

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 3 HON. JACK KOMAR, JUDGE

IN RE)
)
)
ANTELOPE VALLEY GROUNDWATER CASES.) CASE NO. JCCP4408
)
)
)

CERTIFIED

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TRIAL
FEBRUARY 19, 2014

APPEARANCES:

FOR PLAINTIFF UNITES STATES OF AMERICA:	U.S. DEPARTMENT OF JUSTICE ENVIRONMENT & NATURAL RESOURCES DIVISION BY: R. LEE LEININGER, ESQ. JAMES J. DUBOIS, ESQ.
FOR PLAINTIFF RICHARD WOOD:	LAW OFFICE OF MICHAEL D. MC LACHLAN BY: , ESQ.
PHELAN PINON HILLS COMMUNITY SERVICE	ALESHIRE & WYNDER LLP BY: WESLEY A. MILIBAND, ESQ.
FOR DEFENDANT BOLTHOUSE PROPERTIES, LLC:	CLIFFORD & BROWN BY: RICHARD ZIMMER, ESQ.
FOR DEFENDANT ANTELOPE VALLEY GROUNDWATER AGREEMENT ASSOC.:	BROWNSTEIN HYATT FARBER SCHRECK BY: MICHAEL T. FIFE, ESQ. BRADLEY J. HERREMA, ESQ.
FOR CROSS-DEFENDANT AVEK:	BRUNICK, MC ELHANEY & KENNEDY BY: WILLIAM J. BRUNICK, ESQ.
FOR DEFENDANT L.A. COUNTY WATERWORKS DISTRICT NO. 40:	BEST BEST & KRIEGER BY: JEFFREY V. DUNN, ESQ. WENDY Y. WANG, ESQ.

(CONTINUED)

1 **APPEARANCES :**

2 (CONTINUED)

3 FOR DEFENDANT TEJON KUHS & PARKER
4 RANCH: BY: ROBERT G. KUHS, ESQ.

5 FOR DEFENDANTS CRYSTAL LE BEAU THELEN
6 ORGANICS, DIAMOND BY: ANDREW K. SHEFFIELD, ESQ.
FARMING, REMRY FARMS
AND LAPIS LAND COMPANY:

7 FOR CROSS-DEFENDANTS GRESHAM SAVAGE
8 A.V. UNITED MUTUALS BY: MICHAEL D. DAVIS, ESQ.
9 GROUP, ADAMS BENNETT DEREK R. HOFFMAN, ESQ.
10 INV., GOLDEN SANDS,
SHEEP CREEK WATER CO.,
SERVICE ROCK PRODUCTS,
ST. ANDREWS ABBEY:

11 FOR STATE OF STATE OF CALIFORNIA
12 CALIFORNIA: DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
13 BY: MARILYN H. LEVIN
DEPUTY ATTORNEY GENERAL

14 FOR DEFENDANT US BORAX: MORRISON FOERSTER
15 BY: WILLIAM M. SLOAN, ESQ.

16
17 ALSO PRESENT: U.S. AIR FORCE
18 WESTERN REGION
19 BY: MR. EDWIN OYARZO, ESQ.

20
21
22
23
24
25
26
27 REPORTED BY: RHONA S. REDDIX, CSR RPR CRR RMR NO. 10807
28 OFFICIAL REPORTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I N D E X

E X H I B I T S

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
5-TEJON-11 THROUGH 24	26	27

1 CASE NUMBER: JCCP4408
2 CASE NAME: ANTELOPE VALLEY GROUNDWATER
3 LOS ANGELES, CALIFORNIA FEBRUARY 19, 2014
4 DEPARTMENT 3 HON. JACK KOMAR
5 REPORTER: RHONA S. REDDIX, CSR 10807
6 TIME: A.M. SESSION
7 APPEARANCES: (SEE TITLE PAGE.)
8
9

10 **THE COURT:** ALL RIGHT. GOOD MORNING.

11 **MR. DUNN:** GOOD MORNING, YOUR HONOR.

12 WE RECESSED EARLY YESTERDAY AFTER -- AT
13 SOME POINT TO TALK -- JEFFREY DUNN FOR WATERWORKS
14 DISTRICT NUMBER 40. FOLLOWING THE RECESS YESTERDAY, WE
15 MET IN MY OFFICE TILL ABOUT 7:30 YESTERDAY AFTERNOON.
16 LOOKING FOR MR. BRUNICK. BUT THERE --
17

18 (REPORTER'S INTERRUPTION: TECHNICAL
19 DIFFICULTIES.)
20

21 **MR. DUNN:** -- THERE IS A SETTLEMENT AGREEMENT
22 BETWEEN L.A. COUNTY WATERWORKS, DISTRICT NUMBER 40 AND
23 AVEK. THAT AGREEMENT IS NOT UNIQUE TO US. IT IS
24 OFFERED AS A POTENTIAL GLOBAL RESOLUTION OF THE MATTER.
25 THERE IS, FROM MY PERSPECTIVE, AND I'LL LET OTHERS
26 ADDRESS THAT, WIDESPREAD SUPPORT FOR THIS EFFORT.

27 THE MEETING ENDED LAST NIGHT WITH A
28 DISCUSSION ABOUT WHAT WE WOULD DO TODAY, AND IT IS THE

1 CONSENSUS OF THE GROUP, WITH THE EXCEPTION OF ONE PERSON
2 WHO WAS THERE LAST NIGHT, THAT WE WOULD LIKE TO CONTINUE
3 THOSE DISCUSSIONS NOW, THIS MORNING, BACK IN MY OFFICE.

4 THIS AGREEMENT WILL BE GOING FOR APPROVAL
5 TO MY CLIENT, WHICH IS A GOVERNING BOARD, WHICH IS A
6 BOARD OF SUPERVISORS. IT TAKES SOME TIME. WE DISCUSS
7 THE PROCESS, SIMILARLY, THE PROCESS THAT WAS PUT IN
8 PLACE FOR THE WILLIS CLASS AGREEMENT.

9 BUT THERE WAS AN EX PARTE APPLICATION THAT
10 WAS FILED AND THEN WITHDRAWN BY DISTRICT NUMBER 40 LAST
11 WEEK TO VACATE OR CONTINUE THE TRIAL DATE. AND THE
12 CONSENSUS OF THE GROUP LAST NIGHT WAS THAT WE WOULD MAKE
13 THAT REQUEST THIS MORNING OF THE COURT TO GIVE THE
14 PARTIES TIME TO -- WHAT WE -- WHAT I WOULD HOPE WOULD BE
15 TO FINISH THE PROCESS THAT WOULD ALLOW THE PARTIES TO
16 FORMALLY ACCEPT THAT AGREEMENT, AND THAT IF THE COURT
17 WANTED, WE COULD COME BACK IN A SHORT PERIOD OF TIME TO
18 EITHER REPORT TO THE COURT OR TO RESUME THE PHASE FIVE
19 TRIAL.

20 MY OBSERVATION IS THAT IN TERMS OF THE
21 PHASE FIVE TRIAL ITSELF, THE VAST MAJORITY OF THE PHASE
22 FIVE TRIAL RETURN FLOW WAS GOING TO INVOLVE THESE TWO
23 SETTLING PARTIES.

24 I KNOW MR. FIFE HAS SOME COMMENTS HE WANTS
25 TO MAKE, AND HE'S GOT A WITNESS HERE THIS MORNING, BUT
26 THAT -- I'LL LET THE UNITED STATES ADDRESS THE COURT, IF
27 THEY FEEL APPROPRIATE, ON THIS BECAUSE THEY'VE BEEN
28 DIRECTLY INVOLVED IN THIS EFFORT AS WELL.

1 **THE COURT:** I'D REALLY LIKE TO HEAR FROM
2 MR. LEININGER.

3 **MR. BRUNICK:** YOUR HONOR, JUST BRIEFLY. AVEK
4 BOARD OF DIRECTORS CONSIDERED THE --

5 **THE COURT:** YOU'VE GOT TO --

6 **MR. BRUNICK:** OH, I'M SORRY. BILL BRUNICK,
7 REPRESENTING ANTELOPE VALLEY EAST KERN WATER AGENCY.

8 THE AVEK BOARD OF DIRECTORS HAD MET IN
9 CLOSED SESSION AND ANNOUNCED PUBLICLY THAT THEY SUPPORT
10 THE DRAFT STIPULATED JUDGMENT AS PREPARED BY THE FEDERAL
11 GOVERNMENT. AND I THINK THE FEDERAL GOVERNMENT IS OWED
12 A BIG THANKS FOR BRINGING ALL THE PARTIES TOGETHER.

13 BUT AVEK HAS APPROVED THE CONCEPT OF ALL
14 THE ITEMS IN THE STIPULATED JUDGMENT. AND I THINK LAST
15 NIGHT WE TALKED ABOUT CONTINUING THE MATTER FOR TWO
16 WEEKS TO HASH IT OUT. I KNOW MR. FIFE WANTS TO GO
17 FORWARD AS TO THE RETURN FLOWS. AVEK WOULD LIKE TO HOLD
18 OFF ON THAT BECAUSE WE DO THINK WE HAVE A LEGITIMATE
19 SOLUTION.

20 **THE COURT:** OKAY. MR. LEININGER.

21 **MR. LEININGER:** GOOD MORNING, YOUR HONOR. LEE
22 LEININGER FOR THE UNITED STATES.

23 I WOULD JUST LIKE TO ADD THAT IT'S NOT JUST
24 A STIPULATED JUDGMENT. THIS IS A PROPOSED PHYSICAL
25 SOLUTION. IT'S NOW A 40 PLUS PAGE DOCUMENT THAT HAS
26 TAKEN EXTENSIVE EFFORT AND WORK FROM A NUMBER OF PARTIES
27 TO ACCOMPLISH THIS, AND WE ARE THIS CLOSE (INDICATING)
28 TO A FINAL SETTLEMENT. SO MR. DUNN'S REQUEST THAT WE

1 CONTINUE THE TRIAL AND PUT OUR EFFORTS INTO FINALIZING
2 THIS AGREEMENT IS SOMETHING WE SUPPORT, WE CERTAINLY
3 ENDORSE.

4 WE WOULD ASK THAT THE COURT CONTINUE THE
5 TRIAL TO A DATE -- AND I -- THIS IS STILL A MATTER OF
6 DISCUSSION AMONGST THE PARTIES, BUT AT LEAST SIX WEEKS
7 AND PERHAPS EIGHT WEEKS. BUT WE'D BE ABLE TO REPORT
8 BACK TO YOU IN TWO WEEKS WITH REGARD TO THE STATUS AND
9 OUR PROGRESS IN THIS MATTER.

10 WE'RE GOING TO NEED -- AS THE UNITED
11 STATES, WE'RE GOING TO NEED A CERTAIN NUMBER OF WEEKS TO
12 GET APPROVAL FROM THE ASSISTANT ATTORNEY GENERAL. THIS
13 IS A MATTER THAT WOULD GO UP TO ULTIMATE SETTLEMENT
14 APPROVAL WITH THE ASSISTANT ATTORNEY GENERAL.

15 **MR. DUNN:** I KNOW MR. FIFE WANTS TO -- THIS IS
16 MR. DUNN AGAIN. THE DISCUSSION LAST NIGHT WAS THAT
17 WE'RE ALL HERE FOR THIS PHASE FIVE TRIAL. WE CAN TAKE
18 ADVANTAGE OF EVERYONE BEING HERE AND WORK ON THIS
19 SETTLEMENT. THAT'S THE DISCUSSION, THE CONCEPT. WE'RE
20 HERE; WE CAN WORK ON THAT.

21 AGAIN, THE PHASE FIVE TRIAL ISSUE ON RETURN
22 FLOWS MOSTLY INVOLVES DISTRICT 40 AND AVEK. I KNOW
23 MR. FIFE HAS A STAKE IN THAT AS WELL. BUT GIVEN THE
24 RESOLUTION OF THAT BETWEEN AT LEAST THESE TWO PARTIES,
25 IT SEEMS TO THE GROUP LAST NIGHT -- THERE WAS ONE
26 EXCEPTION -- THAT IT MAKES MORE SENSE NOW, IN TERMS OF
27 WORKING ON THE RETURN FLOW ISSUES, TO WORK ON THE GLOBAL
28 RESOLUTION.

1 **THE COURT:** WELL, ONE OF THE QUESTIONS THAT I HAVE
2 AND ONE OF THE CONCERNS THAT I HAVE IS THE SETTLEMENT
3 POINTS, TO THE EXTENT THAT THERE ARE A NUMBER OF ISSUES
4 THAT ARE BEFORE THE COURT, NOT JUST IN FIVE, BUT ALSO IN
5 SIX, PHASE SIX, AS WELL AS THE POTENTIAL AFTERMATH OF A
6 JUDGMENT, WHICH OBVIOUSLY IS NOT GOING TO BE ABLE TO
7 ADDRESS ANYTHING OTHER THAN, IN A GENERAL WAY, THE
8 MECHANISM, IT SEEMS TO ME, TO CREATE A PHYSICAL
9 SOLUTION. THAT'S A PROCESS AS I ENVISION IT NOW. I
10 COULD BE WRONG ABOUT THAT, BUT I SEE A LOT OF ISSUES.

11 AND I WANT TO MAKE SURE THAT I UNDERSTAND
12 EXACTLY WHAT IT IS THAT YOU'RE REPRESENTING TO THE COURT
13 IN TERMS OF WHAT THIS GLOBAL RESOLUTION MIGHT BE, NOT
14 ONLY IN TERMS OF DISTRICT 40 AND AVEK BUT ALL OF THE
15 OTHER WATER PRODUCERS, AS WELL AS THE LANDOWNER GROUPS,
16 WHO ARE MULTIPLE AND VARIED.

