

RICHARD G. ZIMMER - SBN 107263
T. MARK SMITH - SBN 162370
CLIFFORD & BROWN
A Professional Corporation
Attorneys at Law
Bank of America Building
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301-5230
(661) 322-6023

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 TRIAL SETTING
)	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: April 17, 2012
)	TIME: 9:00 a.m.
DIAMOND FARMING COMPANY, and)	DEPT: 1515
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") provide the following Trial Setting
4 Conference Statement.

5 **THE CASE SHOULD BE SET FOR A FURTHER CASE MANAGEMENT**
6 **CONFERENCE TO ALLOW THE SETTLEMENT AGREEMENT TO BE**
7 **COMPLETED**

8 Most of the parties have reached a tentative settlement agreement regarding allocation
9 and other general terms which will be formalized in a Stipulated Judgment and Physical
10 Solution. The agreement on allocation is contingent upon agreement to all of the specific terms
11 of a Physical Solution which will be incorporated into the Stipulated Judgment and contingent
12 upon the this court approving the Physical Solution.

13 Most of the parties have been participating in settlement meetings hosted by AVEK
14 which has resulted in consensus agreement to most of the terms which will be incorporated into
15 the Stipulated Judgment and Physical Solution. These terms also have been discussed and
16 agreed to by most parties in the Mediation process with Justice Robie. The parties which
17 agreed to these consensus terms are currently in the process of preparing a proposed Stipulated
18 Judgment and Physical Solution. These consensus terms to be finalized and included in the
19 Stipulated Judgment and Physical Solution include carryover rights, transferability, water
20 storage, remaining allocation rights, if any, special conditions and/or provisions regarding the
21 United States or other parties and watermaster and management provisions. A further
22 conference is scheduled with Justice Robie for April 30, 2012 at 8:30 a.m. to discuss details
23 and/or any disputes regarding the contents and terms of this Stipulated Judgment and Physical
24 Solution.

25 Agreement as to the details of the Stipulated Judgment and Physical Solution is
26 necessary to the overall settlement. Without agreement as to these critical provisions, none of
27 the parties have agreed to the allocation tentatively agreed to with Justice Robie.

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1 **TIMING OF FURTHER CASE MANAGEMENT CONFERENCE**

2 A further Case Management Conference should be scheduled to follow up on the status
3 of the settlement process, including preparation of the proposed Stipulated Judgment and
4 Physical Solution. This conference should be scheduled in approximately 45 to 60 days.

5 **PHYSICAL SOLUTION PROVE UP HEARING**

6 Once all parties, or most of the parties, have agreed to the provisions of the proposed
7 Stipulated Judgment and Physical Solution, a hearing should be set with this Court to prove up
8 the Physical Solution. At that time, any and all parties to the consolidated lawsuits which do
9 not agree to the proposed Physical Solution, may contest the terms of the proposed Physical
10 Solution. Assuming the court determines that the Physical Solution is appropriate based upon
11 the prove up hearing, the court will then be requested to approve the Stipulated Judgment in
12 order to finalize the Stipulated Judgment among the Stipulating Parties. A single Final
13 Judgment will then be entered binding all parties to the lawsuit, whether plaintiff or defendant,
14 whether class or individual, to the Physical Solution and/or to the terms of their respective
15 settlement agreements.

16 **CONCLUSION**

17 The parties have reached a tentative settlement agreement as to allocation of
18 water rights and most of the parties have agreed to consensus terms to be included in a
19 Stipulated Judgment and Physical Solution. Agreement as to allocation is contingent upon
20 agreement to the precise terms of the Stipulated Judgment and contingent upon the viability and
21 terms of the Physical Solution. Parties are currently refining the proposed Stipulated
22 Judgment and Physical Solution which includes consensus terms most of the parties have
23 agreed to in the AVEK sponsored settlement meetings, which terms also have been discussed
24 and agreed to by most parties in the Mediation process with Justice Robie. A conference is
25 scheduled with Justice Robie for April 30, 2012 at 8:30 a.m. to discuss details and/or any
26 disputes regarding the contents and terms of this Stipulated Judgment and Physical Solution.
27 The proposed Physical Solution will be submitted to the Court for a prove up hearing
28 approving the Physical Solution. The parties to the Stipulated Judgment then will request

1 approval of the Stipulated Judgment and will request a single Final Judgment binding all parties
2 to the lawsuit.

3 This Court should set a further Case Management Conference in 45 to 60 days to allow
4 the settlement process discussed above to continue.

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6 DATED: April 9, 2012

Respectfully submitted.

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8 CLIFFORD & BROWN

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10 By:


11 RICHARD G. ZIMMER, ESQ.
12 Attorneys for BOLTHOUSE PROPERTES,
13 LLC and WM. BOLTHOUSE FARMS, INC.
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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.

**BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS, INC.'S TRIAL
SETTING CONFERENCE STATEMENT**

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

Executed on April 10, 2012, at Bakersfield, California.

— (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.

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