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4 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
5 **COUNTY OF LOS ANGELES**
6

7 Coordination Proceeding
8 Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
No. 4408

9 **ANTELOPE VALLEY**
10 **GROUNDWATER CASES**

SC Case No. 105CV 049053
Assigned to Hon. Jack Komar

11 Included Actions:

12 Los Angeles County Waterworks District
13 No. 40 v. Diamond Farming Co.
Superior Court of California
County of Los Angeles, Case No. BC
325201

AMENDED JOINT CASE
MANAGEMENT CONFERENCE
STATEMENT

14 Los Angeles County Waterworks District
15 No. 40 v. Diamond Farming Co.
Superior Court of California, County of
16 Kern, Case No. S-1500-CV 254348

DATE: January 7, 2015

TIME: 10:00a.m.

DEPT: Court-Call Only

17 Wm. Bolthouse Farms, Inc. v. City of
18 Lancaster Diamond Farming Co. v. City of
Lancaster Diamond Farming Co. v. Palmdale
19 Water Dist. Superior Court of California,
County of Riverside, consolidated actions,
20 Case Nos. RIC 353840, RIC 344436, RIC
344668
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1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:
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3 This Amended Joint Case Management Conference Statement is submitted in response to
4 the Court's notice for a telephonic conference to discuss the recent requests by Charles Tapia and
5 Nellie Tapia Family Trust ("Tapia"), Juanita Eyherabide and Eyherabide Sheep Company
6 ("Eyherabide"), and the Willis Class (Non-Pumping Class) for an order from this Court
7 mandating that these parties be "included in the settlement discussions that are occurring" in
8 regard to the Antelope Valley Groundwater Adjudication. These requests are both mistaken and
9 inconsistent with the detailed schedule and procedure approved by the Court in its most recent
10 Case Management Order and the soon to be filed [Proposed] Judgment and Physical Solution
11 ("Judgment".)

12 The negotiations among the parties who have been working for over a year on a potential
13 comprehensive settlement of the issues in this adjudication have been concluded. There are no
14 ongoing negotiations. The proposed Judgment and a Stipulation for Entry of Judgment and
15 Physical Solution are now under consideration for approval by the parties, and going through the
16 approval process of several public entities. In fact, some of the parties have already executed the
17 Stipulation. The Non-Pumping Class counsel was provided a draft of the proposed Judgment
18 some months ago, and rejected critical components that were essential to a comprehensive
19 settlement among the parties. Until the Stipulation is approved, signed and filed with the Court
20 and the Judgment is formally presented for approval the Stipulating Parties have agreed that its
21 terms remain confidential.

22 The proposed Judgment and the November 4, 2014 Case Management Order anticipate
23 the existence of claims by those who failed to participate in the litigation and negotiation (such
24 as Tapia, Eyherabide) or who have rejected fundamental provisions (such as the Non-Pumping
25 Class). The Order provides due process and the opportunity for parties outside the Stipulation to
26 either oppose the Judgment or present their claims to the Court. As a material term of the
27 Stipulation to the Judgment, the Stipulating Parties agreed to an orderly procedure for obtaining
28 the Court's approval of the Judgment as provided in the Order.

1 The procedure commences with the filing of Stipulations for Entry of Judgment by the
2 Stipulating Parties on January 15, 2015. According to the schedule stated in the Order the
3 process for approval of the Judgment will occur in an orderly manner with specific procedures,
4 including approval of the Small Pumper Class settlement, provisions for a Non-Stipulating Party
5 to assert its claims or rights to produce groundwater from the Basin (February 16, 2015),
6 disclosure of witnesses and exhibits regarding any objections to the Judgment, or assertion of
7 claims (March 13, 2015), and completion of any necessary discovery of such objections or
8 claims (May 11, 2015). Consistent with any future orders of the Court, necessary trials or
9 hearings regarding the approval of the Judgment and determination of the issues listed in
10 Paragraph 6 of the Order will commence on June 1, 2015.

11 Significantly, the Judgment anticipates and expressly includes provisions (consistent with
12 the Order) which allow for the Court to consider and properly address claims by Non-Stipulating
13 Parties as well as any procedural or legal objections by the Stipulating Parties. Any order to
14 compel, at this late date, further negotiation of the provisions of the Judgment will completely
15 derail the schedule for approval of the Judgment and will likely cause some parties to withhold
16 their approval due to a concern that certain unspecified, but material provisions of the Judgment,
17 may be revised, withdrawn, or otherwise modified.

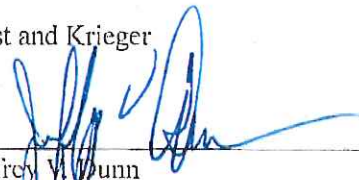
18 The Court's Order does not preclude the parties from reaching resolution of disputed
19 issues. In fact it implements an expedited process for the disclosure and investigation of any
20 objections and claims of Non-Stipulating parties intended to accomplish that very purpose.
21 However, in the event an objection or claim remains unresolved, the Order does provide that any
22 necessary trials or hearings will commence on June 1, 2015.

23 The Stipulating Parties, with considerable assistance and guidance by the Court, have
24 worked diligently over the course of years to develop the terms and conditions contained in the
25 Judgment. The undersigned parties respectfully recommend to the Court that the existing Order
26 provides an orderly and efficient process for consideration of the claims asserted by Tapia,
27 Eyherabide, the Non-Pumping Class, or other Non-Stipulating Parties in conjunction with the
28 Court's consideration and approval of the Judgment.

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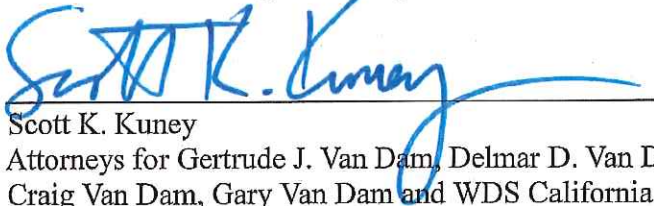
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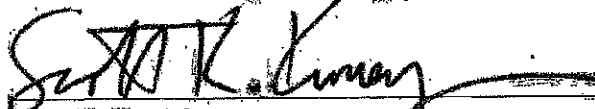
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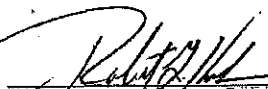
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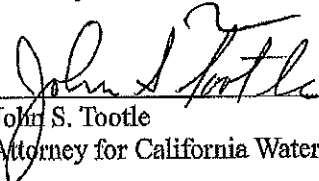
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8 Defendants, Adams Bennett Investments, LLC, Miracle
9 Improvement Corporation dba Golden Sands Mobile
10 Home Park aka Golden Sands Trailer park [Roe 1121],
11 Sheep Creek Water Company, Inc., Service Rock
12 Products, LP, and Saint Andrew's Abbey. Inc. [Roe 623]
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December 31, 2014

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF KERN

I, KRISTEN MOEN, declare: I am and was at all times of the service hereunder mentioned, over the age of eighteen (18) years. My business address is: 1800 30th Street, Fourth Floor, Bakersfield, CA 93301.

On January 5, 2015, I caused to be served the below listed document(s) entitled as: **AMENDED JOINT CASE MANAGEMENT CONFERENCE STATEMENT**, on the interested parties in this action:

☒ (BY POSTING) I posted the document listed above to the Santa Clara Superior Court website regarding the Antelope Valley Groundwater matter pursuant to the Court's Clarification Order. Electronic service posting completed through www.scefilings.org.

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

Executed on January 5, 2015, at Bakersfield, California



KRISTEN MOEN