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

ANTELOPE VALLEY)	Judicial Council Coordination Proceeding No.
GROUNDWATER CASES	)	4408
Included Actions:)	
	)	Santa Clara Case No. 1-05-CV-049053
Los Angeles County Waterworks District No. 40	)	Assigned to The Honorable Jack Komar
v. Diamond Farming Co.)	
Superior Court of California	)	JOINT CASE MANAGEMENT PROPOSAL
County of Los Angeles, Case No. BC 325 201	)	OF TEJON RANCHCORP, CITY OF LOS
	)	ANGELES, CITY OF LANCASTER, CITY
Los Angeles County Waterworks District No. 40	)	OF PALMDALE, AND NORTHROP
v. Diamond Farming Co.	)	GRUMMAN CORPORATION
Superior Court of California, County of Kern,)	
Case No. S-1500-CV-254-348	)	Date: December 18, 2007
	)	Time: 9:00 a.m.
Wm. Bolthouse Farms, Inc. v. City of Lancaster	)	Department: 1
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)	

Tejon Ranchcorp, City of Palmdale, City of Los Angeles, City of Lancaster, and
Northrop Grumman Corporation¹ make the following case management proposal:

I. PHASE 2 TRIALS RE PRESCRIPTION – JUNE & OCTOBER 2008.

Progress in the litigation and mediation efforts requires that the case move forward
toward a resolution. At the Case Management Conference on October 16, Tejon Ranchcorp again

¹ Counsel for these parties notified Tejon Ranch counsel that they join in this Case Management Proposal.

1 proposed scheduling the next trial in Spring 2008 to adjudicate the purveyors' prescription claims. The
2 Court instructed counsel to confer re trial-phasing and other issues. We had an attorneys' conference on
3 October 23, followed by additional discussions and negotiations. As a result of those negotiations, we
4 have modified the trial-phasing proposal to delay and bifurcate the trial of the prescription-related issues
5 as follows:

6 Part A – Yield of the Basin and other information about the hydrogeological “character” of the Basin.

7 Proposed Date – June 2008.

8 Part B – All other elements of prescription (overdraft, notice, etc.), excluding the defense of self-help.

9 Proposed Date – October 2008.

10 This proposal gives all parties sufficient time to conduct discovery and prepare for trial.

11 The Court should exclude from the prescription trial only the landowners' affirmative
12 defense of “Self Help” for three reasons:

13 (1) It would be a waste of time to present evidence regarding self help unless specific purveyors
14 prevail and establish prescriptive rights for specified years against identified landowners.

15 (2) Given the enormous number of Antelope Valley landowners, proof of self help could add months
16 of percipient witness testimony to this trial.

17 (3) If the Court initially made findings of prescriptive rights, the parties may negotiate stipulations
18 regarding self help.

19 II. ORDER RE JURISDICTION OVER TRANSFEREES.

20 Prior to the May 21, 2007 Case Management Conference, the Court asked Tejon
21 Ranchcorp counsel to brief the question of how best to obtain jurisdiction over transferees of Antelope
22 Valley land so that the Court's judgment will be binding on them. In its brief dated May 11, 2007,
23 Tejon Ranchcorp discussed these issues, including the inadvisability of relying on a lis pendens; and it
24 recommended that the Court order the following:

25 “1. That landowner parties (individuals and class members) do the
26 following:

27 (a) post notice of transfer on the Court website within 10 days
28 after any transfer of their property, stating the name, address, and other
contact information of the transferee; and

(b) notify their transferees of this litigation and provide them a
copy of the public water suppliers' Cross-Complaint; and

1 2. That the public water suppliers promptly serve their Cross-
2 Complaint on transferees, substituting the transferees as cross-defendants
3 per CCP § 368.5.”

4 At the May 21, 2007 Case Management Conference, the Court noted that no party had
5 objected to or opposed these recommendations, but the Court deferred making any rulings on this
6 subject. We propose that the Court issue the above order, subject to any further discussion and
7 proposals the Court deems appropriate, e.g., dealing with transferees of class members.

8 Dated: December 13, 2007

 NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP
 FREDRIC A. FUDACZ
 HENRY S. WEINSTOCK

10 By: 

11 HENRY S. WEINSTOCK
12 Attorneys for Tejon Ranchcorp
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1 **PROOF OF SERVICE**

2
3 The undersigned declares:

4 I am employed in the County of , State of California. I am over the age of 18 and am not a party
5 to the within action; my business address is c/o Nossaman, Guthner, Knox & Elliott, LLP, 445 S.
6 Figueroa Street, 31st Floor Los Angeles, California 90071-1602.

7 On **December 13, 2007**, I served the foregoing **JOINT CASE MANAGEMENT PROPOSAL
8 OF TEJON RANCHCORP, CITY OF LOS ANGELES, CITY OF LANCASTER, CITY OF
9 PALMDALE, AND NORTHROP GRUMMAN CORPORATION** on all interested parties:

10 (X) (By U.S. Mail) On the same date, at my said place of business, said correspondence was sealed
11 and placed for collection and mailing following the usual business practice of my said employer.
12 I am readily familiar with my said employer's business practice for collection and processing of
13 correspondence for mailing with the United States Postal Service, and, pursuant to that practice,
14 the correspondence would be deposited with the United States Postal Service, with postage
15 thereon fully prepaid, on the same date at Los Angeles, California, addressed to:

16
17 Honorable Jack Komar
18 Judge of the Superior Court of California
19 County of Santa Clara
20 191 North First Street, Department 17C
21 San Jose, CA 95113

22 (X) (By E-Filing) I posted the document(s) listed above to the Santa Clara County Superior Court
23 website in regard to the Antelope Valley Groundwater matter in compliance with the Court's
24 electronic posting instructions and the Court's Clarification Order dated October 27, 2005.

25 () (By Federal Express) I served a true and correct copy by Federal Express or other overnight
26 delivery service, for delivery on the next business day. Each copy was enclosed in an envelope
27 or package designated by the express service carrier; deposited in a facility regularly maintained
28 by the express service carrier or delivered to a courier or driver authorized to receive documents
on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying
service list.

Executed on **December 13, 2007** at Los Angeles, California.

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

() (FEDERAL) I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

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