1 2 3 4	RICHARD G. ZIMMER, ESQ SBN 107263 T. MARK SMITH, ESQ SBN 162370 CLIFFORD & BROWN A Professional Corporation Attorneys at Law Bank of America Building 1430 Truxtun Avenue, Suite 900 Bakersfield, CA 93301-5230		
5	Tel: (661) 322-6023 Fax: (661) 322-3508		
6 7	Attorneys for BOLTHOUSE PROPERTIES, LLC and WM. BOLTHOUSE FARMS, INC.		
8	SUPERIOR COUR	T OF CALIFORNIA	
9	COUNTY OF S	SANTA CLARA	
10	* * *		
11	COORDINATION PROCEEDING SPECIAL TITLE (Rule 1550(b))	JUDICIAL COUNCIL COORDINATION PROCEEDING No. 4408	
12	ANTELOPE VALLEY GROUNDWATER	CASE NO. 1-05-CV-049053	
13	CASES	Action Filed: October 26, 2005	
14	INCLUDED ACTIONS:		
15 16	LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 v. DIAMOND FARMING COMPANY, et al., Los Angeles Superior Court Case No. BC325201	OBJECTION TO [PROPOSED] CASE MANAGEMENT ORDER ON PHASE V TRIAL ISSUES	
17 18 19 20 21 22 23	LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 v. DIAMOND FARMING COMPANY, et al., Kern County Superior Court Case No. S-1500- CV-254348 DIAMOND FARMING COMPANY, and 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]	[FILED CONCURRENTLY WITH THE [PROPOSED] CASE MANAGEMENT ORDER ON PHASE V TRIAL ISSUES]	
24	AND RELATED ACTIONS.		
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OBJECTION TO [PROPOSED] CASE MANAGEMENT ORDER ON PHASE V TRIAL ISSUE

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Objection is hereby made to the [Proposed] Case Management Order on Phase V Trial Issues filed by District 40 on Friday afternoon, on the grounds that the Case Management Order does not properly reflect the Case Management Conference held on July 29, 2013 and was not circulated to the landowners prior to posting on the Court's website.

The Court ordered the purveyor parties to identify the legal theory, timeframe and factual and legal basis supporting the prescription claims. However, the Court did not make any findings or orders as to whether the purveyor parties may prove prescription on a basin-wide basis or whether they must prove prescription on a parcel by parcel basis. The Court ordered the purveyor parties to identify the legal theory, timeframe and factual and legal basis supporting the prescription claims against each landowner along with any other claim to groundwater which the purveyor parties may be making such as any purveyor claim based upon overlying rights. The Court invited briefing regarding the interrelationship of riparian rights vis-à-vis groundwater rights.

The Court also ordered that further briefs be filed by August 16, 2013 regarding jury versus non-jury issues. However, the Court did not make any orders regarding the matters which will be at issue in the Phase V trial. Specifically, the Court did not, as District 40 suggests, order that the next Phase of trial will determine "parties' claims to water including Federal Reserve rights, overlying rights, appropriative rights, prescriptive rights, priority claims to return flows, and other municipal and domestic priority claims." A determination as to specific issues for the Phase V trial will of necessity need to be made after evaluation of information provided by the purveyor parties regarding legal theory, timeframe and factual and legal basis supporting the prescription claims.

Finally, the Court set a further Case Management Conference for September 6, 2013 at 10:00 a.m. in Los Angeles.

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1	Because the Proposed Case Management Order or	Phase V Trial Issues filed by District 40 does
2	2 not properly reflect the Courts directions, filed herewith	is a [Proposed] Case Management Order on
3	3 Phase V Trial Issues which more accurately reflects th	ne Court's orders at the July 29, 2013 Case
4	4 Management Conference.	
5	5	
6	6 DATED: August 2, 2013 Resp	pectfully submitted,
7	7 CLI	FFORD & BROWN
8	8	
9	9 By	THIN WAS SELLED
10		HARD G ZIMMER, ESQ. RK T. SMITH, ESQ.
11	1 Atto	rneys for BOLTHOUSE PROPERTIES, LLC
12	2 and	WM. BOLTHO USE FARM S, INC.
13	3 DATED: August, 2013 KUI	HS & PARKER
14	4	
15	5 By	
16	6 ROI	BERT KUHS, ESQ.
17	<i>f</i> 14	orney for Tejon Ranchcorp and Granite struction Company
18	8	
19	9	
20	0 DATED: August, 2013 MO	RRISON & FOERSTER LLP
21		
22	Ву	LIAM GLOAN EGO
23	Atto	LLIAM SLOAN, ESQ. orney for U.S. Borax Inc.
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28		N THE NEXT PAGE]
	OBJECTION TO [PROPOSED] CASE MANAGEMEN	T ORDER ON PHASE V TRIAL ISSUE

