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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

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

) Judicial Council Coordination  
) Proceeding No. 4408  
)

11 ANTELOPE VALLEY GROUNDWATER CASES

12 Included actions:

) CASE MANAGEMENT  
) STATEMENT OF DEFENDANT  
) UNITED STATES

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

) Conference Date: September 21,  
) 2006 at 10:00 a.m.  
)

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

) Conference Location: Los Angeles  
) County Superior Court, Central  
) District, Department 1, Room 534  
)

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

20  
21 Defendant, United States of America, submits the following case management statement  
22 prior to the case management conference scheduled for September 21, 2006. In addition to the  
23 case management conference, the Court has set oral argument on the United States' Motion for  
24 Judgment on the Pleadings on September 21<sup>st</sup>, and an October 10<sup>th</sup> trial date for the determination  
25 of adjudication boundaries.

26 The United States' motion for judgment on the pleadings argues that this adjudication is  
27 not a comprehensive McCarran Amendment general stream adjudication, and therefore the Court  
28 lacks jurisdiction over the United States. The United States contends that surface water in the

1 watershed is the primary source of recharge of groundwater in the Antelope Valley groundwater  
2 basin and that the tributary surface water has been excluded from this adjudication. The United  
3 States believes the facts presented on the face of the Cross-Complaint and facts judicially  
4 noticeable are sufficient for a judgment on the pleadings. Nonetheless, if the Court determines to  
5 hear evidence on the surface water contribution to the Antelope Valley groundwater basin, the  
6 United States respectfully requests that the Court so inform the parties so that the appropriate  
7 declarations may be prepared and submitted.<sup>1/</sup>

8 Respectfully submitted this 18<sup>th</sup> day of September, 2006.

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12 R. LEE LEININGER  
13 Trial Attorney  
14 U. S. Department of Justice  
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27 <sup>1/</sup> Should the trial court, in a motion for judgment on the pleadings, consider evidence outside  
28 the pleadings the motion may be viewed as one for summary judgment. (See, e.g., *Rangel v.*  
*Interinsurance Exchange* (1992) 4 Cal.4th 1, footnote 1.)

## **PROOF OF SERVICE**

I, Linda C. 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 September 18, 2006, I caused the foregoing documents described as **CASE MANAGEMENT STATEMENT OF DEFENDANT UNITED STATES**, 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).

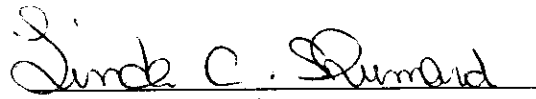
**(Served original to Presiding Judge on September 18, 2006)**

Presiding Judge of the Superior Court of California, County of Los Angeles  
County Courthouse  
111 North Hill Street  
Los Angeles, CA 90012

Chair, Judicial Council of California  
Administrative Office of the Courts  
Attn: Appellate and Trial Court Judicial Services (Civil Case Coordination)  
455 Golden Gate Avenue  
San Francisco, CA 74102-3688

Honorable Jack Komar  
Santa Clara County Superior Court  
191 North First Street, Department 17C  
San Jose, CA 95113

Executed on September 18, 2006, at Denver, Colorado.

A handwritten signature in black ink, reading "Linda C. Shumard", written over a horizontal line.

Linda C. Shumard  
Legal Support Assistant