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CHRISTINE CARSON (SBN. 188603)
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Attorneys for
LITTlerock Creek Irrigation District, PALM RANCH Irrigation District,
NORTH EDWARDS WATER DISTRICT, DESERT LAKE COMMUNITY SERVICES DISTRICT,
LLANO DEL RIO WATER CO., LLANO MUTUAL WATER CO., BIG ROCK MUTUAL WATER
CO.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

Coordinated Proceeding
Special Title (Rule 1550(b))

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 325201;

Los Angeles County Waterworks District No. 40
v. Diamond Farming Co., Kern County Superior
Court, Case No. S-1500-CV-234348;

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster v.
Palmdale Water District, Riverside County
Superior Court, Consolidated Actions, Case Nos.
RIC 353840, RIC 344436, RIC 344668

AND RELATED CROSS-ACTIONS

Judicial Council Coordination No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar – Dept. 12

**NOTICE OF MOTION AND MOTION FOR
AN ORDER CLARIFYING AND
MODIFYING THE ORDER RE: MOTION
FOR AN ORDER AUTHORIZING COURT-
APPOINTED EXPERT WORK, ENTERED
DECEMBER 11, 2012; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATIONS OF DOLLIE
KOSTOPOULOS AND CHRISTINE
CARSON**

[[Proposed] Order filed herewith]

**DATE: July 29, 2013
TIME: 9:00 a.m.
DEPT.: TBD**

NOTICE OF MOTION AND MOTION FOR ORDER CLARIFYING AND MODIFYING THE ORDER RE:
MOTION FOR AN ORDER AUTHORIZING COURT-APPOINTED EXPERT WORK; MEMO OF POINTS
AND AUTHORITIES;
DECLARATIONS OF DOLLIE KOSTOPOULOS AND CHRISTINE CARSON IN SUPPORT

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on June 29, 2013 at 9:00 a.m., or as soon thereafter as the matter
3 may be heard before the Honorable Jack Komar, Cross-complainants, LITTLE ROCK CREEK
4 IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT, NORTH EDWARDS WATER
5 DISTRICT and DESERT LAKE COMMUNITY SERVICES DISTRICT ("Moving parties") will and
6 hereby do make a motion for an order Clarifying whether the Order Re: Motion for an Order Authorizing
7 Court-appointed Expert Work, entered on December 11, 2012 requires ongoing payments to the Court-
8 appointed expert. If so, moving party will move to modify the Order so that each of the parties will pay
9 proportionately based on their proportionate share of 2011-2012 groundwater pumping, and the cost of
10 the court-appointed expert would be borne by all parties to the Antelope Valley Groundwater
11 Adjudication and *Wood v. A.V. Material*, including the Wood Class.

12 This motion will be based on the notice of motion, motion, memorandum of points and authorities
13 and Declarations of Dollie Kostopoulos and Christine Carson, and exhibits thereto, the [Proposed] Order,
14 the pleadings and papers on file herein, and on such further argument and material as the Court may
15 consider at the hearing on this matter.

16 DATED: July 1, 2013

LEMIEUX & O'NEILL

18 By: 

19 W. KEITH LEMIEUX

20 CHRISTINE CARSON ✓

21 Attorneys for Littlerock Creek Irrigation District, Palm
22 Ranch Irrigation District,

23 North Edwards Water District, Desert Lake Community
24 Services District, Llano del Rio Water Co., Llano Mutual
25 Water Company, Big Rock Mutual Water Company

1 MEMORANDUM OF POINTS AND AUTHORITIES

2
3 I. STATEMENT OF FACTS

4 Moving parties move to clarify whether they have an ongoing obligation to pay court-appointed
5 expert costs. If so, they move to modify the Order Authorizing Court-appointed Expert Work so that all
6 parties to the Groundwater Adjudication, including the Wood class and all defendants to *Wood v. A.V.*
7 *Material*, will pay proportionate to their share of 2011-2012 groundwater pumping as reflected in the
8 Second Amended [Proposed] Statement of Decision from the Phase IV trial. When the Class' share is
9 known, they would also pay a proportionate share.

