MOVING
12 ALONG.

13 I'M A LITTLE PUZZLED AS TO HOW IT IS THAT A CLASS
14 ACTION SETTLEMENT COULD EVER BE CONFIDENTIAL. I
15 UNDERSTAND THE TERMS OF THE MEDIATION, WHAT OCCURRED IN
16 MEDIATION IS CONFIDENTIAL TO THE EXTENT THAT IS THE
17 CASE. BUT IF THE PARTIES HAVE A SETTLEMENT INVOLVING A
18 CLASS ACTION UNDER NO CIRCUMSTANCES IS THAT GOING TO BE
19 CONFIDENTIAL.

20 MR. MARKMAN: THAT'S UNDERSTOOD, YOUR HONOR.
21 IT'S JUST WE ALL PLEDGED TO KEEP IT CONFIDENTIAL UNTIL
22 WE HAD A FINAL DRAFT THAT WAS GOING TO THE VARIOUS
23 PUBLIC ENTITY BOARDS FOR APPROVAL AND THEN IT OBVIOUSLY
24 WOULD HAVE BEEN MADE PUBLIC BECAUSE IT WOULD HAVE BEEN
25 NOTICED FOR HEARING.

26 THE COURT: OKAY. WELL, I WOULD LIKE THOSE
27 HEARINGS TO COINCIDE WITH THE FINAL ORDER THAT I'M ABLE
28 TO ENTER WITH REGARD TO THE CONSOLIDATION ISSUE.

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1 MR. BUNN: YOUR HONOR --

2 THE COURT: YES.

3 MR. BUNN: THIS TOM BUNN.

4 THE COURT: YES, MR. BUNN.

5 MR. BUNN: I WANTED TO ADD WITH RESPECT TO THE
6 ROBEY MEDIATION THAT I CONTACTED JUSTICE ROBEY WITH
7 RESPECT TO STARTING UP THESE TALKS AGAIN TO SEE IF WE
8 COULD GET OVER THIS LITTLE HUMP AND JUSTICE ROBEY SAID
9 HE WOULD BE HAPPY TO DO SO BUT HE THOUGHT THE DIRECTION
10 TO DO SO HAD TO COME FROM YOU. SO I WONDER IF WE COULD
11 GET THAT TODAY.

12 THE COURT: YOU HAVE IT. I THOUGHT I EXPRESSED
13 THAT A FEW MOMENTS AGO.

14 MR. BUNN: OKAY.

15 THE COURT: AND I WILL MAKE IT CLEAR. PLEASE
16 CALL JUSTICE ROBEY AND SEE IF YOU CAN RESOLVE THOSE
17 ISSUES.

18 MR. BUNN: VERY GOOD. THANK YOU.

19 THE COURT: NOW, LET'S TALK ABOUT TIMING ON
20 THIS. SINCE OUR LAST HEARING MY OPHTHALMOLOGIST HAS
21 SAID HE WOULD LIKE TO DO SOME WORK ON MY RIGHT EYE
22 CATARACT ON THE 7TH OF JANUARY. NOW, IF HE DID THAT
23 OBVIOUSLY I COULDN'T TRAVEL FOR A MONTH AND THESE
24 HEARINGS ARE GOING TO BE IN LOS ANGELES. SO I WAS
25 GOING TO ASK ONE OF TWO THINGS TO OCCUR HERE. I WAS
26 GOING TO ASK THAT WE DO IT EARLIER IN THE WEEK OF THE
27 8TH. BUT AFTER LISTENING TO YOU HERE THIS MORNING I
28 THINK THAT I'M GOING TO DO IT MAYBE A MONTH LATER SO

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1 THAT I WILL BE ABLE TO TRAVEL TO LOS ANGELES.

2 FURTHER HEARINGS IN THIS CASE ARE GOING TO BE IN
3 LOS ANGELES, BY THE WAY, NOT HERE. SO --

4 AND IT OCCURRED TO ME MAYBE FEBRUARY THE 5TH? IS
5 THAT OPEN? AND I WOULD REALLY URGE COUNSEL FOR THE

6 WOODS CLASS AND OPPONENTS TO GET TOGETHER WITH JUSTICE
7 ROBEY AS SOON AS YOU CAN BECAUSE THESE THINGS DO TAKE
8 TIME, THE ANTELOPE WATER CASE.

9 MR. JOYCE: YOUR HONOR, BOB JOYCE ON BEHALF OF
10 DIAMOND FARMING, ET AL.

11 THE COURT: YES.

12 MR. JOYCE: JUST TO BE SURE I'M CLEAR IF I
13 UNDERSTAND THE COURT'S PRONOUNCEMENT THIS MORNING
14 BECAUSE AS WE STAND AT THIS MOMENT THERE IS NOT AN
15 ORDER OF CONSOLIDATION IN PLACE. THE COURT HAS NOT YET
16 CONSOLIDATED ANY OF THE COORDINATED CASES.

17 THE COURT: I HAVE INDICATED AN INTENT TO DO
18 SO BUT IT'S OBVIOUSLY NOT GOING TO INCLUDE EVERY CAUSE
19 OF ACTION. IT CAN'T, IT WOULDN'T MAKE SENSE TO DO
20 THAT. BUT THE PRINCIPAL ISSUE CONCERNING DECLARATORY
21 RELIEF NEEDS TO BE CONSOLIDATED IN MY OPINION.

22 MR. JOYCE: AND THAT IS WHAT I WANTED TO
23 CLARIFY AS TO A TIMING PERSPECTIVE RIGHT NOW WE DO NOT
24 HAVE ANY CONSOLIDATED CASES.

25 THE COURT: YOU DO NOT AND YOU WON'T HAVE
26 UNTIL I HAVE SIGNED THE ORDER.

27 MR. JOYCE: THANK YOU, YOUR HONOR.

28 THE COURT: AND THAT IS GENERALLY THE PRACTICE

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1 OF OUR COURT SYSTEM WHEN THE COURT MAKES ORAL
2 STATEMENTS ABOUT WHAT IT INTENDS TO DO AND IT AWAITS
3 THE FINAL SIGNING OF THE ORDER AND THAT IS WHY I WANT
4 YOU TO MEET AND CONFER CONCERNING THAT.

5 AND I'LL -- IT WILL BE VERY HELPFUL IF WE HAVE
6 SOMETHING SPECIFIC WITH REGARD TO THE CLASS ACTION
7 SETTLEMENTS PRIOR TO THE TIME THAT THE COURT ACTUALLY
8 SIGNS THAT ORDER SO THAT I REALLY HAVE A FULL

9 UNDERSTANDING OF EXACTLY WHERE WE'RE GOING HERE.

10 MR. JOYCE: THANK YOU, YOUR HONOR.

11 THE COURT: YES, MR. ZIMMER.

12 MR. ZIMMER: YOUR HONOR, ONE CONCERN I HAVE IS
13 THE ISSUE OF THE SECRECY OF THIS PURPORTED SETTLEMENT
14 THAT'S GOING ON. I KIND OF AGREE WITH THE COURT THAT I
15 DON'T KNOW HOW IT COULD EVER BE, YOU COULD EVER HAVE A
16 CLASS ACTION SETTLEMENT THAT COULD BE SECRET. I -- I
17 QUESTION WHY IT NEEDS TO BE A SECRET AT THIS POINT. IT
18 SEEMS TO ME THAT THE SUGGESTION IS THAT SIMPLY
19 SOMETHING THAT'S GOING TO BE RAMMED DOWN THE THROATS OF
20 THE OTHER PARTIES IN THE CASE, WHETHER THEY LIKE IT OR
21 NOT AT THE LAST MINUTE, AND THE IDEA IS TO KEEP THEM
22 OUT OF IT SO THEY DON'T KNOW IN WHAT WAYS THAT THIS
23 SETTLEMENT COULD BE PREJUDICIAL TO THEM. I'M NOT
24 EXACTLY SURE WHY THAT'S HAPPENING IN THAT MANNER, BUT
25 THE COURT IS TALKING ABOUT HAVING THE HEARING ON THE
26 5TH FOR APPROVAL OF THE CLASS SETTLEMENTS. AND WHEN
27 ARE THEY GOING TO TELL PEOPLE WHAT THE SETTLEMENT IS?
28 ON THE 4TH?

