

January 28, 2009

Via Posting on AVGW Website

All Counsel

**Re: *Antelope Valley Groundwater Cases*
Meet & Confer**

On January 27, 2009, the parties met and conferred regarding outstanding discovery issues. As a result of this discussion, it appears there is a general understanding regarding the framework for discovery in this case. The parties discussed the following:

- The Antelope Valley East Kern Water Agency would explore the possibility of serving as the document repository. The parties discussed the possibility of responding to document production by imaging their documents at their own expense. In addition to simply imaging the documents, some parties suggested OCR work or sorting methods also be employed on the documents. Ralph Kalfayan agreed to develop information regarding the cost of such work.
- The parties agreed to uniform discovery to be propounded on each class of party in the action. The parties agreed to draft suggested discovery, share it with the other side, and meet and confer in an attempt to agree upon the form of discovery. The parties agreed that other discovery would be stayed pending this process, but that the stay would be lifted once the process was complete.
- The parties agreed with the concept of liaison counsel as presented in a draft CMO. There were several adjustments made to the party categories, as well as the identified liaison counsel.

As a result of these understandings, it now appears there is no need for a meet and confer before the judge, currently set for February 4, 2009. The parties agreed to request that the court continue this meet and confer based on the schedule set forth below. Ralph Kalfayan agreed to contact the court to request the continuance, and all parties agreed to allow Mr. Kalfayan to represent to the court that his request for a continuance was consensual among all participating parties.

The parties have agreed to the following schedule:

- We will prepare a revised Case Management Order and circulate it among the parties some time in the next week.
- Each class of parties will work among their group to create a single uniform set of interrogatories, document requests, and, if necessary, admission requests. On February 13, 2009, these sets will be circulated among all parties for review.
- On March 13, 2009, a further meet and confer will be conducted among liaison counsel for the purpose of reaching an agreement regarding the form of the proposed discovery. At this meeting, the parties will discuss the precise language of the proposed CMO. The parties will also discuss the timeline for responses to the various forms of discovery.

We appreciate the professionalism and courtesy displayed by all parties regarding these disputes. We believe this arrangement will significantly reduce the cost of all parties and significantly advance the progress of this case. We look forward to your continued cooperation.

Sincerely,

LEMIEUX & O'NEILL



W. Keith Lemieux

KL:km