10 Though ambiguous, the attorney for the Wood class interprets the Order Re: Motion for An
11 Order Authorizing Court-appointed Expert Work as providing that all of the following public water
12 suppliers from the largest to the smallest will pay the exact same amount for the court-appointed
13 expert's bills: Rosamond Community Services District, Los Angeles County Waterworks District No.
14 40, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, North Edwards Water District,
15 Desert Lake Community Services District, California Water Service Company, Quartz Hill Water
16 District, the Palmdale Water District, and Phelan Pinon Hills Community Services District. (Carson
17 Declaration, Exhibit B.)

18 Under the Wood Class' interpretation of such Order, each of only ten parties would pay
19 approximately \$711.36. This is a prohibitively large sum for small water districts such as Desert Lake
20 Community Services District and North Edwards Water District. (Kostopoulos Declaration, ¶¶ 2-4.)
21 Now that the Phase IV trial is complete, and each parties' 2011-2012 groundwater pumping is set forth
22 in the Second Amended [Proposed] Statement of Decision, the [Proposed] Statement can be used to
23 determinate a more fair and equitable break-down among all parties.

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27 NOTICE OF MOTION AND MOTION FOR ORDER CLARIFYING AND MODIFYING THE ORDER RE:
28 MOTION FOR AN ORDER AUTHORIZING COURT-APPOINTED EXPERT WORK; MEMO OF POINTS
AND AUTHORITIES;
DECLARATIONS OF DOLLIE KOSTOPOULOS AND CHRISTINE CARSON IN SUPPORT

1 **II. ARGUMENT**

2 **A. A MORE EQUITABLE DISTRIBUTION OF EXPERT COSTS – AMONG ALL**
3 **PARTIES, PROPORTIONATE TO EACH PARTY’S 2011-2012 GOUNDWATER**
4 **PUMPING--IS WARRANTED.**

5 Though ambiguous, the attorney for the Wood class interprets the Order Re: Motion for An
6 Order Authorizing Court-appointed Expert Work as providing that all of the following ten public water
7 suppliers from the largest to the smallest will pay the exact same amount for the court-appointed
8 expert’s bills: Rosamond Community Services District, Los Angeles County Waterworks District No.
9 40, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, North Edwards Water District,
10 Desert Lake Community Services District, California Water Service Company, Quartz Hill Water
11 District, the Palmdale Water District, and Phelan Pinon Hills Community Services District. (Exhibit B
12 to Carson Declaration.)

13 The Wood Class requested that each of ten Public Water Suppliers pay approximately \$711.36.
14 This is a prohibitively large sum for small water districts such as Desert Lake Community Services
15 District, North Edwards Water District, Littlerock Creek Irrigation District, and Palm Ranch Irrigation
16 District. Moving parties move to clarify the Order. It is unclear that there is an ongoing obligation to
17 continue paying for new court-appointed expert work. If there is, Moving parties move to change the
18 order so that all parties, including all parties to the adjudication and to *Wood v. A.V. Materials*,
19 participate, and each party’s share is in proportion to their share of 2011-2012 groundwater pumping as
20 set forth in the Second Amended [Proposed] Statement of Decision re: Phase IV Trial. (Carson
21 Declaration, Exhibit C.)

22 Attached to the Carson Declaration as Exhibit “A” is a true and correct copy of the latest
23 [Proposed] Statement of Decision for the Phase IV Trial. As the Court can see, there is a great disparity
24 in the number of acre feet of groundwater pumped by the largest PWS parties versus the smallest. The
25 revenue and budget of the larger entities is significantly higher. For a small water district, such as

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Desert Lake Community Services District with a small number of connections and rate-payers, paying an equal share of the expert bills is a hardship. (Kostopoulos Declaration, ¶¶ 3-4; Carson Declaration, ¶ 6.) Desert Lake pumped only 27.49 acre feet in 2012, whereas Los Angeles District 40 pumped 20,618.99 acre feet of groundwater in 2012. (Carson Declaration, Exhibit A.)

B. NOW THAT GROUNDWATER PUMPING FOR 2011-2012 HAS BEEN DETERMINED, IT CAN BE USED AS A TOOL TO CALCULATE A MORE EQUITABLE DISTRIBUTION OF COURT-APPOINTED EXPERT COSTS AMONG ALL PARTIES.

