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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

Coordination Proceeding

Case No. 105 CV 049053

**ANTELOPE VALLEY  
GROUNDWATER CASES**

Judicial Council Coordination Proceeding  
No. 4408

Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.

Hon. Jack Komar

Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.

**OBJECTION TO [PROPOSED] ORDER  
TRANSFERRING AND CONSOLIDATING  
ACTIONS FOR ALL PURPOSES**

Wm. Bolthouse Farms, Inc. v. City of  
Lancaster

Riverside County Superior Court  
Lead Case No. RIC 344436; RIC 344668 and  
RIC 353840

Diamond Farming Co. v. City of  
Lancaster

Los Angeles Superior Court  
Case No. BC 325201

Diamond Farming Co. v. Palmdale Water  
District

Kern County Superior Court  
Case No. S-1500-CV-254348

Date: November 25, 2008  
Santa Clara Superior Court  
Department 17

1 The City of Los Angeles (“City”) objects to the elements of the “[Proposed] Order  
2 Transferring and Consolidating Actions for All Purposes” (“Proposed Order”) which commit the  
3 court to fashioning a physical solution in the Antelope Valley Groundwater cases as the only  
4 possible action under its retained jurisdiction. While a physical solution may ultimately be the  
5 appropriate remedy, the court should not commit to developing a physical solution at this time.  
6 The Court should not limit its discretion as to the form of the final judgment by limiting its  
7 reservation of jurisdiction to a physical solution as the only possible remedy.

8 The scope of the Court’s retained jurisdiction is particularly important to the City of Los  
9 Angeles since the City has been excluded from participation in any of the settlement discussions  
10 that have been taking place. Without prejudging the fairness of those settlement proposals, the  
11 City of Los Angeles believes that the Court’s ability to adjust the rights of the non-settling parties  
12 is best preserved by a more inclusive retention of jurisdiction than that set forth in the Proposed  
13 Order.

14 The City’s objection can be addressed by making minor changes to the Proposed Order.

15 First, the fifth finding and determination (beginning on page 2, line 14) should be  
16 modified to read:

17 This order of consolidation shall not preclude any parties from  
18 settling any or all claims between or among them, as long as any  
19 such settlement expressly provides for the Court to retain  
20 jurisdiction over the settling parties for the purposes of entering a  
21 judgment ~~physical solution~~ resolving all claims to the rights to  
22 withdraw groundwater from the Antelope Valley Groundwater  
23 Basin. Upon appropriate motion and the opportunity for all parties  
24 in interest to be heard, the Court may enter a final judgment  
25 approving any settlements, including the *Willis* and *Wood* class  
26 settlements, that finally determine all cognizable claims for relief  
27 among the settling parties, but any such judgment must expressly  
28 retain jurisdiction over the settling parties for the purposes of  
incorporating and merging the settlement into a comprehensive  
single judgment ~~containing such a physical solution~~. Complete  
consolidation shall not prejudice or impair any class’ right to seek  
the entry of a final judgment after settlement.


26 Second, the fifth element of the order (which begins on page 3, line 23) provides that the  
27 Court should “proceed first” with certain claims or issues relating to determination of rights to  
28 water within the Antelope Valley Groundwater Basin, including a physical solution. Rather than

1 committing the Court to this remedy in the order, this portion of the Proposed Order should be  
2 modified to read "Determination of whether a Physical Solution is feasible and appropriate."

3 Date: January 27, 2010

4 ROCKARD J. DELGADILLO, City Attorney  
5 Richard M. Brown, Senior Assistant City Attorney for  
6 Water and Power

7 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
8 A Professional Corporation

9 By   
10 Janet K. Goldsmith  
11 Attorneys for Defendant CITY OF LOS ANGELES  
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1 **PROOF OF SERVICE**

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3 I, Lorraine Lippolis, declare:

4 I am a citizen of the United States and employed in Sacramento County, California. I am

5 over the age of eighteen years and not a party to the within-entitled action. My business address

6 is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On January 26, 2009, I served a

7 copy of the within document:

8 OBJECTION TO [PROPOSED] ORDER TRANSFERRING AND CONSOLIDATING

9 ACTIONS FOR ALL PURPOSES

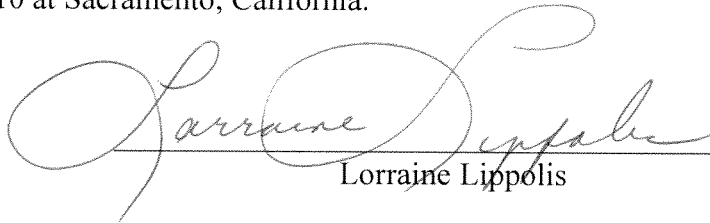
10 via electronic posting to the Santa Clara Superior Court E-Filing website,

11 <http://www.scefiling.org/cases/casehome.jsp?caseId=19> .”

12 I declare under penalty of perjury under the laws of the State of California that the above

13 is true and correct.

14 Executed on January 27, 2010 at Sacramento, California.

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17 Lorraine Lippolis