17 SO IN OTHER WORDS, I DON'T WANT TO
18 INTERRUPT THE FLOW OF THE TRIAL FOR A PARTIAL
19 SETTLEMENT. IF THERE, IN FACT, CAN BE A COMPLETE
20 RESOLUTION INCLUDING ALL PARTIES, AND ALL PARTIES ARE
21 INDICATING A WILLINGNESS TO TRY TO AGREE AS TO THE
22 VARIOUS ISSUE POINTS THAT REMAIN, THAT'S A DIFFERENT
23 ISSUE AND SOMETHING THAT I'M WILLING TO ENCOURAGE.

24 THERE HAVE BEEN A LOT OF TERRIFIC EFFORTS I
25 KNOW MADE IN GOOD FAITH FOR MANY YEARS NOW IN AN ATTEMPT
26 TO RESOLVE THIS CASE. I'VE TRIED TO ENCOURAGE YOU TO DO
27 THAT. I'VE EVEN, ALTHOUGH YOU'VE NOT ACCEPTED MY OFFER,
28 OFFERED TO PARTICIPATE WITH YOU IF IT WERE POSSIBLE.

1 AND I KNOW THAT'S DIFFICULT FOR YOU TO AGREE TO A TRIAL
2 JUDGE PARTICIPATING IN SETTLEMENT DISCUSSIONS,
3 PARTICULARLY WHEN THERE ARE NONJURY PHASES, MAJOR, IF
4 NOT ALL.

5 SO -- BUT I -- BEFORE WE GO TO THE NEXT
6 STEP -- AND I KNOW THAT I NEED TO HEAR FROM OTHER
7 PEOPLE -- I WANT TO HEAR WHAT MR. FIFE HAS TO SAY SINCE
8 HE'S BEEN STANDING THERE LIKE A ROD, LIGHTNING ROD IF
9 YOU WILL.

10 MR. FIFE.

11 **MR. FIFE:** I WAS A LITTLE BIT MORE RELAXED THAN
12 THAT.

13 **THE COURT:** WHY DON'T YOU STEP OVER TO THAT
14 MICROPHONE AND JOIN YOUR FELLOWS THERE.

15 **MR. FIFE:** GOOD MORNING, YOUR HONOR.
16 MICHAEL FIFE, ANTELOPE VALLEY GROUND WATER AGREEMENT
17 ASSOCIATION.

18 THERE WERE REPRESENTATIONS MADE THAT THERE
19 WAS THIS CONSENSUS REACHED LAST NIGHT AND THAT THERE WAS
20 JUST ONE OUTLIER. I'M GUESSING HE'S PROBABLY TALKING
21 ABOUT ME, BUT I DON'T KNOW QUITE HOW HE COUNTED HANDS IN
22 THE ROOM BECAUSE I CERTAINLY WASN'T ALONE IN MY OPINIONS
23 THAT I WAS EXPRESSING LAST NIGHT.

24 I AND MY CLIENTS, ALL OF MY CLIENTS, ARE
25 ABSOLUTELY COMMITTED TO SETTLEMENT. WE HAVE BEEN SAYING
26 THAT FOR YEARS, THAT THE -- IN OUR VIEW, THE ONLY WAY
27 THIS CASE WILL GET RESOLVED IS THROUGH SETTLEMENT. SO
28 WE ARE VERY HAPPY THAT WE ARE RESUMING SETTLEMENT

1 DISCUSSIONS. WE DIDN'T WANT TO QUIT WHEN WE WERE UP AT
2 ROBIE BECAUSE ANY --

3 **THE COURT:** JUSTICE ROBIE?

4 **MR. FIFE:** JUSTICE ROBIE -- I'M SORRY -- BECAUSE
5 ANY EFFORT TO SETTLE THE CASE IS WORTHWHILE, WE WILL
6 PARTICIPATE IN. EVERYONE SHOULD GIVE THEIR FULL EFFORTS
7 TO IT. THAT NEEDS TO GO WITHOUT SAYING. SO WE WILL
8 PARTICIPATE IN THIS PROCESS. WE ARE ENCOURAGED BY IT.

9 WE HAVE ONLY RECENTLY SEEN THIS DOCUMENT
10 THAT THEY'RE TALKING ABOUT. PARTS OF IT WERE ONLY SHOWN
11 TO US LAST WEEK AT LUNCH, DURING THE TRIAL. PARTS OF IT
12 WE HAVEN'T EVEN SEEN YET. A LOT OF THE PARTIES IN THE
13 CASE WERE SEEING IT LAST NIGHT FOR THE FIRST TIME. A
14 LOT OF THE PARTIES IN THE CASE WEREN'T THERE LAST NIGHT
15 AND HAVE NOT ONLY NOT SEEN IT, BUT I'M NOT EVEN SURE
16 THEY KNOW THAT IT EXISTS.

17 SO WE HAVE A LONG WAY TO GO AND WE HAVE A
18 LOT TO DO. AND WE HAVE BEEN IN POSITIONS BEFORE WHEN WE
19 WERE CLOSE, AND WE'VE BEEN IN THAT POSITION MANY TIMES
20 THROUGHOUT THE TEN YEARS THAT I'VE BEEN INVOLVED IN THE
21 CASE.

22 SO THOUGH WE ARE ENCOURAGED BY IT AND WANT
23 TO PARTICIPATE, WE NEED TO KEEP MOVING FORWARD ALSO WITH
24 THE RECOGNITION OF THE HISTORY OF SETTLEMENT EFFORTS IN
25 THIS CASE, AND ALSO RECOGNITION, AS HAS BEEN SAID MANY
26 TIMES OVER THE YEARS, THAT WHAT PUSHES SETTLEMENT THE
27 MOST IS HAVING OUR FEET TO THE FIRE, FIRM DEADLINES AND
28 CONSEQUENCES IF WE'RE NOT MOVING FORWARD, AND THAT TAKES

1 THE FORM OF PHASES OF THE TRIAL.

2 AND THAT'S WHY WE PUSHED TO HAVE THESE
3 PHASES SCHEDULED. I THINK MY GROUP ESPECIALLY WAS
4 PUSHING PHASE FIVE, THE RESERVED RIGHTS AND THE FEDERAL
5 RIGHTS, SPECIFICALLY BECAUSE WE FELT IT WOULD MOTIVATE
6 SETTLEMENT. AND HERE WE ARE; IT HAS HAD THAT EFFECT.
7 WE THINK WE SHOULD CONTINUE WITH THE EVIDENCE.

8 ONE OF THE THINGS WE'RE GOING TO NEED TO
9 TALK ABOUT THIS MORNING IS HOW TO FINISH UP THE FEDERAL
10 SIDE OF IT. AND I THINK THAT BOTH SIDES ARE GOING TO
11 ASK FOR BRIEFING ON A FAIRLY LENGTHY TIME SCHEDULE, FOR
12 SOMETHING LIKE FOUR WEEKS, 30 DAYS. THAT WILL GIVE US A
13 GOOD CHUNK OF TIME TO BE WORKING ON SETTLEMENT. BUT THE
14 PRESSURE IS STILL THERE, THAT IF WE DON'T GET TO THE
15 SETTLEMENT, EVERYBODY WILL TURN IN THEIR CLOSING BRIEFS
16 AND THERE WILL BE A DECISION COMING ALONG.

17 WE THINK WE SHOULD DO THE SAME THING HERE.
18 LET'S CONTINUE WITH THE EVIDENCE THAT WE'RE PREPARED TO
19 PUT ON TODAY. WE'VE GOT WITNESSES HERE. YOU DON'T HAVE
20 TO MAKE A DECISION.

21 AND, IN FACT, I DON'T THINK WE WILL BE ABLE
22 TO FINISH THE EVIDENCE BECAUSE I SEE IN THE COURTROOM
23 DR. WILLIAMS IS HERE, AND AS YOU KNOW WE'VE HAD MOTIONS
24 IN LIMINE ABOUT THAT. AND THE INDICATION HAS BEEN THAT
25 IF THEY WANT TO PUT HIM ON, WE'RE GOING TO BE GIVEN
26 ADDITIONAL TIME TO ANALYZE THE MODEL, DEPOSE HIM ABOUT
27 THE MODEL AND THINGS LIKE THAT.

28 SO WE CAN CONTINUE WITH THE EVIDENCE THIS

1 MORNING TO GET THE RETURN FLOW PERCENTAGE PART OF PHASE
2 FIVE STARTED, GET THAT EVIDENCE INTO THE RECORD, AND
3 THEN WE CAN ALL GO OVER TO B.B. AND K. AND CONTINUE THE
4 SETTLEMENT DISCUSSIONS, AND CONTINUE THE NEXT WEEK, AND
5 THE WEEK AFTER, AND ONWARD.

6 SO I WOULD ENCOURAGE YOU TO CONTINUE WITH
7 THE EVIDENCE THIS MORNING, BUT IF YOU'RE NOT GOING TO,
8 IF YOU'RE GOING TO GRANT THE REQUEST BY THE COUNTY AND
9 AVEK AND THE FEDERAL GOVERNMENT, DON'T JUST TAKE THIS
10 OFF CALENDAR. CONTINUE IT TO A DATE CERTAIN SO THAT WE
11 HAVE A DEADLINE AND SO THAT EVERYBODY'S FEET IS HELD TO
12 THE FIRE, BECAUSE IF YOU DON'T, IT'S GOING TO END UP
13 LIKE EVERY OTHER SETTLEMENT EFFORT FOR THE LAST TEN
14 YEARS.

15 **THE COURT:** ALL RIGHT. THANK YOU, MR. FIFE.

16 MR. BUNN.

17 **MR. BUNN:** MORNING, YOUR HONOR. THOMAS BUNN.

18 LET ME RESPOND TO MR. -- I WANTED TO ANSWER
19 THE COURT'S QUESTION ABOUT THE EFFECT OF THE SETTLEMENT,
20 BUT LET ME RESPOND TO MR. FIFE'S LAST POINT FIRST.

21 I FAVOR A DATE CERTAIN ALSO FOR THE
22 RESUMPTION OF THE PHASE FIVE TRIAL. AS MR. LEININGER
23 POINTED OUT, THERE'S STILL SOME DISCUSSION WHETHER THAT
24 SHOULD BE TWO WEEKS FROM NOW OR SIX WEEKS FROM NOW, AND
25 OF COURSE THE COURT'S CALENDAR COMES INTO IT AS WELL,
26 BUT NOBODY WANTS A LONG TIME.

27 **THE COURT:** I CAN ASSURE YOU IT'S NOT GOING TO
28 JUST GO OFF CALENDAR, NO MATTER WHAT HAPPENS.

1 **MR. BUNN:** AS FAR AS THE EFFECT OF THE SETTLEMENT,
2 YOUR HONOR, THIS STIPULATED JUDGMENT WOULD RESOLVE ALL
3 THE WATER RIGHTS ISSUES WITH ONE POSSIBLE EXCEPTION, AND
4 IT WOULD RESOLVE ALL THE ISSUES THAT WE'VE BEEN TALKING
5 ABOUT WITH RESPECT TO THE PHYSICAL SOLUTION. OF COURSE,
6 YOUR HONOR IS CORRECT THAT THERE NEEDS TO BE A PROCESS
7 FOR GOING FORWARD AND SHAPING THAT PHYSICAL SOLUTION.

8 THE DETAILS OF THE SETTLEMENT ARE
9 CONFIDENTIAL, AND I DON'T WANT TO GET INTO THEM, BUT I
10 KNOW THAT THE COURT IS FAMILIAR WITH THE GENERAL PATTERN
11 OF WATER MASTER ADJUDICATIONS WHERE A WATER MASTER IS
12 SET UP, A PROCESS IS SET UP FOR THAT WATER MASTER TO
13 MAKE BASE MANAGEMENT DECISIONS, A PROCESS IS SET UP
14 FOR -- IF PEOPLE CAN'T AGREE ON THOSE DECISIONS, THERE'S
15 THE CONTINUING JURISDICTION OF THE COURT AND THAT CAN BE
16 INVOKED, AND THE SAME TYPES OF THINGS ARE PRESENT IN
17 THIS JUDGMENT.

18 THE ONE ISSUE THAT MAY NOT BE FULLY
19 RESOLVED BY THIS SETTLEMENT HAS TO DO WITH THE WILLIS
20 CLASS. THE COURT WILL RECALL THAT THE PUBLIC WATER
21 SUPPLIER SETTLED WITH THE WILLIS CLASS, AND PART OF THAT
22 SETTLEMENT WAS THAT THEY GOT A CORRELATIVE RIGHT TO PUMP
23 GROUND WATER IN THE BASIN.

24 JUST WHAT THAT MEANS AS BETWEEN THEM AND
25 THE OTHER CORRELATIVE RIGHT HOLDERS IS NOT WORKED OUT IN
26 THAT SETTLEMENT BECAUSE, FOR OBVIOUS REASONS, THE WILLIS
27 CLASS HAS NOT BEEN PRESENT IN THOSE DISCUSSIONS; SO THAT
28 IS SOMETHING THAT MAY COME BACK TO THE COURT. BUT AS

1 BETWEEN THE PEOPLE WHO ARE LITIGATING HERE NOW, THE
2 JUDGMENT RESOLVES ALL THE ISSUES.

3 **THE COURT:** IF THE WILLIS CLASS HAS NOT BEEN
4 PRESENT, IT'S A NONPUMPING CLASS, AND OBVIOUSLY
5 CORRELATIVE RIGHTS ARE RELATIVE AND SUBJECT. SO IT
6 SEEMS TO ME THAT IF THERE IS A JUDGMENT IN EQUITY HERE,
7 WHICH THERE MUST BE SINCE THIS IS A SUIT IN EQUITY, AND
8 THE COURT WILL HAVE SUPERVISORY POWERS OVER THE WATER
9 MASTER, IT SEEMS TO ME THAT THE NONPUMPING CLASS IS
10 MERELY SUBJECT TO WHATEVER THEIR CORRELATIVE RIGHTS
11 MIGHT BE.

