

1 JOHN C. CRUDEN  
Acting Assistant Attorney General  
2 Environment and Natural Resources Division

3 R. LEE LEININGER  
JAMES J. DUBOIS  
4 United States Department of Justice  
Environment and Natural Resources Division  
5 Natural Resources Section  
1961 Stout Street, Suite 800  
6 Denver, Colorado 80294  
[lee.leininger@usdoj.gov](mailto:lee.leininger@usdoj.gov)  
7 [james.dubois@usdoj.gov](mailto:james.dubois@usdoj.gov)  
Phone: 303/844-1364 Fax: 303/844-1350

EXEMPT FROM FILING FEES UNDER  
GOVERNMENT CODE SECTION 6103

8 CAROL L. DRAPER  
9 MARK S. BARRON  
United States Department of Justice  
10 Environment and Natural Resources Division  
Natural Resources Section  
11 Post Office Box 663, Ben Franklin Station  
Washington, DC 20044-0663  
12 [carol.draper@usdoj.gov](mailto:carol.draper@usdoj.gov)  
[mark.barron@usdoj.gov](mailto:mark.barron@usdoj.gov)  
13 Phone: 202/305-0490 Fax: 202/305-0506

14 *Attorneys for the United States*  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

1 issues in Phase III, so that all potential ground water claimants are bound by the determinations  
2 of safe yield and overdraft. Accordingly, the United States provides its suggestions on trial  
3 scheduling based upon these representations, and on the assumption implicit in the schedule  
4 proposed by the District that none of the parties served toward the end of the process will seek  
5 time to retain experts to assist them in Phase III. Should parties opting out of the Wood class  
6 demand some reasonable time in which to obtain experts after their service, the dates proposed  
7 herein may be subject to change. The following schedule also assumes that the only issues to be  
8 determined in Phase III are the safe yield of the basin, and whether the basin is in overdraft.

9 Following notice and joinder of class members by mail and notice and joinder of all  
10 remaining claimants and potential claimants by constructive service, Phase III litigation should  
11 commence. The United States suggests the following schedule for litigation in Phase III:

- 12 1. November 30, 2009 deadline for the filing of experts' reports on the issues  
13 identified for litigation in the Phase III trial. All parties intending to present  
14 expert testimony at trial shall be required to file written expert reports. The report  
15 must contain a complete statement of all opinions the witness will express and the  
16 basis and reasons for them, the data or other information considered by the  
17 witness in forming them, any exhibits that will be used to summarize or support  
18 them, and the witnesses qualifications. The submission of expert reports will  
19 assist in minimizing discovery costs and increasing judicial efficiency by  
20 reducing discovery disputes.
- 21 2. December 30, 2009: Deadline for the filing of experts' rebuttals to initial reports  
22 of experts. All parties intending to present rebuttal expert testimony at trial shall  
23 be required to file written rebuttal expert reports. The report must contain a  
24 complete statement of all opinions the witness will express and the basis and  
25 reasons for them, the data or other information considered by the witness in  
26 forming them, any exhibits that will be used to summarize or support them, and  
27

1 the witnesses qualifications.

2 3. January 2, 2010 to January 31, 2010: Oral or written depositions of experts.

3 4. February 15, 2010: Opening trial briefs due.

4 5. February 22, 2010: Exchange of exhibits to be used at trial.

5 6. February 26, 2010: Responsive briefs due.

6 7. March 8, 2010: trial commences.

7 Respectfully submitted this 13th day of August, 2009.

8 JOHN C. CRUDEN  
9 Acting Assistant Attorney General  
Environment and Natural Resources Division

10 s/  
11 R. LEE LEININGER  
12 JAMES J. DUBOIS  
13 United States Department of Justice  
14 Environment and Natural Resources Division  
15 Natural Resources Section  
16 1961 Stout Street, Suite 800  
17 Denver, Colorado 80294  
18 lee.leininger@usdoj.gov  
19 james.dubois@usdoj.gov  
20 Phone: 303/844-1364 Fax: 303/844-1350

21 CAROL L. DRAPER  
22 MARK S. BARRON  
23 United States Department of Justice  
24 Environment and Natural Resources Division  
25 Natural Resources Section  
26 Post Office Box 663, Ben Franklin Station  
27 Washington, DC 20044-0663  
28 carol.draper@usdoj.gov  
[mark.barron@usdoj.gov](mailto:mark.barron@usdoj.gov)  
Phone: 202/305-0490 Fax: 202/305-0506

*Attorneys for the United States*

## **PROOF OF SERVICE**

I, Linda Shumard, declare:

I am a resident of the State of Colorado and over the age of 18 years, and not a party to the within action. My business address is U.S. Department of Justice, Environmental and Natural Resources Section, 1961 Stout Street, 8<sup>th</sup> Floor, Denver, Colorado 80294.

On August 13, 2009, I caused the foregoing documents described as; **FEDERAL DEFENDANTS' CASE MANAGEMENT STATEMENT**, to be served on the parties via the following service:

☒

BY ELECTRONIC SERVICE AS FOLLOWS by posting the documents(s) listed above to the Santa Clara website in regard to the Antelope Valley Groundwater matter.

☐

BY MAIL AS FOLLOWS (to parties so indicated on attached service list): By placing true copies thereof enclosed in sealed envelopes addressed as indicated on the attached service list.

☐

BY OVERNIGHT COURIER: I caused the above-referenced document(s) be delivered to FEDERAL EXPRESS for delivery to the above address(es).

Executed on August 13, 2009, at Denver, Colorado.

/s/ Linda Shumard  
Linda Shumard  
Legal Support Assistant