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1 THE COURT: WELL, IT HAS TO BE FILED IN
2 ADVANCE OF THAT.

3 LET ME MAKE ANOTHER OBSERVATION. THE CLASS
4 SETTLEMENTS CANNOT BE RAMMED DOWN -- RAM ANYBODY'S
5 ISSUES DOWN ANYBODY'S THROAT. THE SETTLEMENT THE
6 PARTIES MAY ENTER INTO AMONG THEMSELVES IS GOING TO
7 BIND ONLY THEM, IT IS NOT GOING TO BIND ANYBODY ELSE.
8 IT CAN'T BIND ANYBODY ELSE.

9 AND YOU'RE NOT A PARTY TO THE CLASS ACTIONS.
10 YOUR CLIENTS ARE NOT PARTIES TO THE CLASS ACTIONS. YOU

11 CANNOT BE AFFECTED BY WHATEVER THEY MIGHT AGREE AMONG
12 THEMSELVES AS TO THEIR RIGHTS AND DUTIES. SO THAT IT
13 SEEMS TO ME THAT, YOU KNOW, I THINK WE NEED TO BE
14 CAREFUL HERE NOT TO GET TOO PARANOID ABOUT WHAT MIGHT
15 BE THE AGREEMENT BETWEEN THESE PARTIES.

16 NOW, OBVIOUSLY THEY'RE GOING TO HAVE TO GIVE
17 NOTICE OF THE SETTLEMENT PROPOSAL NOT ONLY TO THE COURT
18 BUT TO EVERY OTHER PARTY WHO IS INVOLVED IN THIS
19 COORDINATED ACTION. EVERYBODY IS GOING TO KNOW EXACTLY
20 WHAT IT IS. I UNDERSTAND WHY AS PARTIES ARE DRAFTING
21 AN AGREEMENT THEY MAY NOT WANT TO SAY TOO MUCH ABOUT
22 WHAT THEY HOPE THEIR AGREEMENT ENDS UP TO BE BECAUSE OF
23 SOME FEAR THAT OTHER PEOPLE MAY INTERVENE, IT MAY UPSET
24 THE APPLE CART OR SOMEHOW MEDDLE IN WHAT THEY ARE
25 ATTEMPTING TO DO AS BETWEEN THEMSELVES. I UNDERSTAND
26 THAT.

27 BUT I DON'T THINK YOU OR YOUR CLIENTS NEED TO BE
28 CONCERNED ABOUT WHAT THEIR AGREEMENT MIGHT BE. I DON'T

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1 SEE HOW THEY CAN AFFECT YOU IN ANY WAY.

2 MR. ZIMMER: I AGREE WITH THE COURT THEY
3 CANNOT ENTER INTO AN AGREEMENT THAT AFFECTS OUR RIGHTS
4 BUT I THINK THAT CONTAINED IN THAT STATEMENT IS THE
5 REALITY THAT THEY CAN'T SETTLE CERTAIN RIGHTS. I MEAN,
6 THERE ARE ONLY CERTAIN ISSUES THEY CAN SETTLE AND THEY
7 CAN'T SETTLE ISSUES THAT AFFECT THE OTHER PARTIES'
8 RIGHTS. I AGREE WITH THAT.

9 THE COURT: YES, WELL, YOU KNOW, AND
10 UNDERSTAND THAT THEY MAY ENTER INTO SOME AGREEMENT
11 BETWEEN THEMSELVES AS TO THE APPORTIONMENT OR
12 ALLOCATION OF WATER NOW OR IN THE FUTURE. THAT CAN'T
13 IMPACT THE COURT'S ULTIMATE ADJUDICATION OF THE RIGHTS

14 OF EVERYBODY ELSE, THE CORRELATIVE RIGHTS OF EVERYBODY
15 ELSE WITHIN THE AQUIFER. I MEAN, THAT'S -- THAT'S NOT
16 POSSIBLE FOR THEM TO DO THAT.

17 MR. ZIMMER: I DON'T THINK THEY CAN SETTLE
18 THEIR OWN CORRELATIVE RIGHTS WITHOUT HAVING ALL PARTIES
19 INVOLVED.

20 THE COURT: I DISAGREE WITH YOU.

21 MR. JOYCE: MR. JOYCE AGAIN.

22 I THINK PART OF WHAT MR. ZIMMER IS BROACHING AND
23 MAYBE WHAT I WOULD LIKE TO SEE IF I CAN UNDERSTAND IS
24 THE COURT APPEARS TO HAVE EXPRESSED THE INTENT TO DEFER
25 OR TO CONSIDER THE -- BOTH THE FORM AND SUBSTANTIVE
26 CONTENT OF AN ORDER OF CONSOLIDATION CONCURRENTLY AT
27 THE TIME THE COURT HOPEFULLY HAS BEFORE IT THE
28 PLEADINGS AND THE REQUEST FOR AN APPROVAL OF THE TWO

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1 CLASS ACTION SETTLEMENTS. AND THE COURT HAS APTLY MADE
2 THE CORRECT OBSERVATION, THAT IS, THAT CURRENTLY NONE
3 OF US SITTING OVER HERE ARE PARTIES TO EITHER OF THE
4 TWO CLASS AS ACTIONS.

5 THE QUESTION I AM MOST CONCERNED ABOUT IS, IS IT
6 THE COURT'S INTENT TO RESOLVE THE ISSUE OF
7 CONSOLIDATION BEFORE PASSING UPON THE SETTLEMENTS OR
8 AFTER?

9 THE COURT: NO. THE FORM OF THE ORDER WILL
10 HAVE TO FOLLOW AFTER.

11 MR. JOYCE: THANK YOU, YOUR HONOR. THAT'S THE
12 CLARIFICATION I NEEDED BECAUSE THEN AT THE TIME OF
13 APPROVAL OBVIOUSLY WE'RE NOT PARTIES TO THE CLASS
14 ACTIONS EITHER.

15 THE COURT: THAT'S RIGHT.

16 MR. JOYCE: THANK YOU.
17 THE COURT: IF YOU WERE YOU WOULD HAVE TO BE
18 INVOLVED IN THE NEGOTIATION, WOULDN'T YOU.
19 MR. JOYCE: THAT'S -- THAT'S BEEN A CONCERN
20 FOR ABOUT TWO MONTHS NOW, YOUR HONOR.
21 THE COURT: WELL, AS I SAID, I THINK THERE IS
22 A RISK OF BECOMING SOMEWHAT PARANOID, UNFORTUNATELY.
23 DOES ANYBODY ELSE WANT TO OFFER ANYTHING AT THIS
24 POINT?
25 MR. BLUM: YOUR HONOR, SHELDON BLUM ON BEHALF
26 OF THE BLUM TRUST. HOW WOULD A PARTY NOT PART OF THE
27 ORIGINAL SETTLEMENT BECOME A PARTY TO THE SETTLEMENT?
28 THE COURT: I DON'T THINK THEY COULD BE UNLESS

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1 THEY DECIDED TO OPT INTO IT --
2 MR. BLUM: RIGHT.
3 THE COURT: -- ON SOME BASIS.
4 MR. MC LACHLAN: YOUR HONOR, THIS IS MIKE
5 MC LACHLAN. I HAVE ONE FURTHER QUESTION. IF I
6 UNDERSTOOD THE FORM OF THE ORDER OF CONSOLIDATION THE
7 COURT IS PRIMARILY FOCUSING ON DECLARATORY RELIEF IN
8 CONSOLIDATION. WHAT WOULD HAPPEN, I AM CURIOUS, I AM
9 CURIOUS WHAT WILL HAPPEN WITH THE REST OF THE CLAIMS
10 THAT ARE PENDING IN THE VARIOUS SUITS. IN OTHER WORDS,
11 WILL THOSE STILL REMAIN SORT OF SEPARATE LAWSUITS OF
12 SOME SORT?
13 THE COURT: I THINK SO. WHY WOULD THEY NOT?
14 MR. MC LACHLAN: I JUST -- I WAS JUST CURIOUS
15 BECAUSE I AM DIAGRAMMING THIS OUT HERE AND I WAS JUST
16 TRYING TO FIGURE OUT HOW THAT WOULD WORK. I JUST
17 WANTED TO MAKE SURE I HAD THAT RIGHT.
18 THE COURT: WELL, THAT WAS, I THINK, THE

19 INEVITABLE CONSEQUENCE OF CONSOLIDATING CERTAIN CAUSES
20 OF ACTION AND BIFURCATING THE OTHERS FROM THE -- FROM
21 EACH OTHER.

