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Attorneys for Defendants
LITTLEROCK CREEK IRRIGATION DISTRICT
And PALM RANCH IRRIGATION DISTRICT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ANTELOPE VALLEY GROUNDWATER) Judicial Council Coordination
CASES) Proceeding No. 4408

Included Actions:) [Assigned for All Purposes to the
Los Angeles County Waterworks District) Honorable Jack Komar]

No. 40 v. Diamond Farming Co. Superior)
Court of California, County of Los Angeles,)
Case No. BC 325201; Los Angeles County) **CASE MANAGEMENT STATEMENT**

Waterworks District No. 40 v. Diamond)
Farming Co., Superior Court of California,)
County of Kern, Case No. S-1500-CV-)
234348; Wm. Bolthouse Farms, Inc. v. City) Date: April 28, 2006
of Lancaster Diamond Farming Co. v. City) Time: 10:00 a.m.
of Lancaster v. Palmdale Water District,) Dept.: 1 of the Los Angeles County
Superior Court of California, County of) Superior Court, 111 No. Hill Street,
Riverside, consolidated actions, Case Nos.) Los Angeles, CA 90012
RIC 353840,)
RIC 344436, RIC 344668)

PRELIMINARY

During the informal issues conference conducted by the Court on March 24, 2006,
the court ordered the undersigned to draft and circulate model pleadings for consideration
at the April 28, 2006, case management conference. The model Cross-Complaint, model
Answer, and Notice of Adoption are attached hereto as Exhibits 1 and 2. (For convenience,

1 the Cross-Complaint, Answer, and Notice of Adoption will be referred to collectively as the
2 “model pleadings.”) This case management statement describes how the documents were
3 circulated, summarizes the substance of the documents, and suggests how they may be
4 used.

5 **CIRCULATING PROCESS**

6 The first draft of the model Cross-Complaint was presented to the parties who
7 currently have Cross-Complaints on file on or about March 30, 2006. (Generally, these
8 parties are public agency water purveyors.) Despite the lack of comment, a second draft
9 was submitted to the same group on April 13, 2006. A third draft of the model pleadings
10 were submitted to other parties of record on April 18, 2006. (Exhibit 3 is the cover letter for
11 the distribution and a list of the parties who were sent the model pleadings by email and
12 through the U. S. Post Office.)

13 We received comments from the parties and distributed another draft on April 21,
14 2006. The draft which is attached hereto includes comments received prior to the end of
15 business on April 21, 2006.

16 **PROPOSED PROCESS**

17 The correspondence to the other parties suggested the model pleadings be used as
18 follows if they are approved by the court:

19 1. The model Cross-Complaint will be filed by a party to be selected. This Cross-
20 Complaint will be deemed to be filed “against” parties. Once the model Cross-Complaint is
21 posted, any party may “adopt” the Cross-Complaint and become a cross-complainant by
22 posting a Notice of Adoption. (For convenience, the Notice of Adoption is appended to the
23 model Answer.)

24 2. The model Cross-Complaint includes allegations of a defendant-class of
25 persons who pump less than ten acre-feet per year. If the model Cross-Complaint is
26 approved, class certification proceedings must begin immediately. These proceedings can
27 result in an order permitting service by publication order against the class.

3. The model Answer will be posted for use by any party to respond to the model cross-complaint.

USE OF MODEL PLEADINGS

The purpose of the model pleading is to improve the efficiency of the process of bringing parties into the case. This goal will be best achieved if all parties are required to use the model pleadings. However, parties will be reluctant to use the model pleadings until they are “tested” and survive the challenge. The challenge would most likely take the form of a demurrer for uncertainty. The nature of a groundwater adjudication complaint is such no complaint will be completely certain. The best response to an uncertainty is the prospect of pre-trial discovery. The model pleadings anticipate model discovery.

CONCLUSION

The court is respectfully requested to order placement of the model pleadings on the courts with appropriate instruction for use and authorize service on new parties.

DATED: April 21, 2006.

LEMIEUX & O'NEILL

By: *Wayne K. Lemieux*
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