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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

17
18 **ANTELOPE VALLEY**
19 **GROUNDWATER CASES**

20 **Included Actions:**

21 Los Angeles County Waterworks District
22 No. 40 v. Diamond Farming Co., Superior
23 Court of California, County of Los
24 Angeles, Case No. BC 325201;

25 Los Angeles County Waterworks District
26 No. 40 v. Diamond Farming Co., Superior
27 Court of California, County of Kern, Case
28 No. S-1500-CV-254-348;

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

CASE MANAGEMENT STATEMENT

Date: July 21, 2008

Time: 10:00 a.m.

Dept: 1

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1 **I. INTRODUCTION**

2 The Public Water Suppliers recognize that judicial management facilitates the litigation
3 process for all counsel and reduces the expense for the litigants. The Court, with the assistance
4 of counsel, should create a case management plan to efficiently complete discovery and prepare
5 for an orderly presentation of evidence at the Phase 2 trial.

6 **II. DISCOVERY**

7 There is no party-coordinated or Court-directed discovery plan for discovery relating to
8 the Phase 2 trial issues. The Court has put in place an informal procedure for resolving discovery
9 disputes but there is no comprehensive plan to conduct discovery in a timely and efficient
10 manner. Already, there has been a confusing and disorganized barrage of discovery requests and
11 demands upon the Public Water Suppliers from some of the landowner parties. They should
12 coordinate their discovery requests and respective expert witness designations to avoid
13 cumulative and wasteful pre-trial and trial conduct and proceedings.

14 With Court assistance, the parties can complete discovery including expert witness
15 depositions for the Phase 2 trial with minimum expense and time. The Public Water Suppliers
16 respectfully request that the Court consider immediately implementing a case management plan
17 for the Phase 2 trial that includes coordinated discovery for all parties based on the Phase 2 trial
18 issues identified by the Court.

19 **III. PHASE 2 TRIAL**

20 The Court has specified the Phase 2 trial issues: Basin characteristics, safe yield,
21 overdraft, and whether or not subbasins exist. These issues include an examination of the
22 Basin's geology, recharge from natural and imported water, land use, historical water use,
23 groundwater levels, safe yield, and land subsidence.

24 **IV. PRESENTATION OF EVIDENCE**

25 The Court may inquire as to what testimony is expected from each party's witness. If it
26 appears that testimony will be redundant or cumulative, the Court may ask the attorneys to limit
27 the number of witnesses to be called to testify at trial. To avoid duplicative and wasteful
28 discovery, pre-trial, and trial proceedings, the Court may direct that the parties organize

1 themselves or as the Court may otherwise order.

2 **V. LEAD OR LIAISON COUNSEL AND COMMITTEES**

3 There are numerous landowner parties with common or similar interests but separate legal
4 counsel. The number of counsel has become so large that it is necessary to organize counsel for
5 the different sides represented in these proceedings. Without Court-assisted coordination of the
6 numerous landowner parties and attorneys, there will be wasted time and money on duplicated
7 efforts including discovery, pre-trial and trial preparation.

8 In earlier early stages of the proceedings, the Court suggested or directed the use of liaison
9 counsel. Since that time, the number of landowner parties and attorneys has only grown larger
10 with increased need for additional Court-directed or assisted case management.

11 Liaison Counsel or Lead Counsel can assist the Court in coordinating discovery, pre-trial
12 and trial activities and positions. In order for the Court to determine or designate Liaison and/or
13 Lead Counsel, the parties' various interests can be generally described as follows:

14
15 Landowners with dormant or non-exercised correlative overlying rights. This is the
16 largest group of landowners and most of them are members of the Willis Class
17 represented by Mr. Kalfyan.

18
19 Public landowners. The United States is the largest single landowner in the Basin and is
20 represented by Mr. Leininger. There are at least two other public entity property owners,
21 City of Los Angeles and Los Angeles County Sanitation Districts, but they do not provide
22 water service to the public.

23
24 The Antelope-Valley East Kern Water Agency ("AVEK"). It is the Basin's largest
25 wholesaler of State Water Project water to various public entities and private property
26 owners. AVEK is represented by Mr. Brunick.

27
28 Large numbers of private property owners who pump groundwater. This group includes

1 Bolthouse Farms, Diamond Farming, Nebeker Group, the proposed Wood Class of
2 private landowners using groundwater, and many others. This group needs organization
3 and structure to avoid continued confusion amongst the large number of separately
4 represented parties. They should be organized into a committee with a few attorneys
5 designated to serve as Liaison and/or Lead Counsel.
6

7 **VI. STATUS OF TECHNICAL COMMITTEE MEETINGS**

8 The Technical Committee, a group of experts retained by various landowner parties,
9 public water suppliers, State of California, and the United States, respectively, has completed its
10 work on Basin characteristics (except for sub-basin issues).

11 **VII. STATUS OF CLASS ACTION CERTIFICATION PROCESS**

12 The Court has scheduled a hearing on the certification motion for the Wood Class on
13 August 11, 2008. The Court had earlier scheduled a deadline to serve class notice by August 15,
14 2008. members. Since the last Court hearing, Mr. Dunn has spoken to and met with Mr.
15 Kalfyan about the preparation and mailing of class notice. There has been a similar telephone
16 conversation with Mr. McLachlan.

17 The Public Water Suppliers have commenced the extraordinary work necessary to mail
18 class notice class members on or before August 15, 2008. The work includes identification of
19 class member parcels and addresses.

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1 Mr. Dunn has suggested that Class Counsel work on an acceptable class notice for both
2 the existing Willis Class as well as the proposed Wood Class so that an agreed-upon Class Notice
3 can be mailed after the August 11, 2008 hearing on the Wood Class certification motion and on
4 or before the August 15, 2008 deadline to serve the notice.

5
6 Dated: July 16, 2008

BEST BEST & KRIEGER LLP

8
9 By 

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STEFANIE D. HEDLUND
Attorneys for Cross-Complainants
ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT
NO. 40

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PROOF OF SERVICE

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California 92614. On July 16, 2008, I served the within document(s):

CASE MANAGEMENT STATEMENT



by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.



by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.



by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.



by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

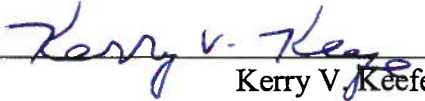


I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on July 16, 2008, at Irvine, California.


Kerry V. Keefe