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10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12 Coordination Proceeding  
Special Title (Rule 1550(b))

13 **ANTELOPE VALLEY GROUNDWATER  
CASES**

14 Included Actions:

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

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

20 Wm. Bolthouse Farms, Inc. v. City of Lancaster  
Diamond Farming Co. v. City of Lancaster  
21 Diamond Farming Co. v. Palmdale Water Dist.  
Superior Court of California, County of Riverside,  
22 consolidated Actions, Case Nos. RIC 353 840, RIC 344  
436, RIC 344 668

23  
24 AND RELATED ACTIONS.  
25

Judicial Council Coordination  
Proceeding No. 4408

Case No. 1-05-CV-049053

Assigned to The Honorable  
Jack Komar

**STATE OF CALIFORNIA  
PARTIES' RESPONSE TO  
MOTION FOR  
APPOINTMENT OF A  
MANDATORY  
SETTLEMENT  
CONFERENCE REFEREE**

Date: August 20, 2007

Time: 9:00 a.m.

Dept.: 1

26 Cross-defendants State of California, Santa Monica Mountains Conservancy, and  
27 50<sup>th</sup> District Agricultural Association (State Parties) submit this response to the Motion For  
28 Appointment of Bill Dendy as Mandatory Settlement Conference Referee, filed by cross-

1 complainants Los Angeles County Waterworks District 40 (County Waterworks) and City of  
2 Palmdale (Palmdale).

3           At the court's invitation, County Waterworks and Palmdale have filed a motion  
4 for appointment of a mandatory settlement conference referee. They assert that without a court-  
5 appointed referee to conduct mandatory settlement conferences, all parties may not participate in  
6 voluntary mediation.

7           It may very well be that at an appropriate future time in these proceedings,  
8 appointment of a referee pursuant to the court's powers under Code of Civil Procedure sections  
9 187 and 639 will be appropriate. The State Parties believe, however, that appointment of a  
10 referee at this time is premature, given the outstanding issues that have yet to be resolved with  
11 respect to class certification, notice and service of process on class members once a class is  
12 certified, and joinder of additional persons or entities as individual parties who are not now  
13 parties to the case.

14           The class certification issue will likely be resolved at the August 20, 2007  
15 hearing, when the court takes up the pending motion by plaintiff Rebecca Willis to certify a  
16 plaintiffs' class of overlying landowners. The other issues relating to notice, service of process  
17 and joinder will not be settled at the August 20, 2007 hearing, however. This case will not be at  
18 issue until such matters are resolved by the court. Until the case is at issue and all necessary and  
19 indispensable parties are brought under the jurisdiction of this court, the court should not refer  
20 any substantive matter in this case to a mandatory settlement conference referee.

21           As County Waterworks and Palmdale recognize in their moving papers, there is  
22 already an ongoing informal settlement process, led by Bill Dendy, their candidate for referee.  
23 According to County Waterworks and Palmdale, the parties involved in that process have been  
24 working on (1) identifying key issues for resolution; (2) obtaining input from technical  
25 consultants; and (3) resolution of competing water claims by developing a physical solution as  
26 soon as possible. (County Waterworks and Palmdale Motion for Appointment of MSC Referee,  
27 page 3, lines 18-24.) These moving papers, however, give no indication that the voluntary  
28 settlement process has been unsuccessful or has not made progress toward the stated goals.

1 County Waterworks and Palmdale simply have not demonstrated a need for a mandatory  
2 settlement conference referee at this time.

3 The State Parties respectfully request that the court deny County Waterworks' and  
4 Palmdale's motion, without prejudice to reconsideration at a more appropriate stage in these  
5 proceedings.

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7 Dated: August 3, 2007

Respectfully submitted,

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20 Association.  
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