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Attorneys for: Gene T. Bahlman, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms, Healy Enterprises, Inc., John Javadi and Sahara Nursery, Juniper Hills Water Group, 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, Maritorena Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard and Michael Nelson, Robert Jones, John and Adrienne Reca, Mabel Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel Kremen and Tierra Bonita Ranch Company, Triple M Property FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow Springs Company, Donna Wilson, **collectively known as the Antelope Valley Groundwater Agreement Association (“AGWA”)**

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

ANTELOPE VALLEY
GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201 Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern, Case No. S-1500-CV-254-348 Wm. Bolthouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside, consolidated actions, Case 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 OPPOSITION TO ANTELOPE**
) **VALLEY-EAST KERN WATER AGENCY**
) **AND PUBLIC WATER SUPPLIERS’ EX**
) **PARTE APPLICATION TO CONTINUE**
) **PHASE 5 TRIAL; DECLARATION OF**
) **MICHAEL T. FIFE IN SUPPORT**
) **THEREOF**

1 The Antelope Valley Groundwater Agreement Association (“AGWA”) opposes the ex
2 parte request for a continuance by the Antelope Valley-East Kern Water Agency (“AVEK”) and
3 the Public Water Suppliers.

4 AGWA supports any and all efforts at settlement and has participated in all settlement
5 discussions which are open to it. However, paragraphs five and six of the Declaration of Jeffrey
6 Dunn, filed concurrently with AVEK and the Public Water Suppliers’ ex parte request (“Dunn
7 Declaration”), demonstrate the problem with the current process and why the proposed
8 continuance request should be denied. Paragraph five of the Dunn Declaration describes in
9 concrete detail the in-person meetings that occurred on February 19-21, 2014. AGWA agrees
10 that these meetings were productive. Paragraph 6 of the Dunn Declaration then vaguely describes
11 “telephone and email” discussions in the following week. The Declaration is then silent as to any
12 discussions, even by email or telephone, after that point.

13 AGWA participated in the in-person meetings on February 19-21, as did many other
14 landowners. (Declaration of Michael T. Fife filed concurrently with this Opposition (“Fife
15 Decl.”), at ¶ 2.) After that point, however, if any settlement discussions have occurred, AGWA
16 has not been included. (Fife Decl., at ¶ 3.) In fact, we know of no landowner that has been
17 included in any further settlement discussions. (Fife Decl., at ¶ 4.) On February 24, 2014,
18 several of the landowners requested that additional meetings be scheduled, and these requests
19 were reiterated throughout that week. (Fife Decl., at ¶ 5.) It appears that after the February 21,
20 2014 meeting, either no discussions have occurred, or if they have occurred, no landowners were
21 included. Fife Decl., at ¶ 6.) This is inconsistent with the direction of the Court given on
22 February 19, 2014, during discussion of the previous continuance request, that the settlement
23 effort should be towards a global settlement that includes all parties.

24 In addition, the Case Management Order for the Phase 5 and Phase 6 trials contemplated a
25 scheduled order around the Phase 5 trial being completed by February 21, 2014. The requested
26 continuance to April 28, 2014 moves this date out by more than two months, with the promise
27 that the activities that will occur during this time will be settlement negotiations. If the Court
28 grants the current request, the August 4, 2014 start date for the Phase 6 trial will no longer be

1 viable. AGWA requests that if the current continuance request is granted, that the Court also
2 move the Phase 6 trial start date out by a corresponding timeframe to approximately September
3 29, 2014.

4
5
6 Dated: March 5, 2014

BROWNSTEIN HYATT FARBER SCHRECK, LLP

7
8 By:



9 MICHAEL T. FIFE
10 BRADLEY J. HERREMA
11 ATTORNEYS FOR AGWA
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Declaration of Michael T. Fife

I, Michael T. Fife, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of California, and am a shareholder in the law firm of Brownstein Hyatt Farber Schreck LLP, counsel of record for the Antelope Valley Groundwater Agreement Association ("AGWA") in the above-entitled matter. I make this declaration of my own personal knowledge, except for those matters stated on information and belief, and as to those matters, I believe them to be true.

2. I, on behalf of AGWA, participated in the in-person settlement meetings in this matter that took place on February 19-21, 2014, as did many other landowner parties, in the Los Angeles office of Best Best & Krieger.

3. Since February 21, 2014, AGWA has not been included in any additional settlement discussions, if any have occurred.

4. I am not aware of any other landowner party that has been included in any further settlement discussions in this action since February 21, 2014.

5. I have personal knowledge that on February 24, 2014, several of the landowner parties requested that additional settlement meetings be scheduled, and that these requests were reiterated throughout that week.

6. It appears to me that after the February 21, 2014 settlement meeting, either no additional settlement discussions have occurred, or if they have, no landowner parties were included in such discussions.

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

Dated this 5th day of March, 2014, at Santa Barbara, California.



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: 1020 State Street, Santa Barbara, California 93101.

On March 5, 2014, I served the foregoing document described as:

**AGWA'S OPPOSITION TO ANTELOPE VALLEY-EAST KERN WATER AGENCY
AND PUBLIC WATER SUPPLIERS' EX PARTE APPLICATION TO CONTINUE
PHASE 5 TRIAL; DECLARATION OF MICHAEL T. FIFE IN SUPPORT THEREOF**

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on March 5, 2014.

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 March 5, 2014.

**LINDA MINKY
TYPE OR PRINT NAME**



SIGNATURE