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Attorneys for Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc.,

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

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COORDINATION PROCEEDING)	Judicial Council Coordination Proceeding
SPECIAL TITLE (Rule 1550(b)))	No. 4408
)	
ANTELOPE VALLEY GROUNDWATER)	CASE NO. 1-05-CV-409053
CASES)	
)	
INCLUDED ACTIONS:)	
)	
LOS ANGELES COUNTY)	
WATERWORKS DISTRICT NO. 40 v.)	
DIAMOND FARMING COMPANY, et al.,)	BOLTHOUSE PROPERTIES, LLC'S
Los Angeles Superior Court Case No.)	AND WM. BOLTHOUSE FARMS,
BC325201)	INC.'S CASE MANAGEMENT
)	CONFERENCE STATEMENT
LOS ANGELES COUNTY)	
WATERWORKS DISTRICT NO. 40 v.)	
DIAMOND FARMING COMPANY, et al.,)	
Kern County Superior Court Case No. S-)	
1500-CV-254348)	DATE: October 12, 2011
)	TIME: 10:00 a.m.
DIAMOND FARMING COMPANY, and)	DEPT: 1
W.M. BOLTHOUSE FARMS, INC., v.)	
CITY OF LANCASTER, et al.,)	
Riverside Superior Court)	
Case No. RIC 344436 [c/w case no. RIC)	
344668 and 353840])	
)	
)	

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1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 BOLTHOUSE PROPERTIES, LLC and WM. BOLTHOUSE FARMS, INC.
3 (hereinafter collectively referred to as "Bolthouse") file this Case Management Conference
4 Statement.

5 **STATUS OF MEDIATION**

6 The parties have attended several discussions with Justice Robie. All the main parties
7 have now participated in this process. Most of the parties have indicated what they would be
8 willing to settle for in terms of groundwater allocation which collectively would be the basis
9 for a physical solution. Discussions are continuing with a few additional parties. The hope is
10 that once discussions are completed with the remaining parties, that all parties will be willing to
11 compromise their allocation claims in such a way that a global resolution can be reached within
12 the safe yield determined by the Court.

13 **POTENTIAL STRUCTURE OF PHYSICAL SOLUTION**

14 Various parties are offering proposals for a physical solution and use of a water master.
15 Sub-groups have been formed to evaluate these issues. However, given the fact that the
16 mediation was primarily concerned with an agreed upon water allocation as the basis for a
17 physical solution, the parties have not yet engaged in extensive discussions regarding the
18 potential structure of a physical solution.

19 A physical solution should be party neutral. A potential watermaster should be agreed
20 upon by the parties and preferably, not have been involved in the underlying action.
21 Additionally, all parties should have representative access and input to the watermaster and be
22 involved in decisions made by the watermaster. Actions by the watermaster should involve
23 minimal discretion.

24 Additionally, the physical solution should provide for re-evaluation of the safe yield
25 and/or management yield as time goes on based upon monitoring, well levels and the physical
26 impact of pumping on the water basin.

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1 Transferability within the basin will be important to maximize groundwater pumping
2 within the basin.

3 **CONCLUSION**

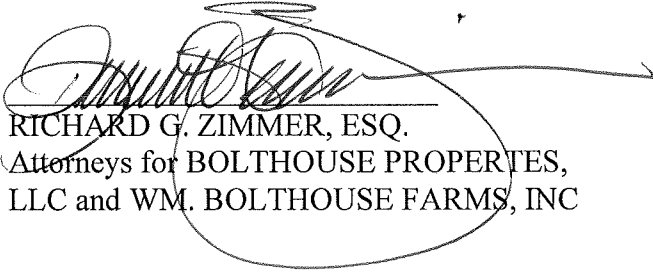
4 The parties are evaluating potential physical solution proposals and will continue to do
5 so in the near future. Bolthouse requests the Court set a further Case Management Conference
6 in approximately forty-five (45) days to follow up on the progress of the mediation and
7 proposals for a physical solution.

8
9 DATED: September 14, 2011

Respectfully submitted.

10 CLIFFORD & BROWN

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13 By:


14 RICHARD G. ZIMMER, ESQ.
15 Attorneys for BOLTHOUSE PROPERTIES,
16 LLC and WM. BOLTHOUSE FARMS, INC
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PROOF OF SERVICE (C.C.P. §1013a, 2015.5)
Antelope Valley Groundwater Cases
Judicial Counsel Coordination Proceeding No. 4408
Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On September 27, 2011, I served the foregoing document(s) entitled:

**BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS, INC.'S CASE
MANAGEMENT CONFERENCE STATEMENT**

— by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

— by placing _ the original, _ a true copy thereof, enclosed in a sealed enveloped addressed as follows:

X BY SANTA CLARA SUPERIOR COURT E-FILEING IN COMPLEX LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.

Executed on September 27, 2011, at Bakersfield, California.

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

— (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


NANETTE MAXEY
2455-2