12 **MR. BUNN:** THAT'S ABSOLUTELY RIGHT, YOUR HONOR.

13 **THE COURT:** SO I DON'T SEE THAT AS --

14 **MR. BUNN:** I JUST DIDN'T WANT TO REPRESENT TO THE
15 COURT THAT EVERY POSSIBLE ISSUE HAD BEEN RESOLVED
16 BECAUSE THAT PARTICULAR ONE --

17 **THE COURT:** WELL, I THINK THAT ULTIMATELY IF YOU
18 HAVE A WATER MASTER AND IF YOU HAVE A JUDGMENT IN
19 EQUITY, I MIGHT JUST OFFER OFF THE TOP OF MY HEAD THE
20 COURT IS ALWAYS GOING TO BE INVOLVED IN ADJUDICATING THE
21 VARIOUS RIGHTS IN EQUITY TO CARRY OUT THE JUDGMENT.

22 **MR. BUNN:** YES.

23 **THE COURT:** ALWAYS. AND SO I DON'T -- JUST AS IT
24 IS IN SEVERAL OF THE OTHER EXISTING CASES THAT WE'RE
25 FAMILIAR WITH. WELL, ALL RIGHT. YOU'VE ANSWERED MY
26 QUESTION.

27 MR. MC LACHLAN, YOU WANTED TO --

28 **MR. MC LACHLAN:** YES, YOUR HONOR, BRIEFLY. AND I

1 DID NOT HAVE THE PLEASURE OF BEING PRESENT LAST NIGHT;
2 HOWEVER, I WAS ONE OF THE FEW LAWYERS WHO'S BEEN
3 INVOLVED IN CREATING THIS DOCUMENT OVER THE LAST MANY
4 MONTHS, A SMALL GROUP OF LAWYERS SORT OF WORKING IN A
5 CLOSET PRIVATELY TO TRY TO GET THIS DONE WITH A NUMBER
6 OF THE KEY PLAYERS.

7 I THINK IT'S FAIR TO REPRESENT TO THE
8 COURT, AT LEAST AS OF -- I GOT A DOWNLOAD LATE LAST
9 NIGHT OF THE SUBSEQUENT DISCUSSIONS. THERE STILL REMAIN
10 SOME KEY ISSUES, AND I THINK PRIMARILY FROM THE
11 LANDOWNER SIDE, THE WILLIS CLASS ISSUE IS SOMETHING THAT
12 IS GOING TO PROBABLY REQUIRE SOME SORT OF A DECISION ONE
13 WAY OR THE OTHER BY THE COURT IN CERTAIN TERMS IN ORDER
14 TO MAKE A SETTLEMENT WORK.

15 BUT MY POSITION IN THE ISSUE IS SOMEWHERE
16 BETWEEN. I'M NOT ENTIRELY SURE WHY WE HAVE TO HALT THE
17 WHOLE RAILROAD, BUT ON THE OTHER HAND, HAVING
18 DISTRICT 40 COME TO THE TABLE -- IT'S BEEN SOME TIME
19 SINCE THAT'S BEEN THE CASE -- IS A LITTLE HARD FOR SOME
20 PEOPLE TO TURN DOWN, BECAUSE OBVIOUSLY WE NEED THEM
21 PRESENT AND ENGAGED TO ACTUALLY DO WHAT YOUR HONOR
22 WANTS.

23 THAT BEING SAID, SO I HAVE SOME QUESTIONS
24 ABOUT THE TIMING TODAY, BUT I WOULD, I GUESS, ASSENT SO
25 LONG AS IT'S UNDERSTOOD THAT THIS IS NOT GOING TO
26 BE A -- WE HAVE SOME ISSUES PEOPLE HAVE ALLUDED TO
27 REGARDING DR. WILLIAMS AND THE MODEL, WHO NEED TO BE
28 CHASED TO BOTTOM.

1 BUT I DON'T WANT TO HAVE THE DISCOVERY AND
2 THE REST OF THIS TRIAL BEING OPENED UP FOR FOLKS TO
3 REORGANIZE THEIR DUCKS FOR TRIAL IN THREE WEEKS OR SIX
4 WEEKS OR WHATEVER IT'S GOING TO BE. THAT'S MY ONE
5 CONCERN, IS THAT IF WE'RE GOING TO PUT A FREEZE ON THIS
6 FOR A SHORT PERIOD OF TIME, THAT WE'RE NOT THEN OPENING
7 IT UP TO RELITIGATE VARIOUS ISSUES RELATED TO RETURN
8 FLOWS.

9 **THE COURT:** ALL RIGHT. WELL, THANK YOU VERY MUCH.

10 MR. ZIMMER.

11 **MR. ZIMMER:** JUST A COUPLE OF COMMENTS, YOUR
12 HONOR. I THINK THAT THE MEETINGS THAT WE HAD LAST NIGHT
13 WERE PRODUCTIVE. WE'VE BEEN CRITICIZED IN THE PAST FOR
14 MENTIONING THE WORD "SETTLEMENT," BUT --

15 **MR. DUNN:** JUST THE TERMS OF THE SETTLEMENT.

16 **MR. ZIMMER:** I -- IT IS TRUE THAT THE -- THAT
17 ANOTHER DOCUMENT CAME OUT IN ABOUT THE LAST WEEK AND A
18 HALF THAT TO SOME EXTENT IS AN EXTENUATION OF DOCUMENTS
19 THAT WE HAVE BEEN WORKING ON LONG BEFORE THAT.

20 THERE ARE SOME TERMS THAT STILL NEED TO BE
21 DISCUSSED BETWEEN THE PARTIES. I THINK THAT WE HAD
22 CONSTRUCTIVE DIALOGUE LAST NIGHT WITH BOTH FEDERAL
23 GOVERNMENT AND WITH DISTRICT 40; SO I'M ENCOURAGED BY
24 THAT. I THINK THAT WAS EXTREMELY HELPFUL.

25 I AGREE WITH THE COURT'S CONCERN THAT WE
26 TRY AND GET ALL THE PARTIES INTO THIS -- INTO A
27 SETTLEMENT. THERE ARE -- MY UNDERSTANDING OF THE AVEK
28 AGREEMENT WITH D-40 IS THAT IT'S CONTINGENT UPON

1 EVERYTHING ELSE FALLING INTO PLACE, AND THERE ARE A LOT
2 OF COMPONENT PARTS THAT I THINK HAVE TO OCCUR IN ORDER
3 FOR A GLOBAL SETTLEMENT TO OCCUR.

4 ONE OF THOSE WAS JUST MENTIONED BY
5 MR. BUNN, IN TERMS OF HOW THE NONPUMPING CLASS IS DEALT
6 WITH IN TERMS OF A PHYSICAL SOLUTION IS CRITICAL TO
7 PARTIES, AT LEAST ON THE LANDOWNER SIDE, BEING ABLE TO
8 RESOLVE THE CASE BECAUSE THEY HAVE TO RESOLVE IT IN SOME
9 WAY BASED UPON KNOWING WHAT -- WHETHER THEY CAN SURVIVE
10 BASED UPON WHATEVER THEIR CORRELATIVE SHARE WOULD BE.
11 THAT'S JUST ONE EXAMPLE.

12 **THE COURT:** WELL, HAS ANYBODY SPOKEN WITH COUNSEL
13 FOR THE WILLIS CLASS?

14 **MR. ZIMMER:** I HAVE NOT. HE SENT ME A LETTER
15 RECENTLY ABOUT BEING INVOLVED IN THIS TRIAL, AND HE SAID
16 HE WAS NOT INVOLVED, HAD NOT -- I THINK HE IS INVOLVED.
17 I THINK YOUR HONOR HAS SAID ON NUMEROUS OCCASIONS THAT
18 BECAUSE HE IS A PARTY BEFORE THE COURT AND BECAUSE HE
19 HAS A SETTLEMENT AGREEMENT, THAT HIS RIGHTS ARE
20 NECESSARILY -- RIGHTS OF HIS CLASS ARE NECESSARILY GOING
21 TO BE ADJUDICATED IN THIS LAWSUIT IN SOME MANNER. BUT,
22 NO, BEYOND THAT I HAVE NOT HAD ANY COMMUNICATIONS WITH
23 HIM.

24 **THE COURT:** WELL, THE WILLIS STIPULATION AND
25 JUDGMENT CONTEMPLATES IT BEING BLENDED INTO A FINAL
26 JUDGMENT THAT IS ENTERED HERE FOLLOWING THE TRIAL. AND
27 PRESUMABLY, IF THERE'S GOING TO BE A STIPULATED
28 JUDGMENT, COUNSEL FOR WILLIS CLASS NEEDS TO PARTICIPATE

1 TO SOME EXTENT.

2 MR. ZIMMER: I THINK WHAT I WOULD ENVISION IS WHAT
3 YOUR HONOR ALLUDED TO EARLIER, AND THAT WOULD BE THE
4 PROCESS OF APPROVING A PHYSICAL SOLUTION. I CAN SEE
5 THAT ISSUE COMING UP UNDER THE BANNER OF WHAT PHYSICAL
6 SOLUTION WOULD BE APPROPRIATE EQUITABLY AND APPROPRIATE
7 GIVEN THE FACTUAL CIRCUMSTANCES THAT WE HAVE IN THIS
8 OVERDRAFTED BASIN.

9 HAVING SAID THAT, THERE ARE A FEW ISSUES
10 THAT WE NEED TO WORK OUT WITH THE UNITED STATES AND WITH
11 THE COUNTY. BUT WE HAVE ALWAYS PUSHED FORWARD WITH
12 TRYING TO SETTLE THIS, AND I THINK THAT WE STILL NEED TO
13 DO THAT. I'M SOMEWHAT SYMPATHETIC TO MR. FIFE'S
14 POSITION OF HAVING A WITNESS HERE, AND I'M NOT SURE HOW
15 THE COURT WANTS TO PROCEED ON THAT.

16 I AGREE THAT WE DO NOT NEED -- HERE ARE TWO
17 CONCERNS I HAVE, AND I SHARED THIS WITH MR. DUNN
18 EARLIER: NUMBER 1, TRYING TO GET A NEW TRIAL DATE
19 SCHEDULED. AT LEAST ON MY CALENDAR, I'M NOT AVAILABLE
20 TILL THE END OF MARCH. I DON'T THINK THAT WOULD
21 PRECLUDE US FROM HAVING SOME KIND OF REPORT TO THE COURT
22 IF THE COURT DECIDES TO TAKE THIS HIATUS IN A COUPLE OF
23 WEEKS, SO THE COURT WOULD KNOW WHETHER IT LOOKS LIKE WE
24 HAVE A DEAL THAT WE CAN GET EVERYBODY INVOLVED IN OR
25 NOT.

26 BUT I'M CONCERNED ABOUT THE PHASE SIX TRIAL
27 ON PRESCRIPTION IF WE HAVE TO HAVE IT, AND I'M PRAYING
28 WE DON'T HAVE TO HAVE IT, BUT IF WE DO HAVE TO HAVE IT,

1 I'M AFRAID THAT WE WOULD BE SO PRESSED BETWEEN THE
2 SPRING -- BETWEEN SCHEDULED SPRING TRIAL DATE ON THE
3 FINISHING OF THE RESERVE OR THE RETURN FLOW RIGHTS THAT
4 WE WOULDN'T HAVE TIME TO DO THAT, AND I DON'T WANT TO
5 GET PRESSED IN THAT CIRCUMSTANCE.

6 THE ONLY OTHER PROCEDURAL ISSUE I HAD IS
7 THAT ON THE RETURN FLOW ISSUE, WE DID SUBPOENA A COUPLE
8 OF AVEK'S EXPERTS, SINCE THEY WERE DEPOSED, AND WE'D
9 NEED TO ORDER THEM BACK FOR THAT TRIAL SO WE DON'T HAVE
10 TO ISSUE A SUBPOENA.

11 **THE COURT:** WELL, WE'RE SET FOR AUGUST FOR THE
12 PRESCRIPTIVE PHASE. I'M THINKING THAT I'M NOT TOTALLY
13 CLEAR ON WHERE WE STAND WITH THE FEDERAL RESERVE RIGHT
14 PHASE OF THE TRIAL. IT'S MY UNDERSTANDING THAT AT LEAST
15 SEVERAL PARTIES WERE IN OPPOSITION TO THE FEDERAL
16 GOVERNMENT'S CONTENTIONS AND CLAIMS. I'M NOT SURE THAT
17 THERE ISN'T FURTHER EVIDENCE IN THAT REGARD TOTALLY
18 APART FROM THE RESERVE -- I'M SORRY -- THE RETURN FLOWS.

19 MR. KUHS?

20 **MR. KUHS:** YOUR HONOR, THE ONLY EVIDENCE THAT I'M
21 AWARE OF THAT REMAINS ON THAT ISSUE IS EVIDENCE THAT
22 TEJON WOULD OFFER, WHICH IS TWO COMPONENTS. ONE IS A
23 FILING OF EVIDENCE FROM PHASES TWO AND THREE, WHICH
24 WOULD BE BY QUASIJUDICIAL NOTICE; AND TWO, ASKING THE
25 COURT TO TAKE JUDICIAL NOTICE OF TEJON'S LAND OWNERSHIP
26 RECORDS, AND THEN WE'RE GOING TO REST.