22 BUT AT THIS POINT THAT'S WHY I WANT COUNSEL TO
23 PLEASE MEET AND CONFER CONCERNING THAT, THE FORM OF
24 THAT ORDER.

25 AND YOU MAY NEED TO WAIT UNTIL AFTER YOU HAVE
26 REQUESTS FOR APPROVAL OF THE CLASS ACTIONS BEFORE YOU
27 DO THAT.

28 MR. JOYCE: YOUR HONOR, WOULD IT MAKE ANY

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1 SENSE IF WE WERE TO DEFER FINALIZING CONSOLIDATION
2 UNTIL AFTER WE'VE HAD THE HEARING ON THE CLASS
3 SETTLEMENTS?

4 THE COURT: IT MIGHT.

5 MR. JOYCE: TENTATIVELY WE ARE GOING TO DO
6 BOTH ON THE 5TH.

7 THE COURT: WELL, YOU KNOW, THINGS DO FALL IN
8 A NATURAL ORDER. AND IT'S VERY IMPORTANT THAT WE GET
9 THE CLASS ACTIONS RESOLVED IF THEY ARE GOING TO BE
10 RESOLVED AND WE DO THAT AS SOON AS POSSIBLE. IT'S
11 CERTAINLY NOT THE COURT'S INTENT, AND IT NEVER HAS
12 BEEN, TO CREATE RIGHTS IN THE CLASS ACTION CLAIMANTS
13 AGAINST ANY OF THE OTHER PARTIES OTHER THAN THOSE WHO
14 MAY HAVE SUED. THAT WAS NOT NEVER THE COURT'S INTENT.
15 AND THAT'S WHY I'VE INDICATED, AND I THOUGHT, AND MAYBE
16 I WASN'T CLEAR AT THE TIME OF THE HEARING ON THE
17 CONSOLIDATION MOTION, BUT THE ONLY AREAS OF
18 CONSOLIDATION THAT THE COURT IS INTERESTED IN PURSUING
19 AND BRINGING TO FRUITION ARE THE DECLARATORY RELIEF
20 CAUSES OF ACTION BECAUSE OF THE CORRELATIVE RIGHTS OF

21 THE PARTIES AND THE NEED TO HAVE THE FEDERAL GOVERNMENT
22 REMAIN IN THIS CASE.

23 ALL RIGHT. SO HERE'S THE ORDER THEN.

24 THE MOTION PURSUANT TO 170.6 IS STRICKEN AS BEING
25 PREMATURE.

26 THE COURT WILL RESET THE JANUARY DATE TO
27 FEBRUARY 5, 9:00 A.M., IN LOS ANGELES SUPERIOR COURT.

28 THE COURT REQUESTS THE CLASS ACTION COUNSEL AND

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23

1 THEIR ADVERSARIES TO PLEASE MEET AND CONFER WITH
2 JUSTICE ROBEY TO THE EXTENT NECESSARY TO REACH AN
3 ACCOMMODATION ON THE PROPOSED SETTLEMENT.

4 MS. GOLDSMITH: YOUR HONOR, THIS IS JAN
5 GOLDSMITH FOR THE CITY OF LOS ANGELES. OUR OFFICE AND
6 THE OFFICE OF SEVERAL OTHERS ARE IN THE NORTHERN PART
7 OF THE STATE. I WONDER IF YOU COULD SET THAT FOR 10:00
8 A.M. INSTEAD OF 9:00 A.M.

9 THE COURT: WAIT. WHICH HEARING ARE YOU
10 TALKING ABOUT?

11 MS. GOLDSMITH: THE HEARING ON FEBRUARY 5TH.

12 THE COURT: IN LOS ANGELES?

13 MS. GOLDSMITH: YEAH.

14 THE COURT: YOU WANT THAT AT 10:00 O'CLOCK?

15 MS. GOLDSMITH: I WOULD PREFER IT.

16 THE COURT: ALL RIGHT. 10:00.

17 MS. GOLDSMITH: THANK YOU VERY MUCH.

18 THE COURT: LET'S SEE. THE PREVIOUS ORDER
19 ABOUT MEETING AND CONFERRING REMAINS IN EFFECT
20 CONCERNING THE FORM OF THAT ORDER.

21 AND IT MIGHT BE A GOOD IDEA FOR YOU TO MEET AND
22 CONFER EVEN IN ADVANCE OF THE SETTLEMENTS ON THE CLASS
23 ACTIONS BEING PUBLISHED TO YOU SO THAT YOU HAVE A HEAD

24 START ON WHERE YOU'RE GOING TO END UP. OKAY.

25 MR. BRUNICK: THIS IS BILL BRUNICK. DOES THAT
26 MEET AND CONFER AS TO THE FORM OF THE ORDER APPLY TO
27 ALL PARTIES? MAYBE MY PARANOIA IS SHOWING BUT DOES
28 THAT APPLY TO ALL OF US?

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24

1 THE COURT: DO YOU WANT TO PARTICIPATE?

2 MR. BRUNICK: YES.

3 THE COURT: THEN, YES. OKAY?

4 MR. BRUNICK: THANK YOU.

5 MR. ZIMMER: MR. ZIMMER, YOUR HONOR. I AM NOT
6 SURE HOW WE CAN EFFECTIVELY MEET AND CONFER WITHOUT
7 KNOWING THE PROPOSED CONTENT OF THE CLASS SETTLEMENTS.
8 IS THERE SOME WAY THAT THE CLASS SETTLEMENTS COULD BE
9 DISTRIBUTED BY A PARTICULAR DATE AND THEREAFTER WE
10 COULD HAVE THAT?

11 THE COURT: WELL, YOU KNOW, IT SEEMS TO ME,
12 MR. ZIMMER, THAT IF -- IF THE CLASS ACTION SETTLEMENTS
13 CANNOT IMPACT ANY RIGHTS THAT YOUR CLIENTS MAY HAVE TO
14 GROUNDWATER, AND THEY CANNOT, IT'S A FAIRLY SIMPLE
15 THING TO DO. RECOGNIZING THAT WHAT IS PROBABLY -- AND
16 I THINK YOU CAN DRAW SOME CONCLUSIONS ABOUT WHAT, OR
17 SPECULATIONS, WHAT MIGHT BE IN A SETTLEMENT BETWEEN THE
18 CLASS ACTION OF NONPUMPERS SEEKING TO PRESERVE SOME
19 RIGHTS AS AGAINST THE PUBLIC WATER PROVIDERS, AND THE
20 SMALL PUMPERS SEEKING TO PROVIDES RIGHTS AS TO THEM
21 KNOWING THAT THOSE RIGHTS CANNOT IMPACT WHATEVER THEIR
22 SETTLEMENT MIGHT BE, CANNOT IMPACT YOUR RIGHTS THAT ARE
23 GOING TO GET ADJUDICATED IF NOT SETTLED.

