

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

**ANTELOPE VALLEY GROUNDWATER
CASES**

**MOTION FOR A STAY OF PHASE
V TRIAL PROCEEDINGS
IN LIGHT OF LAPSE OF
APPROPRIATIONS**

Included Actions:

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

DATE: February 10, 2014
TIME: 9:00 A.M.
PLACE: 111 N. Hill Street
Los Angeles, CA
DEPT.: 222

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

JUDGE: Honorable Jack Komar

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

The United States of America hereby moves for a stay of proceedings in the Phase V trial
for the litigation of the federal reserved water rights.

1. At the end of the day on September 30, 2013, the appropriations act that had been
funding the Department of Justice expired and appropriations to the Department lapsed. The
same is true for most Executive agencies, including the federal defendants. The Department
does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of all matters relating to the Phase V trial on the federal reserved water rights, including the adoption of a case management order setting forth pre-trial deadlines, until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of Phase V trial matters related to the federal reserved water rights in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

RESPECTFULLY SUBMITTED this 1st day of October 2013.

/s/ R. Lee Leininger
R. LEE LEININGER
JAMES J. DuBOIS
ATTORNEYS FOR THE UNITED
STATES OF AMERICA