1	Because the Proposed Case Management Order on Phase V Trial Issues filed by District 40 does
2	not properly reflect the Courts directions, filed herewith is a [Proposed] Case Management Order on
3	Phase V Trial Issues which more accurately reflects the Court's orders at the July 29, 2013 Case
4	Management Conference.
5	274
6	DATED: August, 2013 Respectfully submitted,
7	CLIFFORD & BROWN
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9	THE THE PARTY OF T
10	RICHARD G ZIMMER, ESQ.
11	MARK T. SMITH, ESQ. Attorneys for BQLTHOUSE PROPERTIES, LLC
12	and WM. BOLTHOUSE FARMS, INC.
13	DATED: August 2013 KUHS & PARKER
14	
15	VIAVI
16	ROBERT KUHS, ESQ.
17	Attorney for Tejon Ranchcorp and Granite Construction Company
18	
19	
20	DATED: August, 2013 MORRISON & FOERSTER LLP
21	
22	Ву
23	WILLIAM SLOAN, ESQ.
24	Attorney for U.S. Borax Inc.
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28	[SIGNATURES CONTINUED ON THE NEXT PAGE]
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	OBJECTION TO (PROPOSED) CASE MANAGEMENT ORDER ON PHASE V TRIAL ISSUE

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1	DATED: August 8, 2013	LEBEAU-THELEN LLP
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3		By PONTOYOR PER
4		BOBVOYCE, ESQ Attorney for Diamond Farming Company,
5	,	Crystal Organic Farms, LLC, Grimmway Enterprises and Lapis Land Company, LLC
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8	DATED: August, 2013	BROWNSTEIN HYATT FARBER SCHRECK
9		11111
10	•	~
12		MICHAEL FIFE, ESQ.
13		Attorney for Antelope Valley Ground Water Agreement Association
14		-
15	DATED: August, 2013	LAW OFFICES OF YOUNG WOOLDRIDGE
16		
17		D•.
18		SCOTT KUNEY, ESQ.
19		Attorneys for Van Dam, Gertrude J. Van Dam, Delmar D. Van Dam, Craig Van Dam, Gary
20		Bujulian Brothers, Inc. and WDS California II, LLC
21		
22	DATED: August, 2013	KLEIN, DENATALE, GOLDNER, COOPER,
23	DATED, August, 2013	ROSENLIEB & KIMBALL, LLP
24		
25		Ву
26		JOE HUGHES, ESQ. Attorneys for H&N Development Co. West, Inc.
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	OBJECTION TO IPROPOSEDI CA	4 SE MANAGEMENT ORDER ON PHASE V TRIAL ISSUE
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1	DATED: August, 2013	LEBEAU-THELEN LLP
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3		Ву
4		BOB JOYCE, ESQ. Attorney for Diamond Farming Company,
5		Crystal Organic Farms, LLC, Grimmway
6		Enterprises and Lapis Land Company, LLC
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8	DATED: August, 2013	BROWNSTEIN HYATT FARBER SCHRECK LLP
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11		By Agas les of Michael 1, 18 fe
12		ARCHAEL FIFE, ESQ. Attorney for Antelope Valley Ground Water
13		Agreement Association
14		Y LYN OTTYGER OF MOUNTG MICOLDINGE
15	DATED: August, 2013	LAW OFFICES OF YOUNG WOOLDRIDGE LLP
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17		Ву
18		SCOTT KUNEY, ESQ. Attorneys for Van Dam, Gertrude J. Van Dam,
19		Delmar D. Van Dam, Craig Van Dam, Gary
20		Bujulian Brothers, Inc. and WDS California II, LLC
21		
22	DATED: August, 2013	KLEIN, DENATALE, GOLDNER, COOPER, ROSENLIEB & KIMBALL, LLP
23		Robert Bare to Father Est, Bar
24 25		
26		By JOE HUGHES, ESQ.
20 27	·	Attorneys for H&N Development Co. West, Inc.
2 <i>1</i> 28		
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	OBJECTION TO [PROPOSE)	D] CASE MANAGEMENT ORDER ON PHASE V TRIAL ISSUE