24 IT SEEMS TO ME THAT -- THAT YOU CAN HAVE THAT
25 MEET AND CONFER AND AT LEAST GET SOME PRELIMINARY

26 THOUGHTS ABOUT HOW YOU MIGHT SEVER OUT THE DECLARATORY
27 RELIEF AND RELATED CAUSES OF ACTION AND SEEK A PHYSICAL
28 SOLUTION ASSUMING THERE IS AN OVERDRAFT THERE; I DON'T

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1 KNOW THAT THERE IS.

2 I THINK YOU CAN DO THAT AND, YOU KNOW, IF YOU
3 THINK YOU CAN'T THEN DON'T BUT I THINK YOU CAN.

4 ANYBODY ELSE WANT TO SAY ANYTHING?

5 ALL RIGHT. THANK YOU FOR COMING.

6 ALL COUNSEL: THANK YOU, YOUR HONOR.

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I, HEATHER J. GORLEY, DO HEREBY CERTIFY THAT
SAID MATTER WAS TAKEN DOWN BY AT THE TIME AND PLACE
THEREIN NAMED AND WAS THEREAFTER TRANSCRIBED BY MEANS
OF COMPUTER-AIDED TRANSCRIPTION; AND THE SAME IS A
TRUE, CORRECT AND COMPLETE TRANSCRIPT OF THE SAID
PROCEEDINGS.

I FURTHER CERTIFY THAT I AM NOT OF COUNSEL OR
ATTORNEY FOR ANY OF THE PARTIES HERETO, OR IN ANY WAY
INTERESTED IN THE EVENTS OF THIS CASE, AND THAT I AM
NOT RELATED TO ANY PARTY HERETO,

I FURTHER CERTIFY THAT I HAVE COMPLIED WITH
CCP 237 (A)(2) IN THAT ALL PERSONAL JUROR IDENTIFYING
INFORMATION HAS BEEN REDACTED IF APPLICABLE,

DATED, THIS 28TH DAY OF OCTOBER, 2009.

HEATHER J. GORLEY
CRR CSR #9195

Exhibit 12

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

<p>Coordination Proceeding Special Title (Rule 1550(b))</p> <p>ANTELOPE VALLEY GROUNDWATER CASES</p> <p>Included Actions:</p> <p>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201</p> <p>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</p> <p>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</p> <p>Willis v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 364 553</p> <p>Wood v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 391869</p>	<p>Judicial Council Coordination Proceeding No. 4408</p> <p>For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (for E-Posting/E-Service Purposes Only)</p>
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Date/Time: Tuesday, October 13, 2009 (10:00 a.m.)

Location: Santa Clara County Superior Court 191 N. 1st Street, Department 17C
San Jose, CA 95113

Present: Hon. Jack Komar, Judge R. Gutierrez, Clerk

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
Tuesday, October 13, 2009 (10:00 am) / Hon. Jack Komar*

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MINUTE ORDER RE:

(1) MOTION BY THE PUBLIC WATER SUPPLIERS TO TRANSFER AND TO CONSOLIDATE CASES FOR ALL PURPOSES ALL MATTERS PRESENTLY PENDING UNDER JUDICIAL COUNCIL PROCEEDING NO. 4408 FROM THE SUPERIOR COURTS OF RIVERSIDE COUNTY, LOS ANGELES COUNTY AND KERN COUNTY, SPECIALLY ASSIGNED TO THE HONORABLE JACK KOMAR (ATTY WHITNEY G. MCDONALD)

OPERATIVE COMPLAINTS:

Case Name	Filed in (County)	Case Number
<i>Wm. Bolthouse Farms v. City of Lancaster</i>	Riverside	RIC 353840
<i>Diamond Farming Co. v. City of Lancaster</i>	Riverside	RIC 344436
<i>Diamond Farming Co. v. Palmdale Water District</i>	Riverside	RIC 344668
<i>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.</i>	Kern	S-1500-CV 254-348
<i>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.</i>	Los Angeles	BC 325 201
<i>Willis v. Los Angeles County Waterworks District No. 40</i>	Los Angeles	BC 364 553
<i>Wood v. Los Angeles County Waterworks District No. 40</i>	Los Angeles	BC 391 869

Motion was previously heard on August 17, 2009 and continued for further hearing on October 13, 2009 at 10:00 a.m. in Department 17, Santa Clara County.

Meet and confer letter is to be posted by August 25, 2008.

Supplemental materials to the motion are to be filed by September 8, 2009.

Supplemental oppositions are to be filed by September 18, 2009.

Responses to oppositions are to be filed by September 23, 2009.

The Motion was heard and GRANTED. Counsel are ordered to meet and confer regarding the form of the Order to Consolidate.

(2) CONTINUED HEARING ON MOTION BY PLAINTIFF RICHARD WOOD FOR ORDER ALLOCATING COSTS OF COURT-APPOINTED EXPERT WITNESS (ATTY MICHAEL MCLACHLAN)

This matter was previously set on August 17, 2009 and September 14, 2009. **Update:** On October 1, 2009, the Court continued this matter to November 30, 2009, at the moving party's request.

Matter was continued for further hearing on January 8, 2010 in Los Angeles.

(3A) CONTINUED HEARING ON THE MOTION BY DEFENDANTS TO DISMISS THE PUBLIC WATER SUPPLIERS' FIRST AMENDED CROSS-COMPLAINT FILED ON JANUARY 10, 2007; and (3B) JOINDER BY CROSS-DEFENDANT ANTELOPE VALLEY JOINT UNION HIGH SCHOOL DISTRICT (ATTY WILLIAM M. SLOAN)

This is a continued hearing from August 17, 2009.

Matter was heard and continued for further hearing on January 8, 2010 in Los Angeles.

(4) MOTION BY CITY OF LANCASTER, ET AL. TO STAY PROCEEDINGS FOR SIX MONTHS, OR ALTERNATIVELY, CONTINUE TRIAL SETTING CONFERENCE (ATTY DOUGLAS J. EVERTZ)

This is a continued hearing from August 17, 2009.

Matter was heard and continued for further hearing on January 8, 2010 in Los Angeles.

(5) CONTINUED HEARING ON REQUEST BY BOLTHOUSE TO AMEND THE EXHIBITS TO ITS AMENDED CROSS-COMPLAINT (ATTY RICH ZIMMER)

This is a continued hearing from August 17, 2009.

At the hearing on June 19, 2009, the Court set forth a briefing schedule for the above motion. On August 17, 2009 the Court noted that formal moving papers have not yet been filed.

Matter was heard and continued for further hearing on January 8, 2010 in Los Angeles.

(6) CONTINUED HEARING ON THE MOTION BY PLAINTIFF WOOD FOR AN ORDER DISQUALIFYING THE LAW FIRM OF LEMIEUX & O'NEIL (ATTY MICHAL MCLACHLAN)

This matter was previously heard on July 24, 2009 and taken under submission by the Court until August 17, 2009 to allow opposing party to file documents under seal as per the Court's comments on the record. The matter was taken up on the Court's calendar on August 17, 2009 and continued for further hearing on October 13, 2009 at 10:00 a.m. in Department 17, Santa Clara County. **Update:** On October 1, 2009, the Court continued this matter to November 30, 2009, at the moving party's request.

Matter was continued for further hearing on January 8, 2010 in Los Angeles.

(7) TRIAL SETTING CONFERENCE/FURTHER CASE MANAGEMENT CONFERENCE

This is a continued hearing from August 17, 2009.

At the hearing held on July 24, 2009, the Court referred counsel to Justice Robie, through his secretary, Linda Moore, at 916-651-7254, for interested parties to participate in a settlement conference with Justice Robie.

The Request by the Willis Class to Dismiss Without Prejudice the Mojave Public Utility District from the Second Amended Class Action Complaint, received on September 29, 2009, was heard and GRANTED.

