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Steven R. Orr
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August 4, 2008

VIA POSTING TO COURT WEBSITE

Counsel of Record and Parties *in Propria Persona*

Re: Antelope Valley Groundwater Adjudication

Dear Counsel and Parties *in Propria Persona*:

Attached for your review and comment is a proposed Case Management Order for the Phase 2 trial.

This proposed order is presented by the City of Palmdale, Los Angeles County Waterworks District No. 40, Palmdale Water District, Littlerock Creek Irrigation District and California Water Service.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Orr', written over the word 'Steven' in the typed name below.

Steven R. Orr

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

ANTELOPE VALLEY GROUNDWATER
CASES

Judicial Council Coordination
Proceeding No. 4408

**[PROPOSED] CASE
MANAGEMENT ORDER FOR
PHASE 2 TRIAL**

Phase 2 Trial: October 6, 2008
(Hon. Jack Komar)

[Exempt from Filing Fees Pursuant to Govt. Code
§6103]

IT IS HEREBY ORDERED:

1. The Phase 2 trial will commence at 9:00 a.m. on October 6, 2008, in
Department __ of the Superior Court of the County of _____, located at
_____.

2. The Phase 2 trial will address the following issues: (a) characteristics of the
Antelope Valley Area of Adjudication ("Basin"), including whether hydrologic sub-
basins exist, (b) the safe yield of the Basin, and (c) whether the Basin has been or is
currently in a state of overdraft. Phase 2, specifically, will not address the issues of
prescription or self-help.

3. Written and oral discovery shall concern only the matters at issue in Phase 2.

1 4. As previously ordered, expert witness disclosure shall take place on August 15,
2 2008. Designation of rebuttal experts shall take place on August 25, 2008. Said
3 designations shall comply with Code of Civil Procedure section 2034.010, et seq. In
4 addition, any expert designation shall produce a copy of any reports prepared
5 concurrently with his or her designation.

6 A party intending to call a non-expert witness shall post the name(s) of such
7 witness(es) on the Court's website on August 15, 2008.

8 5. The parties who have designated witnesses are directed to meet and confer in
9 person and/or by telephone at 12:00 p.m. on August 18, 2008, to develop a schedule for
10 the taking of depositions of the expert witnesses for the Phase 2 trial who are designated
11 on August 15, 2008. Counsel for the Los Angeles County Waterworks District No. 40 is
12 directed to provide telephone conference information to the parties by posting the same to
13 the Court's website. The purpose of the telephone conference is to develop a schedule
14 for the taking of depositions, such that such taking is concluded by September 26, 2008,
15 which is the expert witness, percipient witness and written discovery cut-off. A similar
16 telephone conference shall take place in the same manner on August 26, 2008 for the
17 rebuttal expert witnesses designated on August 25, 2008.

18 Any party failing to participate in the telephone scheduling conferences or who
19 refuses to schedule their witnesses for deposition shall be deemed to have waived the
20 right to coordinate, and may thereafter have their witness' deposition set at the
21 convenience of the participating parties on 5 court days notice given pursuant to the
22 Court's Electronic Filing and Service Order. To the extent that parties are unable to
23 reach agreement as to any deposition, the Court will conduct a telephonic meet and
24 confer to be scheduled at the earliest convenient to the Court.

25 6. The parties are directed to conduct a telephone conference on August 4, 2008
26 to discuss a coordinating or liaison committee for purposes of the Phase 2 trial. Counsel
27 for the Los Angeles County Waterworks District No. 40 is directed to provide telephone
28 conference information to the parties by posting the same to the Court's website. The

1 purpose of the committee is to create a means of attempting to resolve issues quickly and
2 informally, and to streamline the presentations at trial. The existence of this committee,
3 however, shall not deprive any other party from raising issues or concerns to the other
4 parties.

5 7. Any expert or other witnesses designated by the parties on August 15, 2008
6 shall be available and prepared to provide deposition testimony beginning on August 21,
7 2008. Any expert designated by the parties on August 25, 2008 shall be available and
8 prepared to provide deposition testimony beginning on September 15, 2008. The parties
9 shall make every effort to complete the depositions of the initially designated experts in
10 time for the depositions of the rebuttal experts to take place before the discovery cut-off
11 directed above. More than one deposition may be scheduled to take place on the same
12 day.

13 8. Any expert or other witness who is not prepared to testify on the date agreed or
14 noticed for deposition is subject to exclusion at the time of trial.

15 9. All deponents are directed to produce their file on this matter, and any other
16 requested materials for inspection at least three business days before the date set for the
17 deposition at the expert's place of business or such location as the parties may agree.
18 Such materials may be produced in electronic format.

19 10. The parties are directed to avoid serving duplicative written discovery.

20 11. The parties are directed to meet and confer concerning any discovery dispute
21 before contacting the Court and before filing any discovery motion. If such attempts
22 prove unsuccessful, the Court will conduct a further meet and confer, either by telephone
23 or in person as the Court may direct. The parties will provide the Court with a letter in
24 advance setting forth the text of any written discovery requests and responses thereto that
25 are in dispute, or other information that will assist the Court in conducting the meet and
26 confer. The parties should contact the Court's clerk to schedule any such meet and
27 confer. The Court expects that all discovery disputes will be resolved through the meet
28 and confer process. Any party may thereafter apply ex parte for an order shortening time

1 and specially setting a motion to compel for hearing by providing notice thereof pursuant
2 to the Electronic Filing and Service Order.