27 **THE COURT:** OKAY. AND, MR. FIFE, YOU ARE VOCAL.
28 WHAT IS YOUR POSITION IN REGARD TO THE FEDERAL RESERVE

1 RIGHT CLAIM?

2 MR. FIFE: I CONCUR WITH MR. KUHS.

3 THE COURT: THE EVIDENCE WOULD BE THE SAME?

4 MR. FIFE: YES.

5 THE COURT: SO YOU DON'T HAVE ANY ADDITIONAL
6 EVIDENCE?

7 MR. FIFE: WE DON'T HAVE ANY ADDITIONAL EVIDENCE.

8 THE COURT: SO IF WE DEEM THE FEDERAL RESERVE
9 RIGHT TO BE SUBMITTED SUBJECT TO CLOSING BRIEFS, WHICH
10 WOULD INCLUDE AND REFERENCE THE PHYSICAL EVIDENCE THAT
11 YOU WISH TO OFFER -- AND THEN I'M ASSUMING,
12 MR. LEININGER, YOU WOULD HAVE NO FURTHER EVIDENCE TO
13 PRESENT; IS THAT CORRECT?

14 MR. LEININGER: NO, WE WOULD NOT, YOUR HONOR.
15 THAT'S CORRECT.

16 THE COURT: ALL RIGHT. OKAY. SO WITH THE
17 AGREEMENT OF THE PARTIES, THEN, AND NOT HEARING ANY
18 OBJECTION FROM ANYBODY ELSE, I WOULD DEEM THE FEDERAL
19 RESERVE RIGHT CLAIM TO BE SUBMITTED SUBJECT TO BRIEFING,
20 CLOSING ARGUMENT, OPPOSITION, WHICH WOULD INCLUDE YOUR
21 ADDITIONAL EVIDENCE, AND A REPLY, AND WE NEED TO SET UP
22 A TIMETABLE FOR THAT.

23 AND I DON'T WANT TO -- IF YOU'RE GOING TO
24 SETTLE THE BULK OF THE CASE, IF NOT ALL OF THE CASE, I
25 THINK WHAT I WOULD DO IS SET THAT CLOSING BRIEF SCHEDULE
26 OFF FAR ENOUGH SO THAT YOU CAN COMPLETE YOUR SETTLEMENT
27 DISCUSSIONS FIRST. SO GIVE ME A COUPLE DATES THAT YOU'D
28 BE INTERESTED IN.

1 MR. ZIMMER.

2 MR. ZIMMER: THE ONLY OTHER COMMENT I'D MAKE, I
3 THINK THAT'S EXACTLY WHAT WE NEED TO HAVE HAPPEN, IS
4 THAT THOSE DATES BE SET FAR ENOUGH OFF FOR US TO
5 COMPLETE OUR DISCUSSIONS.

6 THE ONLY OTHER THING I WOULD MENTION IS
7 THAT YESTERDAY WE INDICATED WE WOULD BE MAKING A MOTION
8 FOR NONSUIT AS WELL; SO WE NEED TO INCLUDE THAT INTO
9 THAT SAME BRIEFING SCHEDULE.

10 THE COURT: ALL RIGHT.

11 MR. KUHS: AND I WOULD -- WITH THE SETTLEMENT
12 PROSPECTS WHERE THEY ARE, I'M WONDERING WHETHER THE
13 COURT, WHEN IT'S READY TO RULE ON THE FEDERAL RESERVE
14 ISSUE, COULD ANNOUNCE THAT IN ADVANCE OF THE RULING FOR
15 THE -- JUST THAT YOU'RE PREPARED TO RULE SO THAT THAT
16 RULING DOESN'T HAVE THE EFFECT OF AVERTING OR DERAILING
17 WHAT OTHERWISE MIGHT BE A FRUITFUL SETTLEMENT PROCESS.

18 THE COURT: YEAH, WE CAN DO THAT. SO LET'S TALK
19 ABOUT SOME DATES FOR THAT.

20 MR. LEININGER: YOUR HONOR, WE WOULD REQUEST FOUR
21 WEEKS FOR THE CLOSING BRIEFS, FOR DUE DATE ON CLOSING
22 BRIEFS, AND THAT'S PRIMARILY BECAUSE THERE IS -- THE
23 COURT HAD POINTED OUT THERE'S A LOT OF LEGAL ISSUES, IN
24 ADDITION TO ALL THE FACTUAL EVIDENCE THAT WE WANT TO TRY
25 TO TIE TOGETHER. THAT WILL TAKE A LITTLE BIT OF TIME.
26 BUT WE'RE ALSO GOING TO BE FOCUSING OUR EFFORTS ON
27 COMPLETING THE SETTLEMENT PROCESS.

28 THE COURT: I'M THINKING THAT PERHAPS THE FIRST

1 WEEK IN APRIL MIGHT BE A GOOD TIME FOR THE CLOSING BRIEF
2 FROM THE GOVERNMENT. PICK A TUESDAY, THE FIRST WEEK IN
3 APRIL. GIVE ME A DATE.

4 **MR. MC LACHLAN:** APRIL 1 IS THE FIRST TUESDAY,
5 YOUR HONOR.

6 **THE COURT:** APRIL FOOLS' DAY.

7 **MR. MC LACHLAN:** APPROPRIATELY. SORRY. THAT WAS
8 MR. MC LACHLAN.

9 **THE COURT:** YEAH. WE'LL MAKE IT THE 2ND.

10 **MR. LEININGER:** THANK YOU, YOUR HONOR.

11 **THE COURT:** ALL RIGHT. AND THEN HOW MUCH TIME FOR
12 THE OPPOSITION BRIEFS? TWENTY DAYS?

13 **MR. FIFE:** THAT WOULD BE GREAT.

14 **THE COURT:** OKAY.

15 **MR. FIFE:** THE 22ND WOULD BE EARTH DAY.

16 **THE COURT:** THAT'S APPROPRIATE. CLOSING
17 APRIL 22ND. AND A REPLY MAY THE 1ST?

18 **MR. LEININGER:** (INDICATING.)

19 **THE COURT:** OKAY. SO THE PHASE FIVE REGARDING THE
20 FEDERAL RESERVE RIGHTS CLAIM IS DEEMED SUBMITTED.

21 **MR. KUHS:** I'VE GOT TO PUT MY EVIDENCE IN.

22 **THE COURT:** YOU CAN PUT THAT IN.

23 **MR. KUHS:** OKAY.

24 **THE COURT:** AS OF APRIL 2ND, THE CLOSING BRIEF.
25 ACTUALLY, IT WOULD BE DEEMED SUBMITTED ON MAY THE 1ST.
26 THAT WAY YOU'LL HAVE YOUR EVIDENCE IN.

27 **MR. KUHS:** THANK YOU.

28 **THE COURT:** OKAY. SO THE CLOSING BRIEF APRIL 2ND,

1 RESPONSE APRIL 22 IN OPPOSITION, REPLY MAY THE 1ST. THE
2 MATTER WILL BE DEEMED SUBMITTED AS OF MAY THE 1ST.

3 **MR. LEININGER:** THANK YOU, YOUR HONOR.

4 **THE COURT:** ALL RIGHT. NOW, THE RETURN FLOW
5 TRIAL. WHAT DID YOU HAVE THAT YOU WANTED TO PRESENT
6 TODAY, MR. FIFE?

7 **MR. FIFE:** MY PART OF THIS FOCUSES ON THE RETURN
8 FLOW PERCENTAGES, AS WE DISCUSSED LAST WEEK DURING THE
9 MOTION IN LIMINE ON THIS ISSUE.

10 MY UNDERSTANDING WAS THAT, AS YOU SAID AT
11 THAT TIME, THE PUBLIC WATER SUPPLIERS BEAR THE BURDEN OF
12 PROOF. THEY HAD INDICATED TO ME THAT THEY WERE GOING TO
13 SATISFY THEIR BURDEN THROUGH THEIR NOTICE -- THEIR
14 MOTION FOR JUDICIAL NOTICE OF THE PHASE THREE TESTIMONY;
15 SO THAT WOULD BE THEIR CASE IN CHIEF.

16 WHEN THAT CLOSED, WE HAVE ONE WITNESS OF
17 OUR OWN, WHO WILL MAKE A REPLY TO THOSE ISSUES. AND
18 THEN THERE WAS A WITNESS THAT WAS GOING TO BE PUT ON BY
19 AVEK, MR. WAGNER, WHO MR. ZIMMER INDICATED WE SUBPOENAED
20 HIM. SO HE WILL BE HERE TODAY. WE WOULD ALSO PUT HIM
21 ON.

22 **THE COURT:** YOU WERE GOING TO CALL HIM AS AN
23 ADVERSE WITNESS?

24 **MR. FIFE:** HE WOULDN'T BE ADVERSE. WE'D BE
25 CALLING HIM AS OUR OWN WITNESS, BUT YEAH.

26 **THE COURT:** BUT HE IS A REPRESENTATIVE OF THE
27 OPPOSITION PARTY. IS THAT ADVERSE PARTY?

28 **MR. FIFE:** NOT ADVERSE TO US. HIS ANALYSIS WORKS

1 TOGETHER WITH OURS.

2 THE COURT: ALL RIGHT.

3 MR. FIFE: AND THEN WE WOULD BE DONE.

4 THE COURT: OKAY. LET ME ASK YOU IN TERMS OF --
5 IF WE WERE GOING TO CONTINUE THIS MATTER FROM TODAY,
6 WHEN WOULD YOU WANT TO HAVE A DAY CERTAIN?

7 MR. DUNN: I THINK IN OUR DISCUSSIONS -- THIS IS
8 MR. DUNN. I THINK IN OUR DISCUSSIONS LAST NIGHT WE WERE
9 SORT OF FOCUSING ON MR. ZIMMER'S CALENDAR. AND I THINK
10 WE'D COME BACK --

11 MR. ZIMMER: END OF MARCH.

12 MR. DUNN: -- END OF MARCH.

13 THE COURT: OKAY. I KNOW I'M NOT AVAILABLE THE
14 23RD -- 22ND -- 24TH, RATHER.

15 MR. ZIMMER: IS THAT THE VERY LAST WEEK OF MARCH?

16 THE COURT: IT IS.

17 MR. ZIMMER: I THINK I WAS OKAY THE WEEK BEFORE
18 THAT, SO ...

19 THE COURT: HOW WOULD YOU LIKE TO DO THIS IN
20 SAN JOSE?

21 MR. DUNN: THAT WOULD BE FINE WITH DISTRICT 40.

22 MR. BRUNICK: THAT WOULD BE ACCEPTABLE TO AVEK IF
23 SETTLEMENT IS NOT PRODUCTIVE.

24 THE COURT: I THINK WE WOULD DO THAT. IT'S VERY
25 DIFFICULT DOING IT THE WAY WE'RE DOING IT HERE. THE
26 EXHIBITS, DOCUMENTS, AND SO ON WOULD HAVE TO BE SHIPPED
27 BACK AND FORTH.

28 SO, OKAY, LET'S TALK ABOUT WHAT DAY WE'RE

1 GOING TO BE DOING THIS IF WE RESUME PHASE FIVE.

2 **MR. DUNN:** THIS IS MR. DUNN. LOOKING AT MY
3 CALENDAR, I WOULD NEED TO DO IT THE WEEK OF MARCH 17TH.
4 I HAVE A DATE CERTAIN ON THE 24TH OF --

5
6 (COUNSEL SPOKE SOTTO VOCE.)

7
8 **MR. DUNN:** ONE MOMENT, YOUR HONOR.

9
10 (PAUSE IN THE PROCEEDINGS.)

11
12 **MR. DUNN:** YOUR HONOR.

13 **THE COURT:** YES.

14 **MR. DUNN:** IF WE COULD PROPOSE THE WEEK OF
15 MARCH 10TH BUT NOT INCLUDE THE 14TH. THAT'S THE FRIDAY.
16 SO IT WOULD BE THE MONDAY THROUGH THURSDAY, THE 10TH,
17 MARCH 10TH THROUGH THE 13TH.

18 **MR. FIFE:** ACTUALLY, I NEED TO CHECK WITH MY
19 WITNESS.

20 **MR. DUNN:** OKAY.

21 **THE COURT:** ALL RIGHT. HERE'S WHAT I'M INCLINED
22 TO DO: I DON'T WANT TO UNNECESSARILY SPEND A LOT OF
23 TIME DEALING WITH THE FEDERAL -- THE RETURN FLOW ISSUE
24 HERE THIS MORNING. I UNDERSTAND THERE'S SOME
25 INCONVENIENCE TO WITNESSES, BUT I THINK COUNSEL WILL BE
26 BETTER SERVED TO SPEND SOME TIME TRYING TO FINISH UP --
27 EXCUSE ME, FINISH UP YOUR INITIAL DISCUSSIONS,
28 HOPEFULLY, WHICH WILL LEAD TO A FINAL RESOLUTION.

1 I WILL RESET THE PHASE FIVE -- THE BALANCE
2 OF THE PHASE FIVE, WHICH DEALS SOLELY WITH THE RETURN
3 FLOWS, TO THE 10TH OF MARCH?

4 **MR. FIFE:** (INDICATING.)

5 **THE COURT:** OKAY. FOUR DAYS, FOUR ADDITIONAL
6 DAYS. I DON'T THINK IT WOULD TAKE THAT LONG. FRANKLY,
7 I THINK MOST OF THE FACTS ARE NOT IN DISPUTE. SO WHY
8 DON'T WE DO THIS: RESUME MARCH 10TH AT 9:00 O'CLOCK,
9 SAN JOSE. WE'LL HAVE A DEPARTMENT FOR USE THERE.

10 NOW, I'M GOING TO ORDER THAT THE PARTIES
11 ENGAGE IN SETTLEMENT DISCUSSIONS IN CONFORMITY WITH THE
12 REPRESENTATIONS THAT HAVE BEEN MADE HERE ON THE RECORD.
13 I FULLY EXPECT ALL THE PARTIES WHO HAD AN INTEREST HERE
14 TO ATTEND AND PARTICIPATE IN THOSE SETTLEMENT
15 DISCUSSIONS, AND IF THERE'S ANY FAILURE OR RELUCTANCE TO
16 ATTEND AND PARTICIPATE IN THE SETTLEMENT DISCUSSION, I
17 WANT THE COURT TO BE NOTIFIED AND I'LL MAKE THE
18 APPROPRIATE ORDER. SO THAT HAS TO HAPPEN.