A hearing on the Motion by U.S. Borax Inc., Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc. for a Peremptory Challenge (C.C.P. §170.6) was set for hearing on October 27, 2009 at 9:00 a.m. in San Jose. Oppositions to the Motion are due on October 19, 2009; replies are due on October 22, 2009.

PARTIES/ATTORNEYS OF RECORD: SEE COURTCALL ROLL CALL LIST ATTACHED

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	James L. Markman	
Antelope Valley United Water Group	Michael D. Davis	
U.S. Borax	William Sloan	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Rebecca Willis	Ralph Kalfayan	
Palmdale Water District	Thomas Bunn	
Antelope Valley Kern Water Agency	William J. Brunick	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

CourtCall® Appearance Calendar

October 2009

13 Tuesday

17C Judge Jack Komar

Santa Clara County Superior Court

1st Revision 10/12/2009 05:32 PM

10:00 AM Dial: (866) 708-0801

Time	Case Information	Attorney Information
	Case #: 105CV049053 Case Name: Antelope Valley Groundwater Litigation (JCCP 4408) Proceeding Type: Motion	Firm: Alston & Bird, LLP- Los Angeles Phone: (213) 576-1000 Contact: Tammy L. Jones ✓ For Defendant(s), Northrop Grumman, Enxco Development, Palmdale Hills Property
		 Firm: Attorney General's Office Phone: (916) 327-7875 Contact: Michael L. Crow For Defendant(s), State of California
		Firm: Bartkiewicz Kronick & Shanahan Phone: (916) 446-4254 Contact: Stephen M. Siproth ✓ For Cross-Defendant(s), Copa De Oro Land Company
		 Firm: Brownstein Hyatt Farber Schreck Phone: 805-963-7000 Contact: Bradley J. Herrera For Defendant(s), Antelope Valley Groundwater Agreement Association (Agwa)
		 Firm: California Water Service Company Phone: 310-257-1433 Contact: John S. Tootle For Defendant(s), Antelope Valley
		 Firm: Charlton Weeks LLP Phone: 661-265-0959 Contact: Bradley T. Weeks For Interested Party, Quartz Hill Water District
		 Firm: Ellison Schneider & Harris LLP Phone: 916-447-2166 Contact: Christopher M. Sanders For Defendant(s), Los Angeles County Sanitation Districts
		Firm: Fagen Friedman Fulfrost LLP Phone: (323) 330-6300 Contact: Anna Miller ✓ For Cross-Defendant(s), Antelope Valley Joint Union High School District.

CourtCall® Appearance Calendar

October 2009

13 Tuesday

17C Judge Jack Komar

Santa Clara County Superior Court

1st Revision 10/12/2009 05:32 PM

10:00 AM Dial: (866) 708-0801

Time	Case Information	Attorney Information
		Firm: Hanna & Morton LLP Phone: 213-430-2505 ext. 516 Contact: Edward S. Renwick For: Cross-Defendant(s), Wagas Land Company, LLC.
		Firm: John Ukkestad - Client Phone: (661) 272-0015 Contact: John Ukkestad For: Client, John Ukkestad
		Firm: Kuhs & Parker Phone: (661) 322-4004 Contact: Robert G. Kuhs For: Defendant(s), Tejon Ranch Corporation
		Firm: Lemieux & O'Neill Phone: 805-495-4770 Contact: Keith W. Lemieux, Jr. For: Defendant(s), Little Rock Creeks et al
		Firm: Lewis Brisbois Bisgaard & Smith Phone: 213-580-3902 Contact: Melissa McKeith For: Cross-Complainant(s), Anaverde, LLC
		Firm: Meserve, Mumper & Hughes, LLP Phone: 213-620-0300 Contact: Cliff Melnick ✓ For: Defendant(s), Cameron Properties
		Firm: Mike Floyd - Client - Phone: (661) 943-3201 Contact: Mike Flood ✓ For: Client, Mike Floyd
		Firm: Richard A. Wood - Client Phone: 661-946-1161 Contact: Richard A. Wood For: Client, Richard Wood
		Firm: SmithTrager LLP Phone: (949) 752-8971 Contact: Susan M. Trager For: Cross-Defendant(s), Phelan Pinion Hills Community

CourtCall® Appearance Calendar

October 2009

1st Revision 10/12/2009 05:32 PM

13 Tuesday

17C Judge Jack Komar

Santa Clara County Superior Court

10:00 AM Dial: (866) 708-0801

Time	Case Information	Attorney Information
		Firm: Southern California Edison Company Phone: 626-302-3712 Contact: Amy M. Gantvoort ✓ For Representing, Southern California Edison Company
		Firm: U.S. Department of Justice Phone: 303-844-1364 Contact: R. Lee Leininger ✓ For Defendant(s), United States
		Firm: Young Wooldridge LLP Phone: 661-327-9661 ext. 161 Contact: Scott K. Kuney ✓ For Defendant(s), Van Dam & Antelope Valley

Exhibit 13

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

<p>Coordination Proceeding Special Title (Rule 1550(b))</p> <p>ANTELOPE VALLEY GROUNDWATER CASES</p> <p>Included Actions:</p> <p>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201</p> <p>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</p> <p>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</p> <p>Willis v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 364 553</p> <p>Wood v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 391869</p>	<p>Judicial Council Coordination Proceeding No. 4408</p> <p>For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (for E-Posting/E-Service Purposes Only)</p>
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Date/Time: Thursday, October 15, 2009 (no time)

Location: Santa Clara County Superior Court 191 N. 1st Street, Department 17C
San Jose, CA 95113

Present: Hon. Jack Komar, Judge R. Gutierrez, Clerk

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
Thursday, October 15, 2009 (no time) / Hon. Jack Komar*

S:\crcl\dept 17 Komar\antelope Valley\2009-10-15 MO re late add ons to Willis Class.doc

MINUTE ORDER RE:

The following parties have requested and received the Court's permission to re-join the Willis Class, and have been instructed to return either Exhibit A or Exhibit B from the June 18, 2009 Stipulation & Order Defining Procedure for Parties to Participate as Members of the Willis Class to the address listed on the forms:

1. Josee (Marie) Kubiak, Trust of Kubiak

This matter was not reported.

PARTIES/ATTORNEYS OF RECORD: NO APPEARANCES

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam Antelope Valley Water Storage	Scott Kuney	
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

Exhibit 14

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

<p>Coordination Proceeding Special Title (Rule 1550(b))</p> <p>ANTELOPE VALLEY GROUNDWATER CASES</p> <p>Included Actions:</p> <p>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201</p> <p>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</p> <p>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</p> <p>Willis v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 364 553</p> <p>Wood v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 391869</p>	<p>Judicial Council Coordination Proceeding No. 4408</p> <p>For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (for E-Posting/E-Service Purposes Only)</p>
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Date/Time: Friday, October 16, 2009 (no time)

Location: Santa Clara County Superior Court 191 N. 1st Street, Department 17C
San Jose, CA 95113

Present: Hon. Jack Komar, Judge R. Gutierrez, Clerk

1

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
Friday, October 16, 2009 (no time) / Hon. Jack Komar*

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MINUTE ORDER RE:

The following parties have requested and received the Court's permission to re-join the Willis Class, and have been instructed to return either Exhibit A or Exhibit B from the June 18, 2009 Stipulation & Order Defining Procedure for Parties to Participate as Members of the Willis Class to the address listed on the forms:

1. Betty Jacobsen

This matter was not reported.