3 12. Any party intending to participate in the Phase 2 trial must post a Notice of
4 Intention to Participate in the Phase 2 Trial on the Court's website by September 15,
5 2008. Excuse from this requirement may be given upon a showing of good cause.

6 13. The parties shall post their witness and exhibit lists on September 29, 2008.
7 The witness lists shall provide the name of the witness(es), a short summary of testimony
8 expected to be elicited, and a time estimate. The exhibit lists shall be sufficiently specific
9 as to enable the other parties to identify the exhibit prior to trial. Exhibits shall be
10 sequentially numbered, starting with the Arabic number 1. The parties shall agree as to
11 the division of exhibit numbers by September 20, 2008.

12 14. The parties shall coordinate with one another to determine the actual date and
13 time of the witnesses' testimony at trial. The parties shall make their best efforts to
14 produce all documents relevant to that witnesses' testimony prior to the witness'
15 deposition. Any other documents not previously produced, but which are intended to be
16 used at trial, shall be made available as soon as practicable.

17 15. Upon request, the parties shall provide one another with electronic copies of
18 their exhibits, except those exhibits that are not practical to provide in electronic format.

19 16. Trial briefs shall be filed and posted on or before September 25, 2008.
20 Responding trial briefs, *if any*, shall be filed at posted on or before October 2, 2008.

21 17. Any motion to exclude witnesses or exhibits, or other motions *in limine*, will
22 be heard at the commencement of the trial on October 6, 2008. Any such moving papers
23 shall be filed and posted on October 1, 2008. Any opposition papers, including
24 evidentiary objections, shall be filed and posted on October 2, 2008. Evidentiary
25 objections to evidence submitted in opposition shall be filed and posted on October 3,
26 2008. No other reply papers are allowed.

27 18. Should any party elect to use a third party provider to assist in the projection
28 or presentation of evidence, that party shall permit said third party provider to contract

1 with any other party for the use the same services provided. Third party providers, in any
2 event, shall work together to coordinate the use of equipment.

3 19. Any party desiring to monitor the Phase 2 trial by telephone may do so
4 through CourtCall, but will not be allowed to question witnesses or participate in oral
5 argument absent prior arrangement with the Court.

6 20. The Court shall be provided with courtesy copies of all exhibits, except those
7 pertaining to impeachment, preferably in three ring notebooks with numbered dividers,
8 on or before October 3, 2008. Counsel are directed to coordinate this project with one
9 another.

10 21. Prior to the commencement of each day of trial, counsel shall confer as to the
11 order of the next day's witnesses, and shall advise the Court of the same at the
12 commencement of that day of trial.

13 22. As to any party who has been served with a complaint or cross-complaint in
14 these coordinated proceedings, and whose time to respond has elapsed, the parties are
15 directed to request the entry of default against those parties on October 6, 2008. In so
16 doing, the parties shall be mindful that an answer to any of the complaints or cross-
17 complaints may serve as an answer to any other complaint or cross-complaint. On or
18 before September 15, 2008, any party intending to request the entry of default against any
19 other party shall send written notice of their intent to request entry of default by first class
20 mail to the address at the defaulting party was served, or through other means reasonably
21 intended to cause receipt before September 21, 2008.

22 23. The Court will consider whether to request closing trial briefs as the Phase 2
23 proceeds.

24
25 DATED: _____

Judge of the Superior Court

1 **PROOF OF SERVICE**

2 I, Kelley Herrington, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is Richards, Watson & Gershon, 355 South
5 Grand Avenue, 40th Floor, Los Angeles, California 90071. On August 4, 2008, I served the
6 within documents:

7 **[PROPOSED] CASE MANAGEMENT ORDER FOR PHASE 2 TRIAL**

- 8 ☐ by causing facsimile transmission of the document(s) listed above from (213) 626-
9 0078 to the person(s) and facsimile number(s) set forth below on this date before
10 5:00 P.M. This transmission was reported as complete and without error. A copy
11 of the transmission report(s), which was properly issued by the transmitting
12 facsimile machine, is attached. Service by facsimile has been made pursuant to a
13 prior written agreement between the parties.
- 14 ☒ by posting the document(s) listed above to the Santa Clara County Superior Court
15 website in regard to the Antelope Valley Groundwater matter.
- 16 ☐ by placing the document(s) listed above in a sealed envelope and affixing a pre-
17 paid air bill, and causing the envelope to be delivered to an agent for delivery, or
18 deposited in a box or other facility regularly maintained by , in an envelope or
19 package designated by the express service carrier, with delivery fees paid or
20 provided for, addressed to the person(s) at the address(es) set forth below.
- 21 ☐ by personally delivering the document(s) listed above to the person(s) at the
22 address(es) set forth below.
- 23 ☐ by causing personal delivery by First Legal Support Services, 1511 West Beverly
24 Boulevard, Los Angeles, California 90026 of the document(s) listed above to the
25 person(s) at the address(es) set forth below.

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

28 Executed on August 4, 2008.

29 
Kelley Herrington