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Attorneys for Cross-Defendant United States of America

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES**

15 Coordination Proceeding
16 Special Title (Rule 1550 (b)),
17
18 **ANTELOPE VALLEY**
19 **GROUNDWATER CASES**

Judicial Council Coordination
Proceeding No. 4408
[Assigned to the Honorable Jack Komar,
Judge Santa Clara County Superior Court,
Dept. 17]
Santa Clara Court Case No. 1-05-CV-049053
**AMENDED CASE MANAGEMENT
STATEMENT¹**

25 _____
26 ¹ The United States hereby amends its Case Management Statement filed earlier this morning,
27 September 21, 2015. The earlier statement was in draft form and inadvertently filed. This
28 statement amends and replaces the United States' Case Management Statement in preparation for
the case management hearing scheduled for this afternoon. The United States apologizes for any
confusion the earlier filing may have caused.

1 The United States concurs with the Joint Case Management Conference Report (“Joint
2 Report”) filed by the Public Water Suppliers on September 21, 2015. The Joint Report proposes
3 an order of proof for the next phase of trial commencing September 28, 2015, beginning with a
4 determination of non-stipulating parties’ water rights. Included in this process, the United States
5 understands the Court will take up the Motion by Willis Class to Enforce Settlement Agreement
6 with Public Water Suppliers; Motion to Enforce Due Process; and Motion for Court Order for
7 Payment of Expert Witness Fees for the Willis Class for Physical Solution Proceedings.
8 Following hearing on non-stipulating parties’ claims, the Joint Report proposes a showing of
9 reasonable and beneficial use by the settling parties in support of the proposed Judgment and
10 Physical Solution. After the Court receives all evidence of the settling parties’ rights to
11 groundwater, the Joint Report recommends the Court receive evidence regarding the proposed
12 Physical Solution.
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14 The United States is a settling party to the proposed Judgment and Physical Solution.
15 Unlike all other settling parties, however, the United States’ claim to groundwater was tried in
16 the Phase V trial. The evidence previously presented to, and admitted by, the Court is sufficient
17 to prove-up the provisions of the Proposed Judgment and Physical Solution related to the claims
18 of the United States. Moreover, notice of the Phase V trial on the United States’ water rights
19 claims was provided to all parties prior to the 3-day trial. After the Phase V trial, the only
20 remaining task with respect to the claims of the United States was the submission of post-trial
21 statements, which the Court ordered the parties to submit in June 2015 (Minute Order of May 15,
22 2015). The United States submitted its post-trial statement on June 12, 2015.
23

24 On April 27, 2015, the United States identified potential witnesses and exhibits for the
25 upcoming Phase VI hearing. All of the exhibits, with the exception of the Phase V trial
26 transcripts, were previously admitted into evidence during the Phase V trial proceeding. In its
27 Case Management Statement dated May 13, 2015, the United States respectfully requested
28 confirmation from the Court that resubmission of the previously presented evidence is redundant

1 and unnecessary for the Phase VI phase of hearings. In the Minute Order of May 15, 2015, the
2 Court stated: “The Court concluded the evidence phase of the Phase V trial on the federal
3 reserved water right on February 19, 2014.” For purposes of planning for the Phase VI trial, the
4 United States believes the Court has confirmed that the United States may rely upon evidence
5 previously presented for prove-up of the provisions of the Proposed Judgment and Physical
6 Solution related to the claims of the United States.

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9 RESPECTFULLY SUBMITTED this 21st day of September 2015.

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11 /s/ R. Lee Leininger
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14 ATTORNEYS FOR THE UNITED
15 STATES OF AMERICA
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