PARTIES/ATTORNEYS OF RECORD: NO APPEARANCES

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam Antelope Valley Water Storage	Scott Kuney	
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

Exhibit 15

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

<p>Coordination Proceeding Special Title (Rule 1550(b))</p> <p>ANTELOPE VALLEY GROUNDWATER CASES</p> <p>Included Actions:</p> <p>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201</p> <p>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</p> <p>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</p> <p>Willis v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 364 553</p> <p>Wood v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 391869</p>	<p>Judicial Council Coordination Proceeding No. 4408</p> <p>For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (for E-Posting/E-Service Purposes Only)</p>
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Date/Time: Thursday, October 22, 2009 (no time)

Location: Santa Clara County Superior Court 191 N. 1st Street, Department 17C
San Jose, CA 95113

Present: Hon. Jack Komar, Judge R. Gutierrez, Clerk

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
Thursday, October 22, 2009 (no time) / Hon. Jack Komar*

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MINUTE ORDER RE:

The following parties have requested and received the Court's permission to re-join the Willis Class, and have been instructed to return either Exhibit A or Exhibit B from the June 18, 2009 Stipulation & Order Defining Procedure for Parties to Participate as Members of the Willis Class to the address listed on the forms:

1. Betty Jacobsen
2. Michael J. Rinaldi, Trust for Michael J. Rinaldi
3. Teosilo C. Mascarinas, Jr. and Ana R. Mascarinas
4. Thelma C. Mascarinas
5. Duane G. Marshall and Gwen S. Marshall

This matter was not reported.

PARTIES/ATTORNEYS OF RECORD: NO APPEARANCES

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam Antelope Valley Water Storage	Scott Kuney	
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

Exhibit 16

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

<p>Coordination Proceeding Special Title (Rule 1550(b))</p> <p>ANTELOPE VALLEY GROUNDWATER CASES</p> <p>Included Actions:</p> <p>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201</p> <p>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</p> <p>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</p> <p>Willis v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 364 553</p> <p>Wood v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 391869</p>	<p>Judicial Council Coordination Proceeding No. 4408</p> <p>For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (for E-Posting/E-Service Purposes Only)</p>
--	--

Date/Time: Friday, October 23, 2009 (no time)

Location: Santa Clara County Superior Court

191 N. 1st Street, Department 17C
San Jose, CA 95113

Present: Hon. Jack Komar, Judge

R. Gutierrez, Clerk

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
Friday, October 23, 2009 (no time) / Hon. Jack Komar*

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MINUTE ORDER RE:

The following parties have requested and received the Court's permission to re-join the Willis Class, and have been instructed to return either Exhibit A or Exhibit B from the June 18, 2009 Stipulation & Order Defining Procedure for Parties to Participate as Members of the Willis Class to the address listed on the forms:

1. Wendy Lee
2. Girard Moughalian and Renate A. Moughalian
3. Diane Hanville
4. Dave Faylor

This matter was not reported.

PARTIES/ATTORNEYS OF RECORD: NO APPEARANCES

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam Antelope Valley Water Storage	Scott Kuney	
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

Exhibit 17

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

<p>Coordination Proceeding Special Title (Rule 1550(b))</p> <p>ANTELOPE VALLEY GROUNDWATER CASES</p> <p>Included Actions:</p> <p>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201</p> <p>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</p> <p>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</p> <p>Willis v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 364 553</p> <p>Wood v. Los Angeles County Waterworks District No. 40 Superior Court of California, County of Los Angeles, Case No. BC 391869</p>	<p>Judicial Council Coordination Proceeding No. 4408</p> <p>For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (for E-Posting/E-Service Purposes Only)</p>
--	--

Date/Time: Friday, October 23, 2009 (no time)

Location: Santa Clara County Superior Court 191 N. 1st Street, Department 17C
San Jose, CA 95113

Present: Hon. Jack Komar, Judge R. Gutierrez, Clerk

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
Friday, October 23, 2009 (no time) / Hon. Jack Komar*

S:\CRclk\Dept 17 Komar\Antelope Valley\2009-10-23 MO re late add ons to Willis Class (2nd).doc

MINUTE ORDER RE:

The following parties have requested and received the Court's permission to re-join the Willis Class, and have been instructed to return either Exhibit A or Exhibit B from the June 18, 2009 Stipulation & Order Defining Procedure for Parties to Participate as Members of the Willis Class to the address listed on the forms:

1. Daniel Lau
2. Daniel Landeros

This matter was not reported.

PARTIES/ATTORNEYS OF RECORD: NO APPEARANCES

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam Antelope Valley Water Storage	Scott Kuney	
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	

Exhibit 18

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LOS ANGELES
SUPERIOR COURTSUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELESCoordinated Proceeding
Special Title (Rule 1550(b))Judicial Council Coordination
Proceeding No. 4408ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Los Angeles County Superior Court
Case No. BC 325 201**ORDER AFTER HEARING ON
JURISDICTIONAL BOUNDARIES**Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Kern County Superior Court
Case No. S-1500-CV-254-348Hearing Date: October 10, 2006
Time: 10:00 a.m.
Department: 1, Room 534Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water
District
Riverside County Superior Court
Consolidated Action, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judge: Hon. Jack Komar

AND RELATED CROSS-ACTIONS.

Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
Order After Hearing on Jurisdictional Boundaries

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF LOS ANGELES
10

11 Coordinated Proceeding
12 Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

13 ANTELOPE VALLEY GROUNDWATER
14 CASES

15 Included Actions:

16 Los Angeles County Waterworks District No.
17 40 v. Diamond Farming Co.
18 Los Angeles County Superior Court
Case No. BC 325 201

**ORDER AFTER HEARING ON
JURISDICTIONAL BOUNDARIES**

19 Los Angeles County Waterworks District No.
20 40 v. Diamond Farming Co.
21 Kern County Superior Court
Case No. S-1500-CV-254-348

Hearing Date: October 10, 2006
Time: 10:00 a.m.
Department: 1, Room 534

Judge: Hon. Jack Komar

22 Wm. Bolthouse Farms, Inc. v. City of Lancaster
23 Diamond Farming Co. v. City of Lancaster
24 Diamond Farming Co. v. Palmdale Water
25 District
26 Riverside County Superior Court
Consolidated Action, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

27 AND RELATED CROSS-ACTIONS.
28

1 This matter came on for hearing on October 10, 11, and 12, 2006 for purposes of
2 establishing the geographical boundaries for the ground water adjudication of the Antelope
3 Valley coordinated cases. The court heard the testimony of expert witnesses called by the
4 various parties, admitted exhibits into evidence, and heard oral argument.

5 The relief sought in this coordinated case is the adjudication of the claims of all parties
6 who assert a right to the ground water within the Antelope Valley basin based upon the various
7 causes of action and defenses stated by the parties. The court must have jurisdiction of all
8 parties who may have a claim to the ground water at issue and accordingly must determine the
9 geographical boundaries of the ground water basin. All overlying land owners with correlative
10 usufructuary rights and appropriators who produce water from the aquifer are necessary parties.

11 The United States is a major overlying land owner within the basin and has been made a
12 party to this litigation. The United States waives its sovereign immunity pursuant to the
13 McCarran Amendment and may be sued in litigation which involves rights to surface or ground
14 water *only* when the adjudication will be a comprehensive adjudication of all the rights in a
15 river or other water source. 43 U.S.C.S. Section 666(a), *United States District Court for Eagle*
16 *County* (1971) 401 U.S. 520, *United States v. Oregon, Water Resources Dep't* (9th Cir. 1994)
17 44 F. 3d 758.

18 The Watershed

19 The purpose of the comprehensive adjudication requirement of the McCarran
20 Amendment is to ensure that the United States is not subject piecemeal litigation. It is argued
21 that the jurisdictional boundaries must therefore include the watershed in order to satisfy the
22 McCarran Amendment because the watershed does in fact constitute the primary source of
23 natural recharge of the basin aquifer. Hydrologic connection alone is not sufficient. *United*
24 *States v. Eagle County*, supra. The rights claimed in the watershed must be such that without
25 adjudicating those rights in the instant action, the United States (and other parties) would be
26 subject to further, separate litigation regarding other *claims of right* affecting their rights to
27 water within the aquifer. It should not be a potential claim based on some theoretical future
28 conduct, but rather an actual claim based upon an existing right. The focus of this

1 comprehensive litigation is the determination of rights to water that is within the ground water
2 basin. And the watershed is not part of the aquifer within the ground water basin.