19 I DON'T WANT TO WASTE ANY MORE TIME IN THIS
20 CASE. WE'VE WASTED, ACCORDING TO SOME THOUGHTS, A GREAT
21 DEAL OF TIME, SPENT A LOT OF MONEY, THE CLIENTS' MONEY,
22 THE STATE'S MONEY, AND THE COURT'S MONEY AND TIME.

23 AND I KNOW THAT YOU'VE ACTED IN GOOD FAITH
24 AND WILL CONTINUE TO DO SO, BUT I WANT TO MAKE SURE THAT
25 YOU UNDERSTAND THAT YOU'RE DOING THAT PURSUANT TO COURT
26 ORDER, AND THIS IS THE TIME TO PUT THIS MATTER TO REST
27 OR TO WORK TOWARD A JUDGMENT.

28 I DO NOT INTEND TO CONTINUE THE AUGUST

1 HEARING DATE FOR THE PHASE FIVE. I THINK THERE'S ALSO A
2 MOTION DATE THAT IS SCHEDULED FOR I THINK AROUND THE 4TH
3 OF APRIL, SOMETIME IN THAT ERA, DEALING WITH SEVERAL
4 MOTIONS THAT HAVE BEEN FILED REGARDING JURY TRIALS AND
5 THE LIKE. I'M GOING TO LEAVE THOSE ON CALENDAR, AND
6 I'LL EXPECT FULL BRIEFING.

7 NOW I HAVE TO GO FIGHT WITH UNITED AIRLINES
8 AND MARRIOTT HOTEL, SO IN ANY EVENT...

9 YES.

10 MR. ZIMMER: YOUR HONOR, DID YOU WANT THE MOTION
11 FOR NONSUIT SET FOR THE SAME DATE AS --

12 THE COURT: YES.

13 MR. ZIMMER: ON THE 2ND?

14 THE COURT: YES.

15 MR. EVERTZ: YOUR HONOR, DOUG EVERTZ FOR THE CITY
16 OF LANCASTER, WEST POINT COMMUNITY SERVICES DISTRICT.

17 I HAVE A WRIT HEARING ON MARCH 12TH THAT
18 CANNOT BE RESCHEDULED. I BELIEVE THAT THE PUBLIC WATER
19 SUPPLIER GROUP HAVE A UNIFORMITY OF PRESENTATION ON
20 RETURN FLOWS. IN THE EVENT THAT THERE'S SOMETHING
21 UNIQUE TO MY CLIENTS -- AND I'M HOPEFUL -- AND WE DO
22 RESUME THE TRIAL, I'D ASK THE COURT'S PERMISSION TO DO
23 THAT ON MARCH 10TH OR 11TH.

24 THE COURT: YES.

25 MR. EVERTZ: THANK YOU.

26 THE COURT: ALL RIGHT. ANYTHING ELSE?

27 MR. DUNN: YES, YOUR HONOR. IF I MAY, WE'LL BE
28 MOVING DOWN TO MY OFFICE ON 300 SOUTH GRAND, 25TH FLOOR.

1 TELL THE SECURITY PEOPLE ON THE FIRST FLOOR YOU'RE THERE
2 FOR THE ANTELOPE VALLEY CASE. THEY WILL TAKE YOU TO THE
3 ELEVATOR AND ESCORT YOU UP TO THE 25TH FLOOR.

4 **THE COURT:** RIGHT. I'M ALSO GOING TO DIRECT THAT
5 YOU COMMUNICATE WITH COUNSEL FOR THE WILLIS CLASS AND
6 TRY TO FOLD THEM INTO SOME DISCUSSIONS SO THAT THIS IS
7 NOT A BIG SURPRISE FOR THEM.

8 **MR. MC LACHLAN:** YOUR HONOR, MICHAEL MC LACHLAN
9 AGAIN FOR RICHARD WOOD AND THE SMALL PUMPER CLASS.

10 I AM FROM TIME TO TIME IN CONTACT WITH
11 MR. KALFAYAN. UPON CONSENT OF THE OTHER SETTLING
12 PARTIES, I'LL TAKE IT UPON MYSELF TO DO THAT. IT MAY BE
13 PREMATURE, JUST UNTIL THINGS ARE FINISHED, BUT I WILL
14 CONTACT MR. KALFAYAN AND REACH OUT TO HIM.

15 I HAD ONE POINT OF CLARIFICATION ON THE
16 ORDER. NOW, IT'S WEDNESDAY AND WE WERE GOING TO BE HERE
17 FOR THE REST OF THE WEEK. IT TOOK US THAT LONG TO
18 COMPLETE THIS PHASE OF THE TRIAL. THE COURT'S ORDER ON
19 MEDIATION, IS THAT JUST SPANNING TODAY OR ARE --

20 **THE COURT:** NO. NO.

21 **MR. MC LACHLAN:** IT COVERS TOMORROW AS WELL?

22 **THE COURT:** TODAY, TOMORROW AND EVERY OTHER DAY
23 THAT THE PARTIES ARE AVAILABLE TO COMPLETE THE
24 DISCUSSIONS.

25 **MR. MC LACHLAN:** RIGHT. SO ESSENTIALLY THE REST
26 OF THE WEEK?

27 **THE COURT:** YES.

28 **MR. MC LACHLAN:** GOOD. THANK YOU.

1 **THE COURT:** YES. THANK YOU FOR THAT
2 CLARIFICATION.

3 OKAY, MR. KUHS.

4 **MR. KUHS:** YES, YOUR HONOR. BEFORE WE GO OFF THE
5 RECORD, I WONDERED IF I COULD PRESENT TO THE COURT A
6 SUPPLEMENTAL REQUEST FOR PHASE THREE EVIDENCE. AND THEN
7 I ALSO HAVE A BINDER OF THE EVIDENCE RELATING TO TEJON'S
8 LAND OWNERSHIP THAT I'D LIKE TO PRESENT BY WAY OF
9 JUDICIAL NOTICE.

10 I ASKED MR. LEININGER TO TAKE A LOOK AT
11 THAT AND HE'S OKAY WITH IT. THERE'S ONE DOCUMENT FOR
12 WHICH THERE IS NOT FOUNDATION, AND THAT IS A MAP WHICH
13 CORRESPONDS TO TEJON'S LAND HOLDING. I TOLD
14 MR. LEININGER THAT I WOULD OFFER THAT AS DEMONSTRATIVE
15 EVIDENCE ONLY, NOT FOR THE TRUTH OF THE MATTER ASSERTED.
16 THAT'S TEJON'S EXHIBIT 5-TEJON-15. AND I BELIEVE
17 MR. LEININGER IS OKAY WITH THAT.

18 **THE COURT:** ALL RIGHT. AND YOU CAN SUBMIT THAT TO
19 THE CLERK AND SHE'LL MARK IT AS TEJON 5-15.

20 **MR. KUHS:** ACTUALLY, YOUR HONOR, WE'VE GOT IT
21 MARKED AS 5-TEJON-11 THROUGH 5-TEJON-24.

22
23 (EXHIBITS 5-TEJON-11 THROUGH
24 5-TEJON-24, IDENTIFIED: MAP OF
25 TEJON'S LAND HOLDING.)

26
27 **THE COURT:** THAT'S FINE. OKAY. THANK YOU.

28 MR. FIFE.

1 **MR. FIFE:** YOUR HONOR, AN ADDITIONAL PIECE OF
2 HOUSEKEEPING FOR THE MARCH 10TH RESUMPTION OF THE PHASE
3 FIVE TRIAL. WE SUBPOENAED THREE OF AVEK'S WITNESSES TO
4 BE HERE TODAY TO TESTIFY. COULD YOU ORDER THEM BACK TO
5 APPEAR ON THE 10TH AS WELL SO THAT WE HAVE --

6 **THE COURT:** STATE THEIR NAMES FOR THE RECORD.

7 **MR. FIFE:** MR. ROBERT WAGNER.

8 **MR. BRUNICK:** DAVID PETERSON AND THOMAS WREN. AND
9 THEY WILL BE PRESENT, YOUR HONOR. BILL BRUNICK.

10 **THE COURT:** OKAY. SO ORDERED.

11 **MR. BRUNICK:** THANK YOU.

12 **MR. KUHS:** AND THEN -- SORRY, YOUR HONOR -- I
13 WOULD ASK THAT TEJON EXHIBITS 5-11 THROUGH 5-24 BE MOVED
14 INTO EVIDENCE.

15 **THE COURT:** THEY WILL BE ADMITTED.

16 **MR. KUHS:** THANK YOU.

17
18 (EXHIBIT NUMBERS TEJON 5-11
19 THROUGH 5-24, RECEIVED.)
20

21 **THE COURT:** MR. LEININGER.

22 **MR. LEININGER:** YOUR HONOR, IF I MAY. LEE
23 LEININGER.

24 THE ORDER TO PARTICIPATE AND APPEAR FOR
25 SETTLEMENT CONFERENCE, DOES THAT INCLUDE PARTICIPATION
26 TELEPHONICALLY? MR. DUBOIS AND I WERE RETURNING TO
27 COLORADO, BUT WE ARE ACTIVELY ENGAGED IN THIS, AND WE
28 HAVE BEEN PROCEEDING TELEPHONICALLY WITH SOME SUCCESS

1 ALSO.

2 THE COURT: THAT'S FINE.

3 MR. LEININGER: THANK YOU.

4 THE COURT: ALL RIGHT.

5 MR. DAVIS: YOUR HONOR.

6 THE COURT: YES.

7 MR. DAVIS: MICHAEL DAVIS. WE HAVE A SUBPOENA OUT
8 TO AVEK FOR DOCUMENTS. I'VE SPOKEN WITH MR. MC ELHANEY,
9 AND WE WILL AWAIT FOR THE RECEIPT OF THOSE UNTIL THE
10 RESUMPTION. I WOULD JUST LIKE CLARIFICATION THAT
11 OUTSTANDING ISSUED SUBPOENAS THAT HAVE BEEN SERVED WILL
12 REMAIN IN EFFECT FOR THE CONTINUED TRIAL DATE.

