

**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 4 TRIAL**

Phase 4 Trial: February 11, 2013  
(Hon. Jack Komar)

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

**IT IS HEREBY ORDERED:**

1. The Phase 4 trial will commence at 9:00 a.m. on February 11, 2013, in Department 1 of the Superior Court of the County of Los Angeles, located at 111 North Hill Street, Los Angeles, California.
2. The Phase 4 trial will address the issue of current groundwater production of all parties for the calendar year 2011 and January 1 through November 30, 2012.
3. Expert witness disclosure shall take place on January 4, 2013. Designation of supplemental experts shall take place on January 11, 2013. Said designations shall meet the requirements of Code of Civil Procedure section 2034.010, *et seq.*, and include a statement as to availability for deposition during January 14-31, 2013. In addition, any expert designation shall produce a copy of any reports prepared concurrently with his or her designation.

1 A party intending to call a non-expert witness shall post the name(s) of such  
2 witness(es) on the Court's website on January 4, 2013, which shall include a statement as  
3 to availability for deposition during January 10-31, 2013.

4 The parties who have designated expert or non-expert witnesses are directed to  
5 meet and confer in person and/or by telephone at 10:00 a.m. on January 7, 2013, to  
6 develop a schedule for the taking of depositions of witnesses for the Phase 4 trial who  
7 have been designated. Counsel for the Los Angeles County Waterworks District No. 40  
8 is directed to provide telephone conference information to the parties by posting the same  
9 to the Court's website by 12:00 p.m. on January 4, 2013. The purpose of the telephone  
10 conference is to develop a schedule for the taking of depositions, such that such taking is  
11 concluded by January 31, 2013, which is the expert witness, percipient witness and  
12 written discovery cut-off. A similar telephone conference shall take place in the same  
13 manner on January 14, 2013 for the supplemental expert witnesses designated on January  
14 11, 2013.

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

22 4. The parties are directed to conduct a telephone conference at 10:00 a.m. on  
23 December 14, 2012 to discuss a coordinating or liaison committee for purposes of the  
24 Phase 4 trial. Counsel for the Los Angeles County Waterworks District No. 40 is  
25 directed to provide telephone conference information to the parties by posting the same to  
26 the Court's website by noon on December 13, 2012. The purpose of the committee is to  
27 create a means of attempting to resolve issues quickly and informally, and to streamline  
28 the presentations at trial. The existence of this committee, however, shall not deprive any

1 other party from raising issues or concerns to the other parties.

2 5. Any expert or other witnesses designated by the parties on January 4, 2013  
3 shall be available and prepared to provide deposition testimony, absent other agreement,  
4 beginning on January 14, 2013. Any expert designated by the parties on January 11,  
5 2013 shall be available and prepared to provide deposition testimony beginning on  
6 January 23, 2013. The parties shall make every effort to complete the depositions of the  
7 initially designated experts in time for the depositions of the supplemental experts to take  
8 place before the discovery cut-off directed above. More than one deposition may be  
9 scheduled to take place on the same day.

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

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

16 8. Other than materials requested through a notice of deposition, the only  
17 written discovery allowed is the Court-ordered discovery dated December \_\_, 2012.

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

10. Any party intending to participate in the Phase 4 trial must post a Notice of Intention to Participate in the Phase 4 Trial on the Court's website by December 18, 2012. Excuse from this requirement may be given upon a showing of good cause.

11. The parties shall post their witness and exhibit lists on February 1, 2013. The witness lists shall provide the name of the witness(es), a short summary of testimony expected to be elicited, and a time estimate. The exhibit lists shall be sufficiently specific as to enable the other parties to identify the exhibit prior to trial. Exhibits shall be sequentially numbered, starting with the Arabic number 1. The parties shall agree through the Liaison Committee as to the division of exhibit numbers by January 27, 2013.

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

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

14. Trial briefs shall be filed and posted on or before January 29, 2013. Responding trial briefs, *if any*, shall be filed at posted on or before February 5, 2013. Allied parties are encouraged to file joint briefs.

15. Any motion to exclude witnesses or exhibits, or other motions *in limine*, will be heard at the commencement of the trial on February 11, 2013. Any such moving papers shall be filed and posted on February 4, 2013. Any opposition papers, including evidentiary objections, shall be filed and posted on February 7, 2013. Evidentiary objections to evidence submitted in opposition shall be filed and posted on February 7, 2013. No other reply papers are allowed.

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

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

3 17. Any party desiring to monitor the Phase 4 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 18. The Court shall be provided with courtesy copies of all exhibits, except  
7 those pertaining to impeachment, preferably in three ring notebooks with numbered  
8 dividers, on or before February 6, 2013. Counsel are directed to coordinate this project  
9 with one another.

10 19. Prior to the commencement of each day of trial, counsel shall confer as to  
11 the 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 20. The Court will consider whether to request closing trial briefs as the Phase  
14 4 proceeds.

15  
16 DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

**PROOF OF SERVICE**

I, Kelley Herrington, declare:

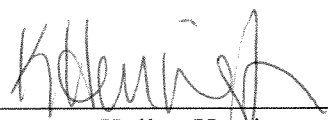
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Richards, Watson & Gershon, 355 South Grand Avenue, 40th Floor, Los Angeles, California 90071. On December 6, 2012, I served the within documents:

**[PROPOSED] CASE MANAGEMENT ORDER FOR PHASE 4 TRIAL**

- ☐ by causing facsimile transmission of the document(s) listed above from (213) 626-0078 to the person(s) and facsimile number(s) set forth below on this date before 5:00 P.M. This transmission was reported as complete and without error. A copy of the transmission report(s), which was properly issued by the transmitting facsimile machine, is attached. Service by facsimile has been made pursuant to a prior written agreement between the parties.
- ☒ 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 and affixing a pre-paid air bill, and causing the envelope to be delivered to an agent for delivery, or deposited in a box or other facility regularly maintained by , in an envelope or package designated by the express service carrier, with delivery fees paid or provided for, addressed 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.
- ☐ by causing personal delivery by First Legal Support Services, 1511 West Beverly Boulevard, Los Angeles, California 90026 of the document(s) listed above to the person(s) at the address(es) set forth below.

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

Executed on December 6, 2012.

  
Kelley Herrington