At the time the Order at issue was entered, the Phase IV trial had not yet occurred, and there was no undisputed way of calculating each party's share of the court-appointed expert costs based on groundwater pumping. Now that the Phase IV trial is complete, and each parties' 2011-2012 groundwater pumping is set forth in the Second Amended [Proposed] Statement of Decision, the [Proposed] Statement can be used to determinate a more fair and equitable break-down as follows:

"The amount of the court appointed expert bill owed by each of the parties will be calculated as follows: total acre feet of pumping of all parties listed in the Second Amended [Proposed] Statement of Decision from the Phase 4 trial will be added together for a total (the "Total"). Each of the parties to the Antelope Valley Groundwater Adjudication and *Wood v. A.V. Material* will pay a proportionate share of the court appointed expert bill according to each party's percentage of such total groundwater pumping Total for 2011-2012."

(Exhibit C to Carson Declaration.)

If PWS parties are responsible, all parties to the Groundwater Adjudication should be responsible for court-appointed expert bills, including the Wood class, and all defendants named in *Wood v. A.V. Materials*. When the class' percentage of groundwater pumping is determined, it should also be responsible for a proportionate share.

1 **C. BILLS SHOULD BE FORWARDED TO THE COURT PROMPTLY FOR REVIEW**
2 **AND APPROVAL.**

3 In the past, PWS parties were not informed of a bill until 15 days prior to the due date. Bills
4 should be forwarded to the Court more promptly, within ten (10) days of receipt. Each bill should be
5 sent to the court for in camera for review and approval. The amended order should reflect the court's
6 recent ruling in this regard.

7 **III. CONCLUSION**

8 For all of the foregoing reasons, if the Court requires the PWS parties to pay, the Court should
9 amend the Order to reflect the following:
10

11 “The bills of the court-appointed expert will be sent to Class counsel, who will file such
12 bills within ten (10) days of receipt, in camera with the Court for the Court's review and
13 approval. Upon approval and notice, all parties will be responsible for payment within
14 fifteen (15) days of such notice of approval. The amount of the court appointed expert
bill owed by each of the following parties will be calculated as follows:

15 “The amount of the court appointed expert bill owed by each of the parties will be
16 calculated as follows: total acre feet of pumping of all parties listed in the Second
17 Amended [Proposed] Statement of Decision from the Phase 4 trial will be added together
18 for a total (the “Total”). Each of the parties to the Antelope Valley Groundwater
Adjudication and *Wood v. A.V. Material* will pay a proportionate share of the court
appointed expert bill according to each party's percentage of such total groundwater
pumping Total for 2011-2012.

19 The Court orders the tender of checks payable to “Cardno Entrix” be sent to the Law
20 Offices of Michael D. McLachlan, APC.

21 When the Class' percentage of groundwater pumping is determined, it will also be
22 responsible for a proportionate share.

23 To the extent any of the above-referenced parties has already paid in excess of its
24 proportionate share, such party will be entitled to a credit toward its future obligations.”

1 (Exhibit C to Carson Declaration.)

2
3 DATED: July 1, 2013

LEMIEUX & O'NEILL

4
5 By: 

W. KEITH LEMIEUX

6 CHRISTINE CARSON ✓

7 Attorneys for Littlerock Creek Irrigation District, Palm
8 Ranch Irrigation District, North Edwards Water District,
9 Desert Lake Community Services District, Llano del Rio
10 Water Co., Llano Mutual Water Company, Big Rock Mutual
11 Water Company

DECLARATION OF CHRISTINE CARSON

I, CHRISTINE CARSON, declare as follows:

1. I am an attorney at law duly licensed to practice before this and all courts of the State of California. I am an attorney with the law firm of Lemieux & O'Neill, attorneys of record for LITTLE ROCK CREEK IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT, NORTH EDWARDS WATER DISTRICT, DESERT LAKE COMMUNITY SERVICES DISTRICT, LLANO DEL RIO WATER COMPANY, LLANO MUTUAL WATER COMPANY, and BIG ROCK MUTUAL WATER COMPANY. I have personal knowledge of the facts set forth herein, and if called to testify to the facts stated herein, I could and would competently testify thereto.