13 THE COURT: YES.

14 ALL RIGHT. OKAY. THANK YOU VERY MUCH.
15 GOOD LUCK.

16 COUNSEL: "THANK YOU, YOUR HONOR."

17
18 (THE PROCEEDINGS WERE ADJOURNED
19 UNTIL MARCH 10, 2014, AT 9:00
20 A.M.)
21
22
23
24
25
26
27
28

1	ADDITION [1] 18/24 ADDITIONAL [6] 8/26 17/5 17/7 17/21 23/5 27/1 ADDRESS [3] 1/26 2/26 5/7 ADJOURNED [1] 28/18 ADJUDICATED [1] 14/21 ADJUDICATING [1] 11/20 ADJUDICATIONS [1] 10/11 ADMITTED [1] 27/15 ADVANCE [1] 18/14 ADVANTAGE [1] 4/18 ADVERSE [4] 20/23 20/24 20/27 20/28 AFRAID [1] 16/1 AFTER [2] 1/12 9/5 AFTERMATH [1] 5/5 AFTERNOON [1] 1/15 AGAIN [3] 4/16 4/21 25/9 AGENCY [1] 3/7 AGREE [5] 5/21 6/1 10/14 13/25 15/16 AGREEMENT [11] 1/23 1/21 1/23 2/4 2/8 2/16 4/2 6/16 13/28 14/19 17/17 AIR [1] 2/17 AIRLINES [1] 24/7 ALESIRE [1] 1/19 ALL [30] 1/10 3/12 3/13 4/17 5/14 5/20 5/20 6/4 6/24 9/3 9/15 10/2 10/4 11/2 11/25 13/9 13/26 17/16 17/24 18/10 18/24 19/11 20/4 21/2 22/21 23/13 24/26 26/18 28/4 28/14 ALLOW [1] 2/15 ALLUDED [2] 12/26 15/3 ALONE [1] 6/22 ALONG [1] 8/16 ALSO [11] 2/17 5/4 7/23 7/25 9/21 18/26 20/20 24/1 25/4 26/7 28/1 ALTHOUGH [1] 5/27 ALWAYS [3] 11/20 11/23 15/11 AM [1] 25/10 AMERICA [1] 1/14 AMONGST [1] 4/6 ANALYSIS [1] 20/28 ANALYZE [1] 8/26 ANDREW [1] 2/5 ANDREWS [1] 2/10 ANGELES [4] 1/2 1/3 29/2 29/13 ANNOUNCE [1] 18/14 ANNOUNCED [1] 3/9 ANOTHER [1] 13/17 ANSWER [1] 9/18 ANSWERED [1] 11/25 ANTELOPE [7] 1/6 1/22 1/2 3/7 6/16 25/2 29/6 ANY [9] 7/2 7/5 14/22 17/5 17/7 17/17 23/15 23/19 24/8 ANYBODY [2] 14/12 17/18 ANYTHING [2] 5/7 24/26 APART [1] 16/18 APPEAR [2] 27/5 27/24 APPEARANCES [3] 1/13 2/1 1/7 APPLICATION [1] 2/9 APPROPRIATE [5] 2/27 15/6 15/6 19/16 23/18 APPROPRIATELY [1] 19/7 APPROVAL [3] 2/4 4/12 4/14 APPROVED [1] 3/13 APPROVING [1] 15/4 APRIL [9] 19/1 19/3 19/4 19/6 19/17 19/24 19/28 20/1 24/3 APRIL 22 [1] 20/1 APRIL 22ND [1] 19/17 APRIL 2ND [2] 19/24 19/28 ARE [31] 3/27 5/3 5/4 5/16 5/20 6/3 6/24 6/28 6/28 7/8 7/22 8/6 8/10 10/8 10/16 11/1 11/5 13/20 13/27 14/1 14/19 14/20 15/9	15/16 16/27 18/12 23/7 25/13 25/19 25/23 27/27 ARGUMENT [1] 17/20 AROUND [1] 24/2 AS [37] ASK [5] 4/4 8/11 21/4 24/22 27/13 ASKED [1] 26/10 ASKING [1] 16/24 ASSENT [1] 12/24 ASSERTED [1] 26/15 ASSISTANT [2] 4/12 4/14 ASSOC [1] 1/23 ASSOCIATION [1] 6/17 ASSUMING [1] 17/11 ASSURE [1] 9/27 ATTEMPT [1] 5/25 ATTEND [2] 23/14 23/16 ATTORNEY [4] 2/12 2/13 4/12 4/14 AUGUST [2] 16/11 23/28 AVAILABLE [3] 15/19 21/13 25/23 AVEK [13] 1/25 1/23 3/3 3/8 3/13 3/17 4/22 5/14 9/9 13/27 20/19 21/22 28/8 AVEK'S [2] 16/8 27/3 AVERTING [1] 18/16 AWAIT [1] 28/9 AWARE [1] 16/21
2	2014 [5] 1/12 1/3 28/19 29/16 29/17 22 [1] 20/1 22ND [3] 19/15 19/17 21/14 23RD [1] 21/14 24 [5] 3/5 26/21 26/24 27/13 27/19 24TH [2] 21/14 22/4 25TH [1] 25/3 25TH FLOOR [1] 24/28 26 [1] 3/5 27 [1] 3/5 28 [1] 29/14 2ND [4] 19/9 19/24 19/28 24/13	
3	30 [1] 8/12 300 [1] 24/28	
4	40 [11] 1/27 1/14 1/22 2/10 3/25 4/22 5/14 12/18 13/23 13/28 21/21 4TH [1] 24/2	
5	5-11 [2] 27/13 27/18 5-15 [1] 26/19 5-24 [2] 27/13 27/19 5-TEJON-11 [3] 3/5 26/21 26/23 5-TEJON-24 [2] 26/21 26/24	
7	7:30 [1] 1/15 7TH [1] 29/17	
9	9:00 [1] 28/19 9:00 O'CLOCK [1] 23/8	
A	A.M [2] 1/6 28/20 A.V [1] 2/7 ABBAY [1] 2/10 ABLE [4] 4/7 5/6 8/21 14/7 ABOUT [17] 1/15 1/28 3/15 5/10 6/21 7/10 8/9 8/24 8/26 9/19 10/5 12/24 13/17 14/15 15/26 18/19 21/28 ABOVE [1] 29/15 ABSOLUTELY [2] 6/25 11/12 ACCEPT [1] 2/16 ACCEPTABLE [1] 21/22 ACCEPTED [1] 5/27 ACCOMPLISH [1] 3/27 ACCORDING [1] 23/20 ACTED [1] 23/23 ACTIVELY [1] 27/27 ACTUALLY [4] 12/21 19/25 22/18 26/20 ADAMS [1] 2/8 ADD [1] 3/23	B B.B [1] 9/3 BACK [8] 2/3 2/17 4/8 10/28 16/9 21/10 21/27 27/4 BALANCE [1] 23/1 BANNER [1] 15/5 BASE [1] 10/13 BASED [2] 14/9 14/10 BASIN [2] 10/23 15/8 BE [63] BE A [1] 12/26 BEAR [1] 20/11 BEAU [1] 2/4 BECAUSE [15] 2/27 3/18 6/22 7/2 7/4 8/5 8/22 9/12 10/26 11/16 12/20 14/8 14/18 14/18 18/22 BEEN [22] 2/27 5/24 6/8 6/25 7/18 7/19 7/20 7/25 8/24 10/4 10/27 11/3 11/15 12/2 12/18 12/19 13/13 13/19 23/12 24/4 27/28 28/11 BEFORE [7] 5/4 6/5 7/18 13/19 14/18 21/17 26/4 BEING [7] 4/18 12/1 12/23 13/2 14/7 14/15 14/25 BELIEVE [2] 24/18 26/16 BENNETT [1] 2/8 BEST [2] 1/26 1/26 BETTER [1] 22/26 BETWEEN [8] 1/22 4/24 10/24 11/1 12/16 13/21 16/1 16/2 BEYOND [1] 14/22 BIG [2] 3/12 25/7 BILL [2] 3/6 27/9 BINDER [1] 26/7 BIT [2] 6/11 18/25 BLENDED [1] 14/25 BOARD [4] 2/5 2/6 3/4 3/8 BOLTHOUSE [1] 1/20 BORAX [1] 2/14 BOTH [2] 8/10 13/22 BOTTOM [1] 12/28 BRADLEY [1] 1/23 BRIEF [4] 17/25 19/1 19/24 19/28 BRIEFING [4] 8/11 17/19 18/9 24/6 BRIEFLY [2] 3/3 11/28 BRIEFS [5] 8/15 17/9 18/21 18/22 19/12 BRINGING [1] 3/12

B	CONCEPT [2] 3/13 4/19 CONCERN [2] 13/5 13/25 CONCERNED [1] 15/26 CONCERNS [2] 5/2 15/17 CONCUR [1] 17/2 CONFERENCE [1] 27/25 CONFIDENTIAL [1] 10/9 CONFORMITY [1] 23/11 CONSENSUS [3] 2/1 2/12 6/19 CONSENT [1] 25/11 CONSEQUENCES [1] 7/28 CONSIDERED [1] 3/4 CONSTRUCTIVE [1] 13/22 CONTACT [2] 25/10 25/14 CONTEMPLATES [1] 14/25 CONTENTIONS [1] 16/16 CONTINGENT [1] 13/28 CONTINUE [14] 2/2 2/11 4/1 4/4 8/7 8/18 8/28 9/3 9/4 9/6 9/10 21/5 23/24 23/28 CONTINUED [3] 1/28 2/2 28/12 CONTINUING [2] 3/15 10/15 CORRECT [4] 10/6 17/13 17/15 29/15 CORRELATIVE [5] 10/22 10/25 11/5 11/10 14/10 CORRESPONDS [1] 26/13 COULD [6] 2/17 5/10 18/14 22/14 26/5 27/4 COUNSEL [5] 14/12 14/28 22/6 22/25 25/5 COUNTED [1] 6/21 COUNTY [7] 1/2 1/26 1/22 9/8 15/11 29/2 29/13 COUPLE [4] 13/11 15/22 16/7 17/27 COURSE [2] 9/25 10/5 COURT [30] 1/1 2/13 2/16 2/18 2/26 4/4 5/4 5/12 10/10 10/15 10/20 10/28 11/8 11/15 11/20 12/8 12/13 14/18 15/15 15/21 15/22 15/23 16/25 18/13 18/23 23/17 23/25 26/5 29/1 29/12 COURT'S [6] 9/19 9/25 13/25 23/22 24/22 25/18 COURTROOM [1] 8/22 COVERS [1] 25/21 CREATE [1] 5/8 CREATING [1] 12/3 CREEK [1] 2/9 CRITICAL [1] 14/6 CRITICIZED [1] 13/13 CROSS [2] 1/24 2/7 CROSS-DEFENDANT [1] 1/24 CROSS-DEFENDANTS [1] 2/7 CRR [2] 2/27 29/23 CRYSTAL [1] 2/4 CSR [3] 2/27 1/5 29/23	DEEMED [3] 19/20 19/25 20/2 DEFENDANT [6] 1/20 1/22 1/24 1/26 2/3 2/14 DEFENDANTS [2] 2/4 2/7 DEMONSTRATIVE [1] 26/14 DEPARTMENT [6] 1/3 1/14 2/11 1/4 23/9 29/3 DEPOSE [1] 8/26 DEPOSED [1] 16/8 DEPUTY [1] 2/13 DERAILING [1] 18/16 DEREK [1] 2/8 DETAILS [1] 10/8 DIALOGUE [1] 13/22 DIAMOND [1] 2/5 DID [4] 12/1 16/7 20/5 24/10 DIDN'T [2] 7/1 11/14 DIFFERENT [1] 5/22 DIFFICULT [2] 6/1 21/25 DIFFICULTIES [1] 1/19 DIRECT [1] 25/4 DIRECTLY [1] 2/28 DIRECTORS [2] 3/4 3/8 DIRECTORS CONSIDERED [1] 3/4 DISCOVERY [1] 13/1 DISCUSS [1] 2/6 DISCUSSED [2] 13/21 20/8 DISCUSSION [6] 1/28 4/6 4/16 4/19 9/23 23/16 DISCUSSIONS [15] 2/3 6/2 7/1 9/4 10/27 12/9 17/27 18/5 21/7 21/8 22/27 23/11 23/15 25/6 25/24 DISPUTE [1] 23/7 DISTRICT [10] 1/27 1/14 1/22 2/10 4/22 5/14 12/18 13/23 21/21 24/16 DISTRICT 40 [2] 12/18 21/21 DIVISION [1] 1/15 DO [24] 1/28 3/18 5/26 7/18 8/17 10/19 12/21 15/13 15/16 15/28 16/4 17/25 18/18 21/19 21/24 22/3 22/22 23/8 23/24 23/28 24/21 24/22 25/12 29/13 DOCUMENT [5] 3/25 7/9 12/3 13/17 26/11 DOCUMENTS [3] 13/18 21/26 28/8 DOES [1] 27/25 DOESN'T [1] 18/16 DOING [4] 21/25 21/25 22/1 23/25 DON'T [23] 5/17 6/13 6/21 8/14 8/19 8/21 9/9 9/12 10/9 11/13 11/23 13/1 15/20 15/28 16/4 16/9 17/5 17/7 17/23 22/22 23/6 23/8 23/19 DONE [2] 12/5 21/3 DOUG [1] 24/15 DOWN [2] 12/20 24/28 DOWNLOAD [1] 12/8 DR. [2] 8/23 12/27 DR. WILLIAMS [2] 8/23 12/27 DRAFT [1] 3/10 DUBOIS [2] 1/16 27/26 DUCKS [1] 13/3 DUE [1] 18/21 DUNN [6] 1/26 1/13 4/16 15/17 21/8 22/2 DUNN'S [1] 3/28 DURING [2] 7/11 20/8
C	D	
CALENDAR [7] 9/10 9/25 9/28 15/19 21/9 22/3 24/5 CALIFORNIA [6] 1/1 2/11 2/11 1/3 29/1 29/12 CALL [1] 20/22 CALLING [1] 20/25 CAME [1] 13/17 CAN [14] 4/17 4/20 5/19 8/28 9/3 9/27 10/15 14/9 15/4 15/24 17/26 18/18 19/22 26/18 CAN'T [1] 10/14 CANNOT [1] 24/18 CARRY [1] 11/21 CASE [18] 1/6 1/1 1/2 5/26 6/27 7/5 7/13 7/14 7/21 7/25 12/19 14/8 17/24 17/24 20/15 23/20 25/2 29/7 CASES [3] 1/6 11/24 29/6 CAUSE [1] 29/16 CERTAIN [6] 4/11 9/10 9/21 12/13 21/6 22/4 CERTAINLY [2] 4/2 6/22 CERTIFICATE [1] 29/9 CERTIFY [1] 29/13 CHASED [1] 12/28 CHECK [1] 22/18 CHIEF [1] 20/15 CHUNK [1] 8/13 CIRCUMSTANCE [1] 16/5 CIRCUMSTANCES [1] 15/7 CITY [1] 24/15 CLAIM [3] 17/1 17/19 19/20 CLAIMS [1] 16/16 CLARIFICATION [3] 25/15 26/2 28/10 CLASS [14] 2/8 10/20 10/21 10/27 11/3 11/4 11/9 12/11 14/5 14/13 14/20 14/28 25/5 25/9 CLEAR [1] 16/13 CLERK [1] 26/19 CLIENT [1] 2/5 CLIENTS [3] 6/24 6/24 24/21 CLIENTS' [1] 23/21 CLIFFORD [1] 1/20 CLOSE [2] 3/27 7/19 CLOSED [2] 3/9 20/16 CLOSET [1] 12/5 CLOSING [10] 8/15 17/9 17/20 17/25 18/21 18/21 19/1 19/16 19/24 19/28 CO [1] 2/9 COLORADO [1] 27/27 COME [4] 2/17 10/28 12/18 21/10 COMES [1] 9/25 COMING [2] 8/16 15/5 COMMENT [1] 18/2 COMMENTS [2] 2/24 13/11 COMMITTED [1] 6/25 COMMUNICATE [1] 25/5 COMMUNICATIONS [1] 14/22 COMMUNITY [2] 1/19 24/16 COMPANY [1] 2/6 COMPLETE [5] 5/19 17/26 18/5 25/18 25/23 COMPLETING [1] 18/27 COMPONENT [1] 14/2 COMPONENTS [1] 16/22 COMPRISE [1] 29/14	D-40 [1] 13/28 DATE [13] 2/11 4/5 9/10 9/21 15/18 16/2 18/21 19/3 22/4 24/1 24/2 24/11 28/12 DATED [1] 29/17 DATES [3] 17/27 18/4 18/19 DAVID [1] 27/8 DAVIS [2] 2/7 28/7 DAY [5] 19/6 19/15 21/6 21/28 25/22 DAYS [4] 8/12 19/12 23/5 23/6 DEADLINE [1] 9/11 DEADLINES [1] 7/27 DEAL [2] 15/24 23/21 DEALING [2] 22/23 24/3 DEALS [1] 23/2 DEALT [1] 14/5 DECIDES [1] 15/22 DECISION [3] 8/16 8/20 12/12 DECISIONS [2] 10/13 10/14 DEEM [2] 17/8 17/18	
	E	
	EARLIER [2] 15/3 15/18 EARLY [1] 1/12 EARTH [1] 19/15 EAST [1] 3/7 EDWIN [1] 2/18 EFFECT [5] 8/6 9/19 10/1 18/16 28/12 EFFORT [5] 1/26 2/28 3/26 7/5 9/13 EFFORTS [5] 4/1 5/24 7/6 7/24 18/26	