3 The parties produced evidence at the hearing concerning the hydrology of the basin,
4 including surface water and ground water, the hydrology of the watershed, and the extent of the
5 relationship between the basin aquifer and the watershed.

6 The Little Rock Creek Reservoir, which controls significant recharge into the Antelope
7 Valley aquifer, and which the court understands is operated by the Palmdale Irrigation District
8 and the Little Rock Creek Irrigation District, is in the watershed and not within the ground
9 water basin. Those districts are properly parties to the litigation because they claim rights to
10 that water and because they exercise discretionary control over the release of the reservoir
11 water for recharge. Any other parties who are similarly situated should also be joined in this
12 litigation.

13 Other *nominal* users in the watershed whose use is fixed by permit or regulation have
14 no rights to water within the aquifer and need not be joined absent some evidence that they
15 have a claim as an appropriator, or otherwise, or are claiming a right to act beyond the
16 parameters of their permit or regulated use to interfere with recharge of the basin aquifer in a
17 material way.

18 Thus, the court declines to define the jurisdictional boundaries to include the watershed
19 area and will limit the boundaries to the basin aquifer itself. However, to the extent that any
20 other identified parties outside the boundaries of the ground water basin make a claim to
21 ground basin water, or who claim a right to control basin recharge water from the watershed,
22 they may be joined as parties upon motion to amend a complaint or cross complaint.

23 The Ground Water Basin

24 The principal area of disagreement in defining the basin relates to the area north of the
25 Willow Springs/Cottonwood fault lines. The specific issue is whether the fault line or bedrock
26 is so impermeable that it constitutes a northerly barrier so no water flows south of the fault line;
27 or on the other hand, whether there is sufficient conductivity between the area north of the fault
28

1 and the balance of the Antelope Valley that the more northerly area should be included within
2 the jurisdictional boundaries for this adjudication.

3 There are some additional areas of dispute involving the North Muroc area on the
4 northeastern boundary of the basin, and the Leona Valley, and related areas, where there are a
5 number wells pumping from fractured bedrock.

6 The court concludes that the alluvial basin as described in California Department of
7 Water Resources Bulletin 118-2003 should be the basic jurisdictional boundary for purposes of
8 this litigation. In addition to the alluvial basin, the adjacent valleys also may have conductivity
9 and potentially some impact on the aquifer. The evidence presently before the court is that the
10 amount of flow at the present time and historically has been nominal and in some cases
11 virtually nil, and will likely remain so for the indefinite future. The court will exclude them at
12 this time from the jurisdictional boundaries. *De minimus non curat lex*. However, any party
13 who believes that there is measurable impact on the aquifer so that particular parties in those
14 areas should be joined may seek leave to do so.

15 The eastern boundary will be the jurisdictional line on the east which was established as
16 the westernmost boundary in the Mojave litigation.

17 These boundaries are established for purposes of ensuring that the most reasonably
18 inclusive boundaries will be used to ensure a complete and final adjudication of rights to the
19 ground water.

20 As the litigation in this case progresses certain geographical areas, upon further
21 evidence, may appear to lack any real connection to the Antelope Valley aquifer and such areas
22 may ultimately be excluded. Other areas may be added as evidence establishes a claim adverse
23 to the rights of the other parties involved in this groundwater adjudication.
24 Again, any party who believe that parties who are not within the jurisdictional bounds should
25 be joined may make application to the court to file a cross complaint, or amended complaint or
26 cross complaint (as the case may be) to include such parties.

27 At the next Case Management Conference, counsel should address the possibility of
28 creating defendant subclasses or other remedies for all potential parties who may be in marginal

1 water production areas, including various portions of the watershed that are currently excluded.
2 Innovative methods may be used to minimize delay and service issues and expenses.

3 The court reaffirms the Case Management Conference set for November 13, 2006 at
4 1:30 p.m. in the Los Angeles Superior Court, Central District, Department 1, Room 534, 111
5 North Hill Street, Los Angeles, CA 90012.

6
7 SO ORDERED.

8
9 Dated: November 3, 2006

/s/ Jack Komar

Judge of the Superior Court

Exhibit 19

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title [Rule 1550(b)]

Judicial Council Coordination
Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Los Angeles County Superior Court
Case No. BC 325 201

**REVISED ORDER AFTER
HEARING ON JURISDICTIONAL
BOUNDARIES**

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Kern County Superior Court
Case No. S-1500-CV-254-348

Hearing Date: October 10, 2006
Time: 10:00 a.m.
Department: 1, Room 534

Judge: Hon. Jack Komar

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water
District
Riverside County Superior Court
Consolidated Action, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

AND RELATED CROSS-ACTIONS

1 On the court's own motion, the order entered November 3, 2006, is revised to read as
2 follows:

3 This matter came on for hearing on October 10, 11, and 12, 2006 for purposes of
4 establishing the geographical boundaries for the ground water adjudication of the Antelope
5 Valley coordinated cases. The court heard the testimony of expert witnesses called by the
6 various parties, admitted exhibits into evidence, and heard oral argument.

7 The relief sought in this coordinated case is the adjudication of the claims of all parties
8 who assert a right to the ground water within the Antelope Valley basin based upon the various
9 causes of action and defenses stated by the parties. The court must have jurisdiction of all
10 parties who may have a claim to the ground water at issue and accordingly must determine the
11 geographical boundaries of the ground water basin. All overlying land owners with correlative
12 usufructuary rights and appropriators who produce water from the aquifer are necessary parties.

13 The United States is a major overlying land owner within the basin and has been made a
14 party to this litigation. The United States waives its sovereign immunity pursuant to the
15 McCarran Amendment and may be sued in litigation which involves rights to surface or ground
16 water *only* when the adjudication will be a comprehensive adjudication of all the rights in a
17 river or other water source. 43 *U.S.C.S.* Section 666(a), *United States District Court for Eagle*
18 *County* (1971) 401 U.S. 520, *United States v. Oregon, Water Resources Dep't* (9th Cir.1994)
19 44 F. 3d 758.

20 The Watershed

21 The purpose of the comprehensive adjudication requirement of the McCarran
22 Amendment is to ensure that the United States is not subject to piecemeal litigation. It is argued
23 that the jurisdictional boundaries must therefore include the watershed in order to satisfy the
24 McCarran Amendment because the watershed does in fact constitute the primary source of
25 natural recharge of the basin aquifer. Hydrologic connection alone is not sufficient. *United*
26 *States v. Eagle County*, supra. The rights claimed in the watershed must be such that without
27 adjudicating those rights in the instant action, the United States (and other parties) would be
28 subject to further, separate litigation regarding other *claims of right* affecting their rights to

1 water within the aquifer. It should not be a potential claim based on some theoretical future
2 conduct, but rather an actual claim based upon an existing right. The focus of this
3 comprehensive litigation is the determination of rights to water that is within the ground water
4 basin. And the watershed is not part of the aquifer within the ground water basin.

5 The parties produced evidence at the hearing concerning the hydrology of the basin,
6 including surface water and ground water, the hydrology of the watershed, and the extent of the
7 relationship between the basin aquifer and the watershed.

8 The Little Rock Creek Reservoir, which controls significant recharge into the Antelope
9 Valley aquifer, and which the court understands is operated by the Palmdale Irrigation District
10 and the Little Rock Creek Irrigation District, is in the watershed and not within the ground
11 water basin. Those districts are properly parties to the litigation because they claim rights to
12 that water and because they exercise discretionary control over the release of the reservoir
13 water for recharge. Any other parties who are similarly situated should also be joined in this
14 litigation.