2. Attached hereto as Exhibit "A" is a true and correct copy of the Second Amended [Proposed] Statement of Decision from the Phase 4 Trial with spelling corrections.

3. On or about December 11, 2012, the court entered the Order re: Motion for An Order Authorizing Court-Appointed Expert Work.

4. Cardno-Entrix has begun generating invoices.

5. The Wood Class' attorney has indicated he interprets the Order Re: Motion for An Order Authorizing Court-appointed Expert Work, dated December 11, 2012, as providing that all of the following public water suppliers will pay the exact same amount for the court-appointed expert's bills: Rosamond Community Services District, Los Angeles County Waterworks District No. 40, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, North Edwards Water District, Desert Lake Community Services District, California Water Service Company, Quartz Hill Water District, the Palmdale Water District, and Phelan Pinon Hills Community Services District.

6. The Wood Class' attorney requests that each of such parties pay approximately \$711.36 on the latest bill. This is a prohibitively large sum for small water districts such as Desert Lake Community Services District, North Edwards Water District, Littlerock Creek Irrigation District, and Palm Ranch Irrigation District. Moving parties move to clarify the Order. If Moving parties are required to pay any

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NOTICE OF MOTION AND MOTION FOR ORDER CLARIFYING AND MODIFYING THE ORDER RE:
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AND AUTHORITIES;

DECLARATIONS OF DOLLIE KOSTOPOULOS AND CHRISTINE CARSON IN SUPPORT

1 court-appointed expert costs moving forward, the Court should change the proportion paid by the parties
2 to be proportionate to their share of 2011-2012 groundwater pumping. As part of any such order, all
3 parties should pay a proportionate share, not solely ten Public Water Suppliers.

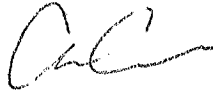
4 7. Attached hereto as Exhibit "B" is a true and correct copy of the court's December 11, 2012
5 Order Re: Motion for an Order Authorizing Court-appointed Expert Work.

6 8. Attached hereto as Exhibit "C" is a true and correct copy of our [Proposed] Amended
7 Order Re: Motion for an Order Authorizing Court-Appointed Expert Work.

8 9. There is a great disparity in the number of acre feet of groundwater pumped by the largest
9 PWS parties versus the smallest. On information and belief, the revenue and budget of the larger entities
10 is significantly higher. For small water districts, with a small number of connections and rate-payers,
11 paying an equal share of the expert bills is a hardship.

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

14 Executed this 1ST day of July, 2013 in Westlake Village, California.

15
16 

17 _____
Christine Carson, Declarant

EXHIBIT A

1 BEST BEST & KRIEGER LLP

ERIC L. GARNER, Bar No. 130665

2 JEFFREY V. DUNN, Bar No. 131926

STEFANIE MORRIS, Bar No. 239787

3 18101 VON KARMAN AVENUE, SUITE 1000

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4 TELEPHONE: (949) 263-2600

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5 Attorneys for Cross-Complainant

LOS ANGELES COUNTY WATERWORKS

6 DISTRICT NO. 40

7 OFFICE OF COUNTY COUNSEL

COUNTY OF LOS ANGELES

8 JOHN F. KRATTLI, Bar No. 82149

COUNTY COUNSEL

9 WARREN WELLEN, Bar No. 139152

PRINCIPAL DEPUTY COUNTY COUNSEL

10 500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

11 TELEPHONE: (213) 974-8407

TELECOPIER: (213) 687-7337

12 Attorneys for Cross-Complainant LOS ANGELES

13 COUNTY WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

17 ANTELOPE VALLEY GROUNDWATER
18 CASES

Included Actions:

19 Los Angeles County Waterworks District No.
20 40 v. Diamond Farming Co., Superior Court of
California, County of Los Angeles, Case No.
21 BC 325201;

22 Los Angeles County Waterworks District No.
23 40 v. Diamond Farming Co., Superior Court of
California, County of Kern, Case No. S-1500-
CV-254-348;

24 Wm. Bolthouse Farms, Inc. v. City of
25 Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v. Palmdale
26 Water Dist., Superior Court of California,
County of Riverside, Case Nos. RIC 353 840,
27 RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

