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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:
Los Angeles County Waterworks District No.
40 v. Diamond Farming Co., Superior Court of
California, County of Los Angeles, Case No.
BC 325201;

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, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668

RICHARD WOOD, on behalf of himself and
all other similarly situated v. A.V. Materials,
Inc., et al., Superior Court of California,
County of Los Angeles, Case No. BC509546

Judicial Council Coordination Proceeding
No. 4408

CLASS ACTION

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

ANTELOPE VALLEY EAST KERN
WATER AGENCY AND PUBLIC
WATER SUPPLIERS' NOTICE AND *EX*
PARTE APPLICATION TO CONTINUE
PHASE 5 TRIAL; DECLARATION OF
JEFFREY V. DUNN

Date: March 6, 2014
Time: 9:00 a.m.
Dept.: Telephonic via CourtCall

[Filed concurrently with [Proposed] Order]

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on March 6, 2014 at 9:00 a.m. or as soon thereafter as
3 the matter may be heard, Antelope Valley East Kern Water Agency, Los Angeles County
4 Waterworks District No. 40, City of Palmdale, City of Lancaster, Rosamond Community Services
5 District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake
6 Community Services District, North Edwards Water District, Llano Del Rio Water Company,
7 Llano Mutual Water Company, Big Rock Mutual Water Company, Palmdale Water District,
8 Quartz Hill Water District, and California Water Service Company (collectively "AVEK and
9 Public Water Suppliers") will, and hereby do, move this Court by way of an *ex parte* application,
10 for an order continuing the Phase 5 trial from March 10, 2014 to April 28, 2014. Good cause
11 exists for the relief sought.

12 This *ex parte* application is made pursuant to California Rules of Court, rules 3.1200 *et*
13 *seq.*, and Code of Civil Procedure section 128. This application is based on the application, the
14 attached memorandum of points and authorities and Declaration of Jeffrey V. Dunn and exhibits
15 thereto, the [Proposed] Order, the pleadings and papers on file herein, and on such further
16 arguments and material as the Court may consider at the hearing on this matter.

17 Dated: March 4, 2014

BEST BEST & KRIEGER LLP

By 

ERIC L. GARNER
JEFFREY V. DUNN
WENDY Y. WANG
Attorneys for Cross-Complainant
LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Pursuant to California Rules of Court, rules 3.1200 *et seq.*, and Code of Civil Procedure
3 section 128, Antelope Valley East Kern Water Agency, Los Angeles County Waterworks District
4 No. 40, City of Palmdale, City of Lancaster, Rosamond Community Services District, Littlerock
5 Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services
6 District, North Edwards Water District, Llano Del Rio Water Company, Llano Mutual Water
7 Company, Big Rock Mutual Water Company, Palmdale Water District, Quartz Hill Water
8 District, and California Water Service Company (collectively "Public Water Suppliers") hereby
9 make this *ex parte* application for an order continuing the Phase 5 trial from March 10, 2014 to
10 April 28, 2014.

11 The Phase 5 trial commenced on February 10, 2014 with the United States' case-in-chief
12 on the federal reserved water rights matter. Trial proceeded for several days and on February 19,
13 2014, the Court continued the Phase 5 trial to March 10, 2014 to allow all parties to continue
14 settlement discussions to resolve the groundwater adjudication issues.

15 Numerous parties have engaged in settlement discussion and settlement talks continue to
16 progress. For this reason, AVEK and the Public Water Suppliers respectfully request that the
17 Court grant this application for a short continuance to allow the parties to continue the settlement
18 discussion.

19
20 Dated: March 4, 2014

BEST BEST & KRIEGER LLP

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22 By _____

ERIC L. GARNER
JEFFREY V. DUNN
WENDY Y. WANG

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24 Attorneys for LOS ANGELES COUNTY
25 WATERWORKS DISTRICT NO. 40
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DECLARATION OF JEFFREY V. DUNN

I, Jeffrey V. Dunn, declare as follows:

1. I have personal knowledge of the facts below, and if called upon to do so, I could testify competently thereto in a court of law.

2. I am licensed to practice law in the State of California and am an attorney of Best, Best & Krieger LLP, attorneys of record for the Los Angeles County Waterworks District No. 40 ("District No. 40").

3. At approximately 5 p.m., on March 4, 2014, I provided notice to all parties and their counsel of the Public Water Suppliers' *ex parte* application for an order continuing the Phase 5 trial to April 28, 2014 by posting the accompanying notice and application to the court's designated website for this case. The accompanying notice provided the location and time of the *ex parte* hearing, and the specific relief to be requested.

4. On Wednesday, February 19, 2014, the Court continued the Phase 5 trial to March 10, 2014 to allow all parties to continue settlement discussions to resolve the groundwater adjudication proceeding issues including issues scheduled for the Phases 5 and 6 trials, respectively, as well as a proposed physical solution for the groundwater adjudication area.

5. On Wednesday, February 19, 2014, many parties met for face-to-face settlement discussions in the Los Angeles office of Best Best & Krieger LLP. The discussions continued into the evening hours. The next day, parties resumed their settlement discussions at the same location and the settlement discussions continued into the evening hours. The following day, Friday, February 21, 2014, parties continued their settlement discussions at the same location. Other parties participated by telephone during the three-day period.

6. Substantial settlement progress was made during the three days and various parties continued settlement discussions via telephone and email the following week commencing on February 24, 2014. Further settlement progress has been made during the week of February 24, 2014.

1 7. I am informed by attorneys for the United States, that they support this ex parte
2 application for a short trial continuance because there is an immediate need for further settlement
3 discussions including face-to-face meetings so as not to lose existing settlement progress
4 momentum and to avoid the costs of an expensive trial in San Jose, California.

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

7 Executed this 4th day of March, 2014, at Irvine, California.

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Jeffrey V. Dunn

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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 March 4, 2014, I served the within document(s):

ANTELOPE VALLEY EAST KERN WATER AGENCY AND PUBLIC WATER
SUPPLIERS' NOTICE AND *EX PARTE* APPLICATION TO CONTINUE PHASE 5
TRIAL; DECLARATION OF JEFFREY V. DUNN



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 March 4, 2014, at Irvine, California.


Kerry V. Keefe