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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES
10

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

12 ANTELOPE VALLEY GROUNDWATER
13 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. Diamond Farming Co.
18 Superior Court of California,
19 County of Kern, 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
22 Riverside, consolidated actions, Case
Nos. RIC 353 840, RIC 344 436, RIC 344 668
23
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Judicial Council Coordination
Proceeding No. 4408

CASE MANAGEMENT
STATEMENT OF U.S. BORAX
INC. (APRIL 28, 2006)

Date: April 28, 2006
Time: 10:00 a.m.
Dept: 1

1 U.S. Borax Inc. ("Borax") hereby submits the following case management conference
2 statement:

3 At the informal issues conference held by the Court on March 24, 2006 in San Jose, the Court
4 indicated an interest in setting a "Phase I" trial date for as early as July 2006, to determine the
5 external boundaries of the groundwater basin that would ultimately be adjudicated in these
6 proceedings. Prior to that conference, Borax had submitted an issues conference statement
7 expressing concern that all relevant materials, including trial exhibits from the precursor litigation in
8 Riverside County, still had not been shared with all parties. At the time, many of the parties,
9 including Borax, agreed to a meeting of experts to see if an agreement could be reached on the
10 external boundaries rendering a Phase I trial unnecessary. The meeting took place, but no agreement
11 was reached. Instead, another meeting has been scheduled. Without discussing the substance of
12 those meetings, one issue remains the collection and sharing of information.

13 Borax still has concerns over the complete collection and dispensation of information (as this
14 Court ordered back in February). The parties have all been cordial, and Borax is interested in
15 continuing in this collegial fashion, but at some point the parties must all be provided each other's
16 information if a trial is going to take place, as would normally occur through discovery. Until that
17 happens, Borax believes that setting an early trial date is premature. The transcripts that have been
18 posted from the prior trial proceedings on the boundary make reference to more than 100 trial
19 exhibits. To Borax's knowledge, none of the new parties to this adjudication have seen those
20 exhibits. A new minute order, or some clarification on the prior order at the upcoming case
21 management conference, might assist in this regard.

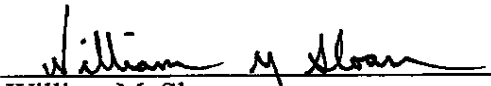
22 As to the necessary parties to this action, Borax is concerned that some purveyors still have
23 not been named, including possibly the Desert Lake Community Services District, the Boron
24 Community Services District, the North Edwards Water District, and the Edgemont Acres Water
25 District—all entities that Borax understands may be pumping groundwater. This uncertainty
26 regarding the necessary parties, including parties that may or may not be interested in where the
27 boundaries are set, also weighs against a premature Phase I trial date.
28

1 Borax proposes that the expert meetings continue in the hopes that a consensus will be
2 reached. Presently, there is a significant difference of opinion on a complicated issue. Until all
3 information has been shared and all necessary parties have been named, Borax submits that a trial
4 date as early as this summer would be premature, and would almost certainly require a
5 disproportionate expenditure of time and money in preparation.

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7 Dated: April 21, 2006

MORRISON & FOERSTER LLP

8
9 By:


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Attorneys for U.S. Borax Inc.