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

**AMENDED [PROPOSED]
STATEMENT OF PARTIAL DECISION
FOR PHASE IV TRIAL WITH PARTY
NAME CORRECTIONS**

28
AMENDED [PROPOSED] STATEMENT OF PARTIAL DECISION FOR PHASE IV TRIAL WITH PARTY NAME
CORRECTIONS

EXHIBIT

PAGE 1 OF 1

The Phase IV trial began on May 28, 2013, in Department 322 of this Court. Over the course of three days, the parties who participated in the Phase IV trial, with the exception of the Wood Class, presented evidence of their respective groundwater pumping during 2011 and 2012. The matter having been submitted, the court now renders its finding of facts in this Phase IV statement of decision.

FINDING OF FACTS

Based on the evidence submitted by the parties who participated in Phase IV, the court finds that the following amounts of groundwater were pumped from the Antelope Valley Groundwater Adjudication Area during 2011 and 2012 by the following parties:

CLAIMANT	2011 Pumping (acre-feet)	2012 Pumping (acre-feet)
Adams Bennett Investments, LLC	0	0
Antelope Park Mutual Water Company	244.7	172.8
Antelope Valley Joint Union High School District	65.94	71.74
Antelope Valley Water Storage LLC	1198	2281
Aqua J Mutual Water Company	42.5	47.3
AV Solar Ranch 1, LLC	129	147
AVEK	11463	2792
Averydale Mutual Water Company	247.9	268
Baxter Mutual Water Company	44.9	44.6
Big Rock Mutual Water Company	0	0
Billie and Randall Dickey	0	0
Bleich Flat Mutual Water Company	21.9	24.8
Blum Trust	0	0
Bolthouse Properties LLC/Farms	16720.22	16891.55
Boron Community Service District	228	233
Burrows/300 A40 H LLC	100	100
California Water Service Co.	623	640
City of Lancaster	489.68	523
City of Los Angeles, Department of Airports	5156	4531
Colorado Mutual Water Company	24.1	27.7
Copa De Oro Land Company	0	0
County Sanitation Districts of Los Angeles #14 and 20	575	551

1	Craig Van Dam	55	57
2	Crystal Organic LLC	1591.769	1986.096
3	Del Sur Ranch LLC	0	0
4	Desert Lake Community Services District	58	27.49
5	Diamond Farming Co. LLC	1641.285	1491.989
6	Donna and Lee Wilson	10	10
7	Efren Chavez	25.7	25.7
8	Eldorado Mutual Water Company	272	280.1
9	eSolar Inc.; Red Dawn Suntower LLC	0	0
10	eSolar Inc.; Tumbleweed Suntower LLC	0	0
11	eSolar, Inc.; Sierra Sun Tower, LLC	5.76	5.76
12	Evergreen Mutual Water Company	66.4	72.6
13	Frank and Yvonne Lane 1993 Family Trust, Little Rock Sand and Gravel, Inc., George and Charlene Lane Family Trust [Does not include water pumped on land leased to Granite Construction]	1356	948
14	Gailen and Julie Kyle, R & M Ranch	9108	9442
15	Gary Van Dam, Gertrude Van Dam, Delmar Van Dam	9840	10023
16	Gene Bahlman	5.25	5.25
17	Gorrindo Resourceful LLC	624	0
18	Granite Construction Company (Little Rock Sand and Gravel, Inc.)	400	400
19	Grimmway Enterprises, Inc.	0	0
20	H & N Development Co. West Inc.	1695.25	1904.25
21	Jane Healy and Healy Enterprises Inc.	0	0
22	Jeffrey and Nancee Siebert	200	200
23	John and Adrienne Reca	519.5	483.4
24	John Calandri, B.J. Calandri, Sunrise Farms	4091	3515
25	Jose Maritorena, Marie Maritorena, Jean Maritorena, Maritorena Farms, the Jose Maritorena Living Trust	3624.8	3976.3
26	Juniper Hills Water Group	18	18
27	Los Angeles County Waterworks District 40	16583.24	20618.99
28	Land Projects Mutual Water Company	621	624
	Landale Mutual Water Company	139.7	175.8
	Landinv Inc	1212	862.14
	Lapis Land Co., LLC	0	0
	Laura Griffin	1170	1170
	Lawrence J. Schilling and the L&M Schilling 1992 Family Trust	3.4	3.8

