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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

11 Coordination Proceeding  
Special Title (Rule 3.550)

13 **ANTELOPE VALLEY  
GROUNDWATER CASES**

15 Included Actions:

16 **Los Angeles County Waterworks District No. 40  
v. Diamond Farming Co.**  
17 Los Angeles County Superior Court  
Case No. BC 325 201

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

21 **Wm. Bolthouse Farms, Inc. v. City of Lancaster  
Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water District**  
22 Riverside County Superior Court  
23 Case Nos. RIC 353 840, RIC 344 436, RIC 344 668  
(Consolidated Actions)

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4408

Los Angeles County Superior Court  
Lead Case No. BC 325 201

*For e-service purposes only:*  
Santa Clara County Superior Court  
Case No. 1-05-CV-049053

**U.S. BORAX INC.'S PHASE IV TRIAL  
BRIEF**

Trial Date: May 28, 2013  
Time: 9:00 am  
Dept. No.: TBA  
Judge: Hon. Jack Komar

1 U.S. Borax has been running borate mining operations in the Mojave Desert, including at its  
2 current location, for almost a century. These operations have provided the Antelope Valley with a  
3 continual job base for decades. With respect to the upcoming Phase IV trial, involving groundwater  
4 pumping in 2011 and 2012 as well as land ownership, Borax has submitted declarations establishing  
5 its pumping and ownership.

6 Beginning with ownership, Borax's parcels within the Antelope Valley Adjudication Area  
7 boundary are listed in Exhibit A to the Declaration of Bruce N. Nelson in Lieu of Deposition for  
8 Phase 4 Trial. The list provides the APN numbers, acreage, and purchase date. Borax has also  
9 provided title sheets for these parcels as Exhibit P to the same declaration, prepared by Chicago Title  
10 Company, reflecting ownership by Borax and its subsidiaries and/or holding companies. No party  
11 has indicated any objections to Borax's ownership information.

12 Regarding groundwater pumping in 2011 and 2012, Borax currently measures its groundwater  
13 production by electronic water meters through a Supervisory Control and Data Acquisition (SCADA)  
14 system that continuously monitors water flow and provides a data logging function to record total  
15 volumes. Because these records contain proprietary and privileged confidential information  
16 regarding other sources of water, distribution and usage of water at U.S. Borax's facilities and  
17 properties, and technical calculations related to supply, processing, and usage, Borax made these  
18 records available to other parties subject to confidentiality agreements and the Court's protective  
19 order. Those records were reviewed by several parties, and resulted in the stipulation by those parties  
20 to Borax's groundwater production amounts. Solely with respect to pumping, and reserving all rights  
21 including those protected by the Court's case management orders for this phase of trial, Borax's  
22 groundwater pumping in 2011 was 924 acre feet, and in 2012 was 1146 acre feet. No party has  
23 indicated any objections to Borax's 2011 and 2012 groundwater pumping amounts.

1           Borax will present to the Court the declarations with exhibits and the stipulation referenced  
2 above to establish its ownership and 2011 and 2012 production amounts for the Phase IV trial.

3  
4 Dated: May 28, 2013

WILLIAM M. SLOAN  
MORRISON & FOERSTER LLP

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6  
7 By:



WILLIAM M. SLOAN

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 May 28, 2013, I served a copy of the attached **U.S. BORAX INC.'S PHASE IV TRIAL BRIEF** by electronically posting a true copy thereof to Santa Clara County Superior Court's electronic filing website for complex civil litigation cases with respect to Judicial Council Coordination Proceeding No. 4408 (Antelope Valley Groundwater matter).

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, on May 28, 2013.

Patti Pomerantz  
(typed)

  
(signature)