E	FAVOR [1] 9/21 FEBRUARY [3] 1/12 1/3 29/16 FEDERAL [14] 3/10 3/11 8/4 8/9 9/9 13/22 16/13 16/15 16/28 17/8 17/18 18/13 19/20 22/23 FEEL [1] 2/27 FEET [2] 7/27 9/11 FELLOWS [1] 6/14 FELT [1] 8/5 FEW [2] 12/2 15/9 FIFE [12] 1/23 2/24 3/16 4/15 4/23 6/7 6/10 6/16 9/15 16/27 20/6 26/28 FIFE'S [2] 9/20 15/13 FIGHT [1] 24/7 FILED [2] 2/10 24/4 FILING [1] 16/23 FINAL [3] 3/28 14/25 22/28 FINALIZING [1] 4/1 FINE [3] 21/21 26/27 28/2 FINISH [5] 2/15 8/9 8/22 22/26 22/27 FINISHED [1] 25/13 FINISHING [1] 16/3 FIRE [2] 7/27 9/12 FIRM [1] 7/27 FIRST [7] 7/13 9/20 17/27 18/28 19/2 19/4 25/1 FIVE [15] 2/18 2/21 2/22 4/17 4/21 5/4 8/4 9/2 9/22 19/19 22/1 23/1 23/2 24/1 27/3 FLOOR [3] 24/28 25/1 25/3 FLOW [9] 2/22 4/27 5/18 9/1 16/3 16/7 20/4 20/8 22/23 FLOWS [6] 3/17 4/22 13/8 16/18 23/3 24/20 FOCUSES [1] 20/7 FOCUSING [2] 18/26 21/9 FOERSTER [1] 2/14 FOLD [1] 25/6 FOLKS [1] 13/2 FOLLOWING [2] 1/14 14/26 FOOLS' [1] 19/6 FORCE [1] 2/17 FOREGOING [1] 29/14 FORM [1] 8/1 FORMALLY [1] 2/16 FORTH [1] 21/27 FORWARD [5] 3/17 7/23 7/28 10/7 15/11 FOUNDATION [1] 26/12 FOUR [4] 8/12 18/20 23/5 23/5 FRANKLY [1] 23/6 FREEZE [1] 13/5 FRIDAY [1] 22/15 FRUITFUL [1] 18/17 FULL [3] 7/6 24/6 29/14 FULLY [2] 10/18 23/13 FURTHER [2] 16/17 17/12	GOT [7] 2/25 3/5 8/19 10/22 12/8 19/21 26/20 GOVERNING [1] 2/5 GOVERNMENT [5] 3/11 3/11 9/9 13/23 19/2 GOVERNMENT'S [1] 16/16 GRAND [1] 24/28 GRANT [1] 9/8 GREAT [2] 19/13 23/20 GRESHAM [1] 2/7 GROUND [2] 6/16 10/23 GROUNDWATER [4] 1/6 1/22 1/2 29/6 GROUP [7] 2/8 2/1 2/12 4/25 8/3 12/4 24/19 GROUPS [1] 5/15 GUESS [1] 12/24 GUESSING [1] 6/20
	H	
	HAD [13] 3/8 8/6 8/23 11/15 13/12 13/21 14/16 14/22 16/6 18/23 20/12 23/13 25/15 HALF [1] 13/18 HALT [1] 12/16 HAND [1] 12/17 HANDS [1] 6/21 HAPPEN [2] 18/3 23/18 HAPPENS [1] 9/28 HAPPY [1] 6/28 HARD [1] 12/19 HAS [15] 2/24 3/13 3/25 4/23 6/7 7/25 8/6 8/24 10/19 10/27 11/3 14/12 14/17 14/19 23/18 HASH [1] 3/16 HAVE [61] HAVEN'T [1] 7/12 HAVING [5] 7/27 12/17 15/9 15/14 15/21 HE [11] 2/24 6/21 14/14 14/15 14/16 14/16 14/18 14/18 20/20 20/24 20/26 HE'S [4] 2/25 6/8 6/20 26/11 HEAD [1] 11/19 HEAR [3] 3/1 6/6 6/7 HEARING [3] 17/17 24/1 24/17 HELD [1] 9/11 HELPFUL [1] 13/24 HERE [20] 2/25 4/17 4/18 4/20 8/6 8/17 8/19 8/23 11/1 11/6 14/26 15/14 15/16 20/20 21/25 22/24 23/12 23/13 25/16 27/4 HERE'S [1] 22/21 HEREBY [1] 29/13 HERREMA [1] 1/23 HIATUS [1] 15/22 HILLS [1] 1/19 HIM [8] 8/25 8/26 14/23 20/20 20/20 20/22 20/25 25/14 HIS [3] 14/19 14/20 20/28 HISTORY [1] 7/24 HOFFMAN [1] 2/8 HOLD [1] 3/17 HOLDERS [1] 10/25 HOLDING [2] 26/13 26/25 HON [3] 1/3 1/4 29/3 HONOR [33] HOPE [1] 2/14 HOPEFUL [1] 24/21 HOPEFULLY [1] 22/28 HOTEL [1] 24/8 HOUSEKEEPING [1] 27/2 HOW [6] 6/21 8/9 14/5 15/14 19/11 21/19 HOWEVER [1] 12/2 HYATT [1] 1/22	
F	I	
FACT [2] 5/19 8/21 FACTS [1] 23/7 FACTUAL [2] 15/7 18/24 FAILURE [1] 23/15 FAIR [1] 12/7 FAIRLY [1] 8/11 FAITH [2] 5/25 23/23 FALLING [1] 14/1 FAMILIAR [2] 10/10 11/25 FAR [3] 10/1 17/26 18/4 FARBER [1] 1/22 FARMING [1] 2/5 FARMS [1] 2/5	I'D [4] 3/1 18/2 24/22 26/8 I'LL [5] 1/25 2/26 23/17 24/6 25/12	

I	KUHS [5] 2/3 2/3 16/19 17/2 26/3	20/2 21/5 23/26 26/15
I'M [27] 3/6 5/23 6/20 7/4 7/15 12/16 13/23 15/13 15/14 15/19 15/26 15/27 16/1 16/12 16/12 16/16 16/18 16/20 17/11 18/12 18/28 21/13 22/21 23/10 24/5 24/21 25/4	L	MAY [9] 10/18 10/28 19/17 19/25 20/1 20/2 24/27 25/12 27/22
I'VE [5] 5/26 5/27 7/20 19/21 28/8	L.A [2] 1/26 1/22	MC [6] 1/17 1/24 11/27 19/8 25/8 28/8
IDENTIFICATION [1] 3/4	LACHLAN [4] 1/17 11/27 19/8 25/8	MC LACHLAN [1] 25/8
IDENTIFIED [1] 26/24	LANCASTER [1] 24/16	ME [12] 5/8 6/21 9/18 9/20 11/6 11/9 14/14 17/27 19/3 20/12 21/4 22/27
INCLINED [1] 22/21	LAND [5] 2/6 16/25 26/8 26/13 26/25	MEANS [1] 10/24
INCLUDE [5] 17/10 17/20 18/8 22/15 27/25	LANDOWNER [3] 5/15 12/11 14/7	MECHANISM [1] 5/8
INCLUDING [1] 5/20	LAPIS [1] 2/6	MEDIATION [1] 25/19
INCONVENIENCE [1] 22/25	LAST [23] 1/27 2/2 2/10 2/12 3/14 4/16 4/25 6/19 6/23 7/11 7/13 7/14 9/13 9/20 12/1 12/3 12/8 13/12 13/17 13/22 20/8 21/8 21/15	MEETING [1] 1/27
INDICATED [3] 18/7 20/12 20/19	LATE [1] 12/8	MEETINGS [1] 13/12
INDICATING [4] 3/27 5/21 19/18 23/4	LAW [1] 1/17	MENTION [1] 18/6
INDICATION [1] 8/24	LAWSUIT [1] 14/21	MENTIONED [1] 14/4
INITIAL [1] 22/27	LAWYERS [2] 12/2 12/4	MENTIONING [1] 13/14
INTEND [1] 23/28	LE [1] 2/4	MERELY [1] 11/10
INTEREST [1] 23/13	LEAD [1] 22/28	MET [2] 1/15 3/8
INTERESTED [1] 17/28	LEAST [6] 4/6 4/24 12/8 14/7 15/19 16/14	MICHAEL [6] 1/17 1/23 2/7 6/16 25/8 28/7
INTERRUPT [1] 5/18	LEAVE [1] 24/5	MICROPHONE [1] 6/14
INTERRUPTION [1] 1/18	LEE [3] 1/15 3/21 27/22	MIGHT [5] 5/13 11/11 11/19 18/17 19/1
INV [1] 2/8	LEGAL [1] 18/23	MILIBAND [1] 1/19
INVOKED [1] 10/16	LEGITIMATE [1] 3/18	MODEL [3] 8/26 8/27 12/27
INVOLVE [1] 2/22	LEININGER [11] 1/15 3/2 3/20 3/22 9/22 17/12 26/10 26/14 26/17 27/21 27/23	MOMENT [1] 22/8
INVOLVED [8] 2/28 7/20 11/20 12/3 14/15 14/16 14/16 15/24	LENGTHY [1] 8/11	MONDAY [1] 22/16
INVOLVES [1] 4/22	LET [5] 1/25 2/26 9/18 9/20 21/4	MONEY [4] 23/21 23/21 23/22 23/22
IS [77]	LET'S [3] 8/18 18/18 21/28	MONTHS [1] 12/4
ISN'T [1] 16/17	LETTER [1] 14/14	MORE [3] 4/26 6/11 23/19
ISSUE [15] 4/21 5/22 5/23 10/18 11/15 12/11 12/15 15/5 16/6 16/7 16/10 16/21 18/14 20/9 22/23	LEVIN [1] 2/12	MORNING [12] 1/10 1/11 2/3 2/13 2/25 3/21 6/15 8/9 9/1 9/7 9/17 22/24
ISSUED [1] 28/11	LIGHTNING [1] 6/8	MORRISON [1] 2/14
ISSUES [12] 4/27 5/3 5/10 10/3 10/4 11/2 12/10 12/26 13/7 15/9 18/23 20/17	LIKE [13] 2/2 3/1 3/17 3/23 6/8 8/12 8/27 9/13 15/23 21/19 24/5 26/8 28/10	MOST [2] 7/27 23/7
IT [50]	LIMINE [2] 8/24 20/9	MOSTLY [1] 4/22
IT'S [14] 3/23 3/25 9/12 9/27 11/4 12/7 12/18 12/25 13/4 13/28 16/14 18/13 21/24 25/16	LITIGATING [1] 11/1	MOTION [5] 18/7 20/9 20/14 24/2 24/10
ITEMS [1] 3/14	LITTLE [3] 6/11 12/19 18/25	MOTIONS [2] 8/23 24/4
ITSELF [1] 2/21	LLC [1] 1/21	MOTIVATE [1] 8/5
J	LLP [1] 1/19	MOVED [1] 27/13
JACK [3] 1/3 1/4 29/3	LONG [6] 7/17 9/26 12/25 13/19 23/6 25/17	MOVING [3] 7/23 7/28 24/28
JAMES [1] 1/16	LOOK [1] 26/10	MR [3] 2/18 9/18 27/21
JCCP4408 [3] 1/6 1/1 29/7	LOOKING [2] 1/16 22/2	MR. [42]
JEFFREY [2] 1/26 1/13	LOOKS [1] 15/23	MR. BRUNICK [1] 1/16
JOIN [1] 6/14	LOS [4] 1/2 1/3 29/2 29/13	MR. BUNN [2] 9/16 14/5
JOSE [2] 21/20 23/9	LOT [9] 5/10 5/24 7/12 7/14 7/18 14/1 18/23 22/22 23/21	MR. DUBOIS [1] 27/26
JUDGE [3] 1/3 6/2 29/3	LUCK [1] 28/15	MR. DUNN [4] 4/16 15/17 21/8 22/2
JUDGMENT [14] 3/10 3/14 3/24 5/6 10/2 10/17 11/2 11/6 11/18 11/21 14/25 14/26 14/28 23/27	LUNCH [1] 7/11	MR. DUNN'S [1] 3/28
JUDICIAL [3] 16/25 20/14 26/9	M	MR. FIFE [10] 2/24 3/16 4/15 4/23 6/7 6/10 9/15 16/27 20/6 26/28
JURISDICTION [1] 10/15	MADE [3] 5/25 6/18 23/12	MR. FIFE'S [2] 9/20 15/13
JURY [1] 24/4	MAJOR [1] 6/3	MR. KALFAYAN [2] 25/11 25/14
JUST [19] 3/3 3/23 3/23 5/4 6/20 9/9 9/28 10/24 11/14 11/19 11/23 13/11 13/15 14/4 14/11 18/15 25/13 25/19 28/10	MAJORITY [1] 2/21	MR. KUHS [3] 16/19 17/2 26/3
JUSTICE [4] 1/14 2/11 7/3 7/4	MAKE [11] 2/12 2/25 5/11 8/20 10/13 12/14 18/2 19/9 20/17 23/17 23/24	MR. LEININGER [7] 3/2 3/20 9/22 17/12 26/10 26/14 26/17
K	MAKES [1] 4/26	MR. MC [1] 28/8
KALFAYAN [2] 25/11 25/14	MAKING [1] 18/7	MR. MC LACHLAN [2] 11/27 19/8
KEEP [1] 7/23	MANAGEMENT [1] 10/13	MR. ROBERT [1] 27/7
KENNEDY [1] 1/24	MANNER [1] 14/21	MR. WAGNER [1] 20/19
KERN [1] 3/7	MANY [4] 5/25 7/19 7/25 12/3	MR. ZIMMER [3] 13/10 18/1 20/19
KEY [2] 12/6 12/10	MAP [2] 26/12 26/24	MR. ZIMMER'S [1] 21/9
KIND [1] 15/21	MARCH [14] 15/20 21/11 21/12 21/15 22/3 22/15 22/17 23/3 23/8 24/17 24/23 27/2 28/19 29/17	MUCH [3] 13/9 19/11 28/14
KNOW [14] 2/24 3/16 4/15 4/22 5/25 6/1 6/6 6/21 7/16 8/23 10/10 15/23 21/13 23/23	MARCH 10TH [5] 22/15 22/17 23/8 24/23 27/2	MULTIPLE [1] 5/16
KNOWING [1] 14/9	MARCH 12TH [1] 24/17	MUST [1] 11/7
KOMAR [3] 1/3 1/4 29/3	MARCH 17TH [1] 22/3	MUTUALS [1] 2/7
KRIEGER [1] 1/26	MARILYN [1] 2/12	MY [24] 1/15 1/25 2/3 2/5 2/20 5/27 6/22 6/24 6/24 8/3 11/19 11/25 12/15 13/4 13/27 15/19 16/14 19/21 20/7 20/10 22/2 22/18 24/21 24/28
	MARK [1] 26/19	MYSELF [1] 25/12
	MARKED [1] 26/21	N
	MARRIOTT [1] 24/8	NAME [1] 1/2
	MASTER [5] 10/11 10/11 10/12 11/9 11/18	NAMES [1] 27/6
	MATTER [10] 1/24 3/15 4/5 4/9 4/13 9/28	NATURAL [1] 1/14
		NECESSARILY [2] 14/20 14/20
		NEED [17] 4/10 4/11 6/6 7/23 8/8 12/20