1	Littlerock Creek Irrigation District	1367	1473.37
2	Littlerock Aggregate Co., Inc., Holliday Rock Co., Inc.	145	166
3	Llano Del Rio Water Company	598.2	547.1
4	Llano Mutual Water Company	0	0
5	Mabel Selak	0	0
6	Miracle Improvement Corp. (Golden Sands Mobile Home Park)	46.7	44.1
7	Nebeker Ranch	63	111
8	North Edwards Water District	104.52	101.32
9	Northrop Grumman Systems Corporation	1.5	1
10	NRG Solar Alpine, LLC	1.49	126.92
11	Palm Ranch Irrigation District	916	1545
12	Palmdale Water District	7024.67	7542.85
13	Phelan Pinon Hills Community Services District	1053.14	1035.26
14	Quartz Hill Water District	1433.8	1524.9
15	Richard Miner	930.8	1248
16	Richard Nelson, Willow Springs Co.	168.2	193.1
17	Rosamond Community Services District	2994	2987.56
18	Rosamond Ranch LLP	1	1
19	Sahara Nursery	25.37	18.98
20	Sal and Connie Cardile	0.712	0.712
21	Service Rock Products, L.P.	561	445
22	SGS Antelope Valley Development, LLC	0	0
23	Shadow Acres Mutual Water Company	55.7	49.5
24	Sheep Creek Water Co.	0	0
25	Southern California Edison Company	30.49	5
26	St. Andrews Abbey	149	201
27	State of California – Department of Military California Highway Patrol 50th District Agricultural Association Department of Veteran Affairs Department of Corrections and Rehabilitation State Lands Commission	0	0
28	State of California Department of Transportation	15.47	15.64
	State of California Department of Water Resources	54.05	54.05
	State of California Department of Parks and Recreation	1.58	1.3
	Steve Godde and Forrest G. Godde 1998 Trust	1299	1624

Sundale Mutual Water Company	430.7	457.8
Sunnyside Mutual Water Company	73.5	77.3
Tejon Ranchcorp and Tejon Ranch Company	1603	2770
Terry Munz	5	5
Thomas Bookman	236.6	308.4
Tierra Bonita Mutual Water Company	43	38.5
Tierra Bonita Ranch	607	403
Triple M Property Co.	1	1
U.S. Borax	924	1146
United States: Edwards AFB and Plant 42	1246.09	1450.59
Vulcan Materials Co., Vulcan Lands Inc., Consolidated Rock Products Co., Calmat Land Co., and Allied Concrete & Materials	634.91	403.29
WAGAS Land Company LLC	951.5	1016.8
WDS California II, LLC	2244	2550
West Side Park Mutual Water Company	294	267.5
White Fence Farms Mutual Water Company	782.8	783.3
Totals	121,429.39	120,415.30

All parties who participated in the Phase IV trial, with the exception of the Wood Class, have also stipulated to the above amounts of groundwater pumped. A copy of the stipulation is attached hereto as Exhibit "A". Notwithstanding the stipulation, the court finds that the evidence presented during the Phase IV trial supports each party's 2011 and 2012 groundwater production amount as stated herein.

GRANITE CONSTRUCTION COMPANY

During the Phase IV trial, the Public Water Suppliers indicated that they dispute the amount of groundwater pumped by Granite Construction Company ("Granite") at its Littlerock Quarry. In response, Granite agreed to install a meter for each of its wells at its Littlerock Quarry within 30 days after the Phase IV trial to measure groundwater pumping for a period of one year. At the conclusion of the one year period Granite and the Public Water Suppliers will compare the meter readings against Granite's 2011 and 2012 product volumes to estimate Granite's groundwater use in 2011 and 2012, and report the findings to the court if such findings differ materially from 400 acre-feet per year. For that reason, the court reserves jurisdiction to amend this decision based on the meter readings as to the amount of groundwater pumped by Granite in

2011 and 2012. In the meantime, the agreement of the parties and the finding of the court is that Granite Construction is deemed to have pumped 400 acre feet of groundwater in 2011 and 2012, respectively.

