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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

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

12 **ANTELOPE VALLEY GROUNDWATER CASES**

13 Included Actions:

14 **Los Angeles County Waterworks District No. 40 v.**  
15 **Diamond Farming Co.**  
Superior Court of California, County of Los Angeles,  
16 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**  
21 **Diamond Farming Co. v. City of Lancaster**  
22 **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  
(Consolidated Actions)

Judicial Council Coordination  
Proceeding No. 4408

Assigned to The Honorable  
Jack Komar

**CASE MANAGEMENT  
CONFERENCE STATEMENT  
OF U.S. BORAX INC.**

Date: July 21, 2008

Time: 10:00 a.m.

Dept: 1

25 U.S. Borax submits the following Case Management Conference Statement for the upcoming  
26 hearing on July 21, 2008.

27 On May 22, 2008, the Court issued a minute order setting a trial "as to Phase One" for  
28 October 6, 2008. During several hearings, various counsel and the Court have engaged in discussions

1 regarding what will be the subject of the October trial. Three issues have been discussed—safe yield,  
2 overdraft, and characteristics of the basin.

3 U.S. Borax requests clarification on exactly what issues will be tried and what findings the  
4 Court will be making, if any, based upon the evidence and testimony. With respect to the issue of  
5 safe yield, the Court could separately determine:

- 6 • the natural recharge of the adjudicated basin,
- 7 • the return flows from water pumped from the basin,
- 8 • the return flows from imported water,

9 or any combination of those elements. Moreover, these elements may vary depending on the period  
10 of time that is used.

11 With respect to the issue of overdraft, the Court could separately determine:

- 12 • all current pumping,
- 13 • pumping at a specific period of time,
- 14 • pumping that is only for reasonable and beneficial uses,
- 15 • pumping that includes in lieu uses of alternative supplies,
- 16 • recycling amounts,

17 or any combination of those elements. Again, these elements will vary depending on the period of  
18 time that is used.

19 With respect to the issue of characteristics of the basin, the Court could separately determine:

- 20 • how water moves within the adjudicated basin,
- 21 • what the levels of water quality are,
- 22 • whether any areas are hydrologically disconnected,
- 23 • what water supplies exist at varying depths within the adjudicated basin,
- 24 • how water supplies at varying depths interact,

25 or other characteristics. And at the risk of being redundant, these characteristics may vary depending  
26 on the period of time that is used.

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1 U.S. Borax does not take any particular position on what should or should not be tried, but  
2 given the extraordinary effort and expense involved with going to trial, these issues should be  
3 clarified to avoid a chaotic free-for-all in October.

4 Once the issues are clarified, U.S. Borax requests that a pretrial briefing schedule be  
5 established so that the parties' may present their litigation positions on the significance, if any, of the  
6 subject issues.

7 Dated: July 16, 2008

EDGAR B. WASHBURN  
WILLIAM M. SLOAN  
MORRISON & FOERSTER LLP

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10 By:  \_\_\_\_\_

11 William M. Sloan

12 Attorneys for U.S. BORAX INC.  
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**PROOF OF SERVICE**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on July 16, 2008, I served a copy of:

**CASE MANAGEMENT CONFERENCE STATEMENT OF  
U.S. BORAX INC.**

☒ **BY ELECTRONIC SERVICE** by electronically posting a true copy thereof to Santa Clara County Superior Court's electronic filing website for complex civil litigation cases (Judge Jack Komar, Dept. 17C - <http://www.scefiling.org>) with respect to Judicial Council Coordination Proceeding No. 4408 (Antelope Valley Groundwater matter).

☐ **BY U.S. MAIL** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices. I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully prepaid for collection and mailing.

☐ **BY FACSIMILE** by sending a true copy from Morrison & Foerster LLP's facsimile transmission telephone number 415.268.7522 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine. I am readily familiar with Morrison & Foerster LLP's practice for sending facsimile transmissions, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed at Morrison & Foerster LLP for transmission.

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

Executed at San Francisco, California, July 16, 2008.

Catherine L. Berté  
(typed)

  
(signature)