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1	DATED: August, 2013		LEBEAU-THELEN LLP
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3]	Ву
4			BOB JOYCE, ESQ. Attorney for Diamond Farming Company,
5			Crystal Organic Farms, LLC, Grimmway
6			Enterprises and Lapis Land Company, LLC
7	•		
8	DATED: August, 2013		BROWNSTEIN HYATT FARBER SCHRECK LLP
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11		ĭ	Ву
12		•	MICHAEL FIFE, ESQ. Attorney for Antelope Valley Ground Water
13			Agreement Association
14	D. T. C.		Y AVI OPPIORO OF VIOLEN MICOLOPHICAE
15	DATED: August <u>\$\frac{1}{2}\$</u> , 2013		LAW OFFICES OF YOUNG WOOLDRIDGE LLP
16			CHILL
17		. I	Sell C. Juney
18			SCOTT KUNEY, ESQ. Attorneys for Van Dam, Gertuude J. Van Dam,
19		VAN DAM	Delmar D. Van Dam, Craig Van Dam, Gary Bujulian Brothers, Inc. and WDS California II,
20			LLC
21			
22 -	DATED: August, 2013	•	KLEIN, DENATALE, GOLDNER, COOPER,
23			ROSENLIEB & KIMBALL, LLP
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25		H	Ву
26			JOE HUGHES, ESQ. Attorneys for H&N Development Co. West, Inc.
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	OBJECTION TO IPRO	POSEDI CASE MANA	4 GEMENT ORDER ON PHASE V TRIAL ISSUE
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1	DATED: August 2013	LEBEAU-THELEN LLP
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3		Ву
4		BOB JOYCE, ESQ. Attorney for Diamond Farming Company,
5		Crystal Organic Farms, LLC, Grimmway
6		Enterprises and Lapis Land Company, LLC
7		
8	DATED; August, 2013	BROWNSTEIN HYATT FARBER SCHRECK
9		LLP
10		
11		By MICHAEL FIFE, ESQ.
12 13		MICHAEL FIFE, ESQ. Attorney for Antelope Valley Ground Water Agreement Association
14	DATED: August, 2013	LAW OFFICES OF YOUNG WOOLDRIDGE
15	DAIDD: August, 2015	LLP
16		
17		Ву
18		SCOTT KUNEY, ESQ. Attorneys for Van Dam, Gertrude J. Van Dam,
19		Delmar D. Van Dam, Craig Van Dam, Gary Bujulian Brothers, Inc. and WDS California II,
20		LLC
21		
22	DATED: August <u>7</u> , 2013	KLEIN, DENATALE, GOLDNER, COOPER,
23		ROSENLIEB & KIMBALL, LLP
24 25		$A D \cap A$
26		By COOL JOE HUGHES, ESQ.
27		Attorneys for H&N Development Co. West, Inc.
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	OBJECTION TO [PROPOSED] CASE	MANAGEMENT ORDER ON PHASE V TRIAL ISSUE
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1	PROOF OF SERVICE (C.C.P. §1013a, 2015.5)		
2	Antelope Valley Groundwater Cases		
3	Judicial Counsel Coordination Proceeding No. 4408 Santa Clara County Superior Court Case No. 1-05-CV-049053		
4	I am employed in the County of Kern, State of California. I am over the age of 18 and not a		
5	party to the within action; my business address is 1430 Truxtun Avenue, Suite 900, Bakersfield, CA		
6	93301.		
7	On August 7, 2013, I served the foregoing document(s) entitled:		
8	OBJECTION TO [PROPOSED] CASE MANAGEMENT ORDER ONPHASE V TRIAL ISSUES; AND [PROPOSED] CASE MANAGEMENT ORDER ON PHASE V TRIAL ISSUES		
9			
10	by placing the document listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Matter. All parties listed on the Santa Clara Superior Court in		
11	regard to the Antelope Valley Groundwater Matter are hereby incorporated within by this reference.		
12	Telefence.		
13	X BY SANTA CLARA SUPERIOR COURT E-FILING IN COMPLEX		
14	LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.		
15	27, 2003.		
16	Executed on August 7, 2013, at Bakersfield, California.		
17	(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.		
18	(Federal) I declare that I am employed in the office of a member of the Bar of		
19	this Court at whose direction the service was made.		
20			
21	ROSEMARY MYERS		
22	{2455-2}		
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