THE WOOD CLASS

During the Phase IV trial, the Court-appointed expert had not completed its analysis of groundwater pumping by the Wood Class. It did not present any evidence in the Phase IV trial. Consequently, the Court defers the determination of the Wood Class groundwater pumping in 2011 and 2012 to a later time to be determined.

Dated:

JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California, 92614. On June 27, 2013, I served the within document(s):

AMENDED [PROPOSED] STATEMENT OF PARTIAL DECISIONS FOR PHASE IV TRIAL WITH PARTY NAME CORRECTIONS

- ☒ by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- ☐ by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on June 27, 2013, at Irvine, California.

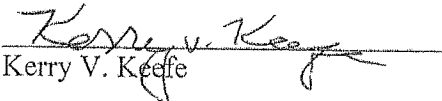

Kerry V. Keefe

EXHIBIT B

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

Coordination Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et al.

Defendants.

Judicial Council Coordination
Proceeding No. 4408

(Santa Clara Case No. 1-05-CV-049053,
Honorable Jack Komar)

Case No.: BC 391869

~~[amended, proposed]~~ **ORDER RE:
MOTION FOR AN ORDER
AUTHORIZING COURT-
APPOINTED EXPERT WORK**

1 On November 9, 2012, the Court heard argument on Richard Wood's Motion for
2 an Order Authorizing the Court-Appointed Expert Witness Work (the "Motion"). After
3 considering the pleadings filed by all parties and the argument of counsel, the Court
4 hereby lifts the stay on the Court-Appointed expert witness work as detailed in the
5 written estimate which is Exhibit 5 to the Motion (dated January 18, 2012). The Court-
6 appointed expert will generate a report detailing the work conducted and the resulting
7 analysis and data generated. Such report or reports will be posted to the court website for
8 this matter by either Class counsel or designated liason counsel for the public water
9 suppliers.

10
11 Expert Communication and Liason Counsel.

12 It is anticipated that the expert will need to communicate with counsel and class
13 members in the conduct of his work. Such communications will occur in writing where
14 practicable and posted to the case website. Jeffrey Dunn or other attorney representative
15 for the public water suppliers, and a designated landowner attorney, shall be copied on
16 such communications.

17
18 Payment

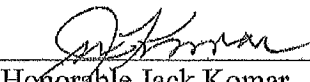
19 The bills of the court-appointed expert will be sent to Class counsel, who will file
20 notice of such bills within ten days of receipt. Such payments will be made on a per
21 capita basis in equal amounts on each bill from the court-appointed expert.

22 The Court orders the following parties to tender payment of checks, payable to
23 "Cardno Entrix," to the Law Offices of Michael D. McLachlan, APC within fifteen (15)
24 days of posting of the notice of payments being due: Rosamond Community Services
25 District, Los Angeles County Waterworks District No. 40, Littlerock Creek Irrigation
26 District, Palm Ranch Irrigation District, North Edwards Water District, Desert Lake
27 Community Services District, California Water Service Company, Quartz Hill Water
28

1 District, the Palmdale Water District, and Phelan Pinon Hills Community Services
2 District.
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6 IT IS SO ORDERED.

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8 Dated: 12-11-2012


Honorable Jack Komar
Judge of the Superior Court

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**ORDER RE: MOTION FOR AN ORDER AUTHORIZING COURT-
APPOINTED EXPERT WORK**

EXHIBIT B
PAGE 3 OF 3

EXHIBIT C

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Attorneys for Defendants and/or Cross-Complainants
LITTLEROCK CREEK IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT,
NORTH EDWARDS WATER DISTRICT, DESERT LAKE COMMUNITY SERVICES DISTRICT,
LLANO DEL RIO WATER CO., LLANO MUTUAL WATER CO., BIG ROCK MUTUAL WATER
CO.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

Coordinated Proceeding
Special Title (Rule 1550(b))

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 325201;

Los Angeles County Waterworks District No. 40
v. Diamond Farming Co., Kern County Superior
Court, Case No. S-1500-CV-234348;

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster v.
Palmdale Water District, Riverside County
Superior Court, Consolidated Actions, Case Nos.
RIC 353840, RIC 344436, RIC 344668

