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12 DISTRICT NO. 40

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES
15

16 Coordination Proceeding
17 Special Title (Rule 1550 (b))

18 **ANTELOPE VALLEY GROUNDWATER
19 CASES**

20 Included Actions:

21 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
22 County of Los Angeles, Case No. BC 325 201

23 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
24 Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

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

Judicial Council Coordination
Proceeding No. 4408

**SECOND AMENDED [PROPOSED]
ORDER RE CASE MANAGEMENT
DATES AND MOTIONS, INCLUDING:**

1. DEMURRER BY DIAMOND
FARMING COMPANY TO THE LOS
ANGELES COUNTY WATERWORKS
DISTRICT NO. 40'S COMPLAINTS
FILED IN THE KERN COUNTY AND
LOS ANGELES COUNTY ACTIONS;

2. MOTION TO STRIKE BY DIAMOND
FARMING COMPANY TO THE LOS
ANGELES COUNTY WATERWORKS
DISTRICT NO. 40'S COMPLAINTS
FILED IN THE KERN COUNTY AND
LOS COUNTY ACTIONS;

3. MOTION PURSUANT TO C.C.P. SEC. 760.030 BY DIAMOND FARMING COMPANY TO THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S COMPLAINTS FILED IN THE KERN COUNTY AND LOS ANGELES COUNTY ACTIONS;

4. DEMURRER BY BOLTHOUSE PROPERTIES LLC TO THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S COMPLAINT IN THE LOS ANGELES COUNTY ACTION;

5. DEMURRER BY BOLTHOUSE PROPERTIES LLC TO THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S COMPLAINT IN THE KERN COUNTY ACTION;

6. PETITION TO INTERVENE BY COUNTY SANTITATION DISTRICTS NOS. 14 AND 20 OF LOS ANGELES; AND

7. EX PARTE APPLICATION BY THE UNITED STATES FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO THE AMENDMENT TO COMPLAINT.

Hearing:

Date: December 2, 2005
Time: 10:00 a.m.
Dept.: 1

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

On December 2, 2005, the Court heard several motions which came on for hearing at 10:00 a.m., or as soon as the matters could be heard in Department 1 of the Los Angeles County Superior Court before the Honorable Jack Komar. All appearances were stated on the record. Attached as Exhibit "A" is a true and correct copy of the Court's minute order.

1 The Court heard the following motions:

2
3 1. Demurrer by Bolthouse Properties LLC to the Los Angeles County Waterworks
4 District No. 40's Complaint in the Kern County Action, Case No. S-1500-CV-254348;

5
6 2. Demurrer by Bolthouse Properties LLC to the Los Angeles County Waterworks
7 District No. 40's Complaint in the Los Angeles County Action, Case No. BC325201;

8
9 3. Demurrer by Diamond Farming Company to the Los Angeles Waterworks No. 40
10 Complaints in the Kern County and Los Angeles County Actions.

11
12 4. Motion to Strike by Diamond Farming Company to the Los Angeles Waterworks
13 No. 40's Complaints in the Kern County and Los Angeles County Actions;

14
15 5. Motion by Diamond Farming Company Pursuant to Code of Civil Procedure
16 Section 760.030 For an Order directing Los Angeles Waterworks District No. 40 to Amend Each
17 Complaint in Its Actions;

18
19 6. Petition to Intervene Filed by County Sanitation Districts Nos. 14 and 20 of Los
20 Angeles County; and

21
22 7. Ex Parte Application Filed by the United States For Extension of Time to Answer
23 or Otherwise Respond to Amendment to Complaint.

24
25 After consideration of the pleadings submitted and oral argument, and good cause
26 appearing, the Court overruled the following motions:

27
28 1. Demurrer by Bolthouse Properties LLC to the Los Angeles County Waterworks

District No. 40's Complaint in the Kern County Action, Case No. S-1500-CV-254348;

2. Demurrer by Bolthouse Properties LLC to the Los Angeles County Waterworks District No. 40's Complaint in the Los Angeles County Action, Case No. BC325201; and

3. Demurrer by Diamond Farming Company to the Los Angeles Waterworks No. 40 Complaints in the Kern County and Los Angeles County Actions.

After consideration of the pleadings submitted and oral argument, and good cause appearing, the Court denied the following motions:

1. Motion to Strike by Diamond Farming Company to the Los Angeles Waterworks No. 40's Complaints in the Kern County and Los Angeles County Actions; and

2. Motion by Diamond Farming Company Pursuant to Code of Civil Procedure Section 760.030 For an Order directing Los Angeles Waterworks District No. 40 to Amend Each Complaint in Its Actions.

Additionally, counsel for the County Sanitation Districts Nos. 14 and 20 of Los Angeles County, withdrew the Petition to Intervene Filed by County Sanitation Districts Nos. 14 and 20 of Los Angeles County.

Finally, the Court granted the Ex Parte Application by the United States For Extension of Time to Answer or Otherwise Respond to the Amendment of Complaint.

The Court on its own motion, consolidated the following cases: Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., Superior Court of California, County of Los Angeles, Case No. BC 325 201; Los Angeles County Waterworks District No. 40 v.

Diamond Farming Co., Superior Court of California, County of Kern, Case 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, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668.

The Court further ordered:

1. The Los Angeles County Waterworks District No. 40 will file a consolidated cross-complaint by January 15, 2006 to encompass the claims by various parties. The District must meet and confer over the cross-complaint by January 2, 2006.

2. The United States must answer or otherwise respond to the amendment to the complaint by February 6, 2006.

3. A Case Management Conference will be held February 17, 2006, at 9:00 a.m., in Department 1 of the Los Angeles County Superior Court located at 111 North Hill Street, Los Angeles, California.

4. The Court ordered that no defaults be taken without a prior order as to any pending complaints or cross-complaints.

5. The filing of any responsive pleadings is deferred until after the consolidated pleading is filed.

IT IS SO ORDERED.

Dated: February __, 2006

HONORABLE JACK KOMAR
JUDGE OF THE SUPERIOR COURT

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 February 13, 2006, I served the within document(s):

[PROPOSED] ORDER RE CASE MANAGEMENT DATES AND MOTIONS, INCLUDING: 1. DEMURRER BY DIAMOND FARMING COMPANY TO THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S COMPLAINTS FILED IN THE KERN COUNTY AND LOS ANGELES COUNTY ACTIONS; 2. MOTION TO STRIKE BY DIAMOND FARMING COMPANY TO THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S COMPLAINTS FILED IN THE KERN COUNTY AND LOS COUNTY ACTIONS; 3. MOTION PURSUANT TO C.C.P. SEC. 760.030 BY DIAMOND FARMING COMPANY TO THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S COMPLAINTS FILED IN THE KERN COUNTY AND LOS ANGELES COUNTY ACTIONS; 4. DEMURRER BY BOLTHOUSE PROPERTIES LLC TO THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S COMPLAINT IN THE LOS ANGELES COUNTY ACTION; 5. DEMURRER BY BOLTHOUSE PROPERTIES LLC TO THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S COMPLAINT IN THE KERN COUNTY ACTION; 6. PETITION TO INTERVENE BY COUNTY SANTITATION DISTRICTS NOS. 14 AND 20 OF LOS ANGELES; AND 7. EX PARTE APPLICATION BY THE UNITED STATES FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO THE AMENDMENT TO COMPLAINT.

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

ý 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.
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(SEE ATTACHED SERVICE LIST)

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.

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

3 Executed on February 13, 2006, at Irvine, California.

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5 _____
6 Kerry V. Keefe
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