15 Other *nominal* users in the watershed whose use is fixed by permit or regulation have
16 no rights to water within the aquifer and need not be joined absent some evidence that they
17 have a claim as an appropriator, or otherwise, or are claiming a right to act beyond the
18 parameters of their permit or regulated use to interfere with recharge of the basin aquifer in a
19 material way.

20 Thus, the court declines to define the jurisdictional boundaries to include the watershed
21 area and will limit the boundaries to the basin aquifer itself. However, to the extent that any
22 other identified parties outside the boundaries of the ground water basin make a claim to
23 ground basin water, or who claim a right to control basin recharge water from the watershed,
24 they may be joined as parties upon motion to amend a complaint or cross complaint.

25 The Ground Water Basin

26 The principal area of disagreement in defining the basin relates to the area north of the
27 Willow Springs/Cottonwood fault lines. The specific issue is whether the fault line or bedrock
28 is so impermeable that it constitutes a northerly barrier so no water flows south of the fault line;

1 or on the other hand, whether there is sufficient conductivity between the area north of the fault
2 and the balance of the Antelope Valley that the more northerly area should be included within
3 the jurisdictional boundaries for this adjudication.

4 There are some additional areas of dispute involving the North Muroc area on the
5 northeastern boundary of the basin, and the Leona Valley, and related areas, where there are a
6 number of wells pumping from fractured bedrock.

7 The court concludes that generally the alluvial basin as described in California
8 Department of Water Resources Bulletin 118-2003 should be the basic jurisdictional boundary
9 for purposes of this litigation. In addition to the alluvial basin, the adjacent valleys, including a
10 portion of the North Muroc area and the Leona Valley, also may have conductivity and
11 potentially some impact on the aquifer. The evidence presently before the court is that the
12 amount of flow at the present time and historically has been nominal and in some cases
13 virtually nil, and will likely remain so for the indefinite future. The court will exclude them at
14 this time from the jurisdictional boundaries. *De minimus non curat lex*. However, any party
15 who believes that there is measurable impact on the aquifer so that particular parties in those
16 areas should be joined may seek leave to do so.

17 The eastern boundary will be the jurisdictional line on the east which was established as
18 the westernmost boundary in the Mojave litigation.

19 A map and verbal description of the jurisdictional boundaries established by this order
20 are attached hereto as Exhibit A. These boundaries are established for purposes of ensuring that
21 the most reasonably inclusive boundaries will be used to ensure a complete and final
22 adjudication of rights to the ground water.

23 As the litigation in this case progresses certain geographical areas, upon further
24 evidence, may appear to lack any real connection to the Antelope Valley aquifer and such areas
25 may ultimately be excluded. Other areas may be added as evidence establishes a claim adverse
26 to the rights of the other parties involved in this groundwater adjudication.
27 Again, any party who believe that parties who are not within the jurisdictional bounds should
28 be joined may make application to the court to file a cross complaint, or amended complaint or

1 cross complaint (as the case may be) to include such parties.

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4 SO ORDERED.

5 Dated:

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Judge of the Superior Court

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1 cross complaint (as the case may be) to include such parties.

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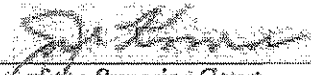
SO ORDERED.

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Dated: MAR 12 2007

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Judge of the Superior Court

JACK KOMAR

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Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
Order After Hearing on Jurisdictional Boundaries

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Exhibit 20

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordinated Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Los Angeles County Superior Court
Case No. BC 325 201

**ORDER AFTER PHASE TWO
TRIAL ON HYDROLOGIC
NATURE OF ANTELOPE VALLEY**

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Kern County Superior Court
Case No. S-1500-CV-254-348

Department: 1
Judge: Hon. Jack Komar

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water
District
Riverside County Superior Court
Consolidated Action, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

AND RELATED CROSS-ACTIONS.

1 This matter came on for the second phase of the trial on October 6, 2008. Further trial in
2 Phase Two continued on October 7, 8, 9, and 10 and November 3, 4, and 5, 2008. The court
3 heard the testimony of expert witnesses called by the various parties, admitted exhibits into
4 evidence, and heard oral argument. The matter was submitted on November 5, 2008.

5 The relief sought in this coordinated case is the adjudication of the claims of all parties
6 who assert a right to the ground water within the Antelope Valley basin based upon the various
7 causes of action and defenses stated by the parties in the various complaints, cross-complaints
8 and answers on file herein.

9 The purpose of this second phase of the trial was to establish the hydrologic nature of
10 the aquifer within the previously established geographical boundaries for the ground water
11 adjudication of the Antelope Valley. Specifically, the issue was whether there were any distinct
12 groundwater sub basins within the valley that did not have hydrologic connection to other parts
13 of the aquifer underlying the valley.

14 Three parties have asserted that there are separate basins or sub basins within the
15 jurisdictional boundaries established by the court within the Antelope Valley, and that therefore
16 those areas should be treated as separate unconnected basins for purposes of the adjudication.
17 The three parties are Tejon Ranchcorp, Anaverde LLC, and Crystal Organic Farms LLC. All
18 other participating parties (with the exception of Sheep Creek, which is not participating in this
19 phase) assert there is a single aquifer for purposes of the adjudication and that there are no sub
20 basins within the aquifer.

21 Crystal Organic LLC has taken the position that there is no hydrologic connection
22 between the area north of the Willow Springs fault and that area should be excluded from the
23 area of adjudication of the Antelope Valley. Tejon Ranchcorp contends that there is a bedrock
24 ridge separating the Antelope Valley into an east basin and a west basin and that the court
25 should adjudicate each of those areas separately. Anaverde LLC contends that there is no
26 hydrologic connection between the Anaverde Valley and the Antelope Valley.

1 Anaverde LLC moved for judgment under CCP § 631.8 after the Public Water
2 Producers had completed calling witnesses with regard to the issues on Phase Two of the trial.
3 That motion is denied.

4 The court considers hydrologic connection within a groundwater aquifer for purposes of
5 this adjudication to be that condition where ground water actually or potentially moves from
6 one part of the basin to the other with the potential to affect the water status or condition of the
7 other portion of the basin aquifer. If such connectivity is shown, then the area in question must
8 be included within the adjudication of the valley. If there is no hydrologic connection, and there
9 is no other basis for jurisdiction, then such an area should be excluded from the adjudication.

10 Based on the evidence presented, the court concludes that there is sufficient hydraulic
11 connection between the disputed areas and the rest of the Antelope Valley such that the court
12 must include the disputed areas within the adjudication area.

13 While the exact location of the bedrock ridge and its nature and extent have not been
14 established with any precision, whatever its nature, specific location and extent may ultimately
15 be proved to be, the court concludes that the evidence establishes that there is hydrologic
16 connection between the so-called east and west portions of the Antelope Valley over the
17 bedrock ridge. The court also concludes that there is hydrologic connection between the
18 Anaverde Valley and the Antelope Valley as well as between the area north and south of the
19 Willow Springs Fault.

20 The affect of the hydrologic connection on the rights of parties to the litigation cannot
21 be determined at this stage of the proceedings. There are multiple claims to be adjudicated in
22 this case, including declaratory relief, claims of prescription, claims of overlying owners to
23 quiet title to water rights, claims that portions of the basin should be treated as a separate area
24 for management purposes in the event a physical solution to water use is established, among
25 other issues and claims. The resolution of many of these claims may well be affected by the
26 nature and extent of the hydrologic connectivity of water within various portions of the aquifer.
27 However, it would be premature to make any such determination at this stage of the
28 proceedings,

1 At the next Case Management Conference scheduled for November 25, 2008, at 10:30
2 a.m. in Department 17 at the Santa Clara County Superior Court, counsel should address the
3 status of the service of notices in the two class action proceedings, and the setting for trial of
4 the remaining phases of the trial. The parties must provide narrative case management
5 statements addressing these issues to the court no later than November 21, 2008.

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7 SO ORDERED.

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9 Dated: November 6, 2008


Judge of the Superior Court
JACK KOMAR