AND RELATED CROSS-ACTIONS

Judicial Council Coordination No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar – Dept. 12

**[PROPOSED] AMENDED ORDER
RE: MOTION FOR AN ORDER
AUTHORIZING COURT-APPOINTED
EXPERT WORK**

On December 11, 2012, the court entered the Order Re: Motion for an Order Authorizing Court Appointed Expert Work. The court hereby amends its order to read as follows:

On November 9, 2012, the Court heard argument on Richard Wood's Motion for an Order Authorizing the Court-Appointed Expert Witness Work (the "Motion"). After considering the pleadings filed by all parties and the argument of counsel, the Court hereby lifted the stay on the Court-Appointed expert witness work as detailed on the written estimate which is Exhibit 5 to the Motion (dated January 18, 2012). The Court-appointed expert will generate a report detailing the work conducted and the resulting analysis and data generated. Such report or reports will be posted to the court website for this matter by either Class counsel or designated liaison counsel for the public water suppliers.

Expert Communication and Liaison Counsel

It is anticipated that the expert will need to communicate with counsel and class members in the conduct of the work. Such communications will occur in writing where practicable and posted to the case website. Jeffrey Dunn or other attorney representative for the public water suppliers, and a designated landowner attorney, shall be copied on such communications.

Payment

The bills of the court-appointed expert will be sent to Class counsel, who will file such bills within ten (10) days of receipt, in camera with the Court for the Court's review and approval. Upon approval and notice, all parties will be responsible for payment within fifteen (15) days of such notice of approval. The amount of the court appointed expert bill owed by each of the following parties will be calculated as follows:

The amount of the court appointed expert bill owed by each of the parties will be calculated as follows: total acre feet of pumping of all parties listed in the Second Amended [Proposed] Statement of Decision from the Phase 4 trial will be added together for a total (the "Total"). Each of the parties to the *Antelope Valley Groundwater Adjudication* and *Wood v. A.V. Material* will pay a proportionate share of the court appointed expert bill according to each party's percentage of such total groundwater pumping Total for 2011-2012.

2d.Amendedorder.Crtapptexpert.Docx

1 The Court orders the tender of checks payable to "Cardno Entrix" be sent to the Law Offices of
2 Michael D. McLachlan, APC.

3 When the Wood Class' percentage of groundwater pumping is determined, it will also be
4 responsible for a proportionate share.

5 To the extent any of the above-referenced parties has already paid in excess of its proportionate
6 share, such party will be entitled to a credit toward its future obligations.

7 IT IS SO ORDERED.

8
9
10 DATE: _____, 2013

The HONORABLE JACK KOMAR
Judge of the Superior Court

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA,)
3) ss.
4 COUNTY OF VENTURA)

5 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a
6 party to the within action. My business address is 4165 E. Thousand Oaks Blvd., Suite 350, Westlake
7 Village, California 91362.

8 On **July 1, 2013**, I posted the following document(s) to the website <http://www.scefiling.org>, a
9 dedicated link to the Antelope Valley Groundwater Cases, and upon which the parties have agreed this
10 posting constitutes service.

11 **NOTICE OF MOTION AND MOTION FOR AN ORDER MODIFYING THE ORDER RE:
12 MOTION FOR AN ORDER AUTHORIZING COURT-APPOINTED EXPERT WORK,
13 ENTERED DECEMBER 11, 2012; MEMORANDUM OF POINTS AND AUTHORITIES;
14 DECLARATIONS OF DOLLIE KOSTOPOULOS AND CHRISTINE CARSON**

15 By electronically serving through <http://www.scefiling.org>, and addressed to all parties appearing
16 on the <http://www.scefiling.org> electronic service list, the file transmission was reported as complete and
17 a copy of the <http://www.scefiling.org> Filing/Service Receipt will be maintained with a copy of the
18 document in our office.

19 I am readily familiar with the business practice for collection and processing of pleadings and
20 discovery for electronic service with <http://www.scefiling.org>, and that the pleadings and discovery shall
21 be electronically served this same day in the ordinary course of business.

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

24 Executed on July 1, 2013, in Westlake Village, California.

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Kathi Miers