N	OVER [5] 6/13 7/26 9/3 11/8 12/3 OVERDRAFTED [1] 15/8 OWED [1] 3/11 OWN [2] 20/17 20/25 OWNERSHIP [2] 16/25 26/8 OYARZO [1] 2/18	PRIMARILY [2] 12/10 18/22 PRIVATELY [1] 12/5 PROBABLY [2] 6/20 12/12 PROCEDURAL [1] 16/6 PROCEED [1] 15/15 PROCEEDING [1] 27/28 PROCEEDINGS [4] 1/10 22/10 28/18 29/15 PROCESS [11] 2/7 2/7 2/15 5/9 7/8 10/6 10/12 10/13 15/4 18/17 18/27 PRODUCERS [1] 5/15 PRODUCTIVE [2] 13/13 21/23 PRODUCTS [1] 2/9 PROGRESS [1] 4/9 PROOF [1] 20/12 PROPERTIES [1] 1/21 PROPOSE [1] 22/14 PROPOSED [1] 3/24 PROSPECTS [1] 18/12 PUBLIC [3] 10/20 20/11 24/18 PUBLICLY [1] 3/9 PUMP [1] 10/22 PUMPER [1] 25/9 PURSUANT [1] 23/25 PUSHED [2] 8/2 15/11 PUSHES [1] 7/26 PUSHING [1] 8/4 PUT [10] 2/7 4/1 8/19 8/25 13/5 19/21 19/22 20/18 20/20 23/26
NEED... [11] 12/27 13/20 15/10 15/12 15/16 16/9 17/21 18/3 18/8 22/3 22/18 NEEDS [3] 7/7 10/6 14/28 NEW [1] 15/18 NEXT [2] 6/5 9/4 NIGHT [15] 1/27 2/2 2/12 3/15 4/16 4/25 6/19 6/23 7/13 7/14 12/1 12/9 13/12 13/22 21/8 NO [10] 1/6 1/27 2/27 9/28 14/22 17/12 17/14 25/20 25/20 29/7 NOBODY [1] 9/26 NONJURY [1] 6/3 NONPUMPING [3] 11/4 11/9 14/5 NONSUIT [2] 18/8 24/11 NOT [43] NOTICE [5] 16/24 16/25 20/13 20/14 26/9 NOTIFIED [1] 23/17 NOW [12] 2/3 3/25 4/26 5/9 5/25 9/24 9/24 11/1 20/4 23/10 24/7 25/16 NUMBER [10] 3/4 1/1 1/14 1/22 2/10 3/26 4/11 5/3 12/5 15/18 NUMBER 1 [1] 15/18 NUMBER 40 [3] 1/14 1/22 2/10 NUMBERS [1] 27/18 NUMEROUS [1] 14/17	P PAGE [2] 1/7 3/25 PAGES [1] 29/14 PARKER [1] 2/3 PART [3] 9/1 10/21 20/7 PARTE [1] 2/9 PARTIAL [1] 5/18 PARTICIPATE [8] 5/28 7/6 7/8 7/23 14/28 23/14 23/16 27/24 PARTICIPATING [1] 6/2 PARTICIPATION [1] 27/25 PARTICULAR [1] 11/16 PARTICULARLY [1] 6/3 PARTIES [20] 2/14 2/15 2/23 3/12 3/26 4/6 4/24 5/20 5/20 7/12 7/14 13/21 13/26 14/7 16/15 17/17 23/10 23/13 25/12 25/23 PARTS [3] 7/10 7/11 14/2 PARTY [3] 14/18 20/27 20/27 PAST [1] 13/13 PATTERN [1] 10/10 PAUSE [1] 22/10 PEOPLE [6] 6/7 10/14 11/1 12/20 12/26 25/1 PERCENTAGE [1] 9/1 PERCENTAGES [1] 20/8 PERHAPS [2] 4/7 18/28 PERIOD [2] 2/17 13/6 PERMISSION [1] 24/22 PERSON [1] 2/1 PERSPECTIVE [1] 1/25 PETERSON [1] 27/8 PHASE [21] 2/18 2/21 2/21 4/17 4/21 5/5 8/4 9/1 9/22 15/26 16/12 16/14 19/19 20/14 22/1 23/1 23/2 24/1 25/18 26/6 27/2 PHASES [4] 6/3 8/1 8/3 16/23 PHELAN [1] 1/19 PHYSICAL [8] 3/24 5/8 10/5 10/7 14/6 15/4 15/5 17/10 PICK [1] 19/2 PIECE [1] 27/1 PINON [1] 1/19 PLACE [2] 2/8 14/1 PLAINTIFF [2] 1/14 1/17 PLAYERS [1] 12/6 PLEASURE [1] 12/1 PLUS [1] 3/25 POINT [4] 1/13 9/20 24/16 25/15 POINTED [2] 9/23 18/23 POINTS [2] 5/3 5/22 POSITION [4] 7/19 12/15 15/14 16/28 POSITIONS [1] 7/18 POSSIBLE [3] 5/28 10/3 11/15 POTENTIAL [2] 1/24 5/5 POWERS [1] 11/8 PRAYING [1] 15/27 PRECLUDE [1] 15/21 PREMATURE [1] 25/13 PREPARED [3] 3/10 8/18 18/15 PRESCRIPTION [1] 15/27 PRESCRIPTIVE [1] 16/12 PRESENT [11] 2/17 10/16 10/27 11/4 12/1 12/21 17/13 20/5 26/5 26/8 27/9 PRESENTATION [1] 24/19 PRESSED [2] 16/1 16/5 PRESSURE [1] 8/14 PRESUMABLY [1] 14/27	Q QUASIJUDICIAL [1] 16/24 QUESTION [2] 9/19 11/26 QUESTIONS [2] 5/1 12/23 QUIT [1] 7/1 QUITE [1] 6/21
O O'CLOCK [1] 23/8 OBJECTION [1] 17/18 OBSERVATION [1] 2/20 OBVIOUS [1] 10/26 OBVIOUSLY [3] 5/6 11/4 12/20 OCCASIONS [1] 14/17 OCCUR [2] 14/2 14/3 OFF [7] 3/18 9/10 9/28 11/19 17/26 18/4 26/4 OFFER [5] 5/27 11/19 16/22 17/11 26/14 OFFERED [2] 1/24 5/28 OFFICE [5] 1/17 2/12 1/15 2/3 24/28 OFFICIAL [3] 2/27 29/11 29/23 OH [1] 3/6 OKAY [19] 3/20 16/27 17/16 19/14 19/19 19/23 19/28 21/4 21/13 21/17 21/28 22/20 23/5 26/3 26/11 26/17 26/27 27/10 28/14 ONE [19] 2/1 4/25 5/1 5/2 6/20 8/8 10/3 10/18 11/16 12/2 12/12 13/4 14/4 14/11 16/22 20/16 22/8 25/15 26/11 ONLY [10] 5/14 6/26 7/9 7/10 7/15 16/6 16/20 18/2 18/6 26/15 ONWARD [1] 9/5 OPENED [1] 13/2 OPENING [1] 13/6 OPINIONS [1] 6/22 OPPOSITION [5] 16/15 17/20 19/12 20/1 20/27 ORDER [10] 12/13 14/2 16/9 23/10 23/18 23/26 25/16 25/18 27/4 27/24 ORDERED [1] 27/10 ORGANICS [1] 2/5 OTHER [14] 5/7 5/15 5/17 6/6 9/13 10/25 11/24 12/13 12/17 16/6 18/2 18/6 25/11 25/22 OTHERS [1] 1/25 OTHERWISE [1] 18/17 OUR [10] 4/1 4/9 6/26 7/27 18/5 18/26 20/17 20/25 21/7 21/8 OURS [1] 21/1 OUT [9] 3/16 9/23 10/25 11/21 13/17 15/10 18/23 25/14 28/7 OUTLIER [1] 6/20 OUTSTANDING [1] 28/11	R RAILROAD [1] 12/17 RANCH [1] 2/3 RATHER [1] 21/14 RE [2] 1/4 29/5 REACH [1] 25/14 REACHED [1] 6/19 READY [1] 18/13 REALLY [1] 3/1 REASONS [1] 10/26 RECALL [1] 10/20 RECEIPT [1] 28/9 RECEIVED [1] 27/19 RECENTLY [2] 7/9 14/15 RECESS [1] 1/14 RECESSED [1] 1/12 RECOGNITION [2] 7/24 7/25 RECORD [4] 9/2 23/12 26/5 27/6 RECORDS [1] 16/26 REDDIX [3] 2/27 1/5 29/11 REFERENCE [1] 17/10 REGARD [3] 4/8 16/17 16/28 REGARDING [3] 12/27 19/19 24/4 REGION [1] 2/18 RELATED [1] 13/7 RELATING [1] 26/7 RELATIVE [1] 11/5 RELAXED [1] 6/11 RELITIGATE [1] 13/7 RELUCTANCE [1] 23/15 REMAIN [3] 5/22 12/9 28/12 REMAINS [1] 16/21 REMRY [1] 2/5 REORGANIZE [1] 13/3 REPLY [4] 17/21 19/17 20/1 20/17 REPORT [3] 2/18 4/7 15/21 REPORTED [1] 2/27	

R	SET [8] 10/12 10/12 10/13 16/11 17/21 17/25 18/4 24/11 SETTLE [3] 7/5 15/12 17/24 SETTLED [1] 10/21 SETTLEMENT [38] SETTLING [2] 2/23 25/11 SEVERAL [3] 11/24 16/15 24/3 SHAPING [1] 10/7 SHARE [1] 14/10 SHARED [1] 15/17 SHE'LL [1] 26/19 SHEEP [1] 2/9 SHEFFIELD [1] 2/5 SHIPPED [1] 21/26 SHORT [2] 2/17 13/6 SHOULD [4] 7/6 8/7 8/17 9/24 SHOWN [1] 7/10 SIDE [3] 8/10 12/11 14/7 SIDES [1] 8/10 SIMILARLY [1] 2/7 SINCE [4] 6/7 11/7 12/19 16/8 SIX [6] 4/6 5/5 5/5 9/24 13/3 15/26 SLOAN [1] 2/14 SMALL [2] 12/4 25/9 SO [45] SOLELY [1] 23/2 SOLUTION [8] 3/19 3/25 5/9 10/5 10/7 14/6 15/4 15/6 SOME [22] 1/13 2/6 2/24 9/23 12/10 12/12 12/18 12/19 12/23 12/26 13/18 13/20 14/8 14/21 15/1 15/21 18/19 22/24 22/26 23/20 25/6 27/28 SOMETHING [6] 4/2 5/23 8/12 10/28 12/11 24/20 SOMETIME [1] 24/3 SOMEWHAT [1] 15/13 SOMEWHERE [1] 12/15 SORRY [5] 3/6 7/4 16/18 19/7 27/12 SORT [3] 12/4 12/12 21/9 SOTTO [1] 22/6 SOUTH [1] 24/28 SPANNING [1] 25/19 SPECIFICALLY [1] 8/5 SPEND [2] 22/22 22/26 SPENT [1] 23/21 SPOKE [1] 22/6 SPOKEN [2] 14/12 28/8 SPRING [2] 16/2 16/2 ST [1] 2/10 STAKE [1] 4/23 STAND [1] 16/13 STANDING [1] 6/8 STARTED [1] 9/2 STATE [6] 1/1 2/11 2/11 27/6 29/1 29/12 STATE'S [1] 23/22 STATES [5] 1/14 2/26 3/22 4/11 15/10 STATUS [1] 4/8 STEP [2] 6/6 6/13 STILL [6] 4/5 8/14 9/23 12/9 13/20 15/12 STIPULATED [5] 3/10 3/14 3/24 10/2 14/27 STIPULATION [1] 14/24 SUBJECT [4] 11/5 11/10 17/9 17/19 SUBMIT [1] 26/18 SUBMITTED [5] 17/9 17/19 19/20 19/25 20/2 SUBPOENA [3] 16/7 16/10 28/7 SUBPOENAED [2] 20/19 27/3 SUBPOENAS [1] 28/11 SUBSEQUENT [1] 12/9 SUCCESS [1] 27/28 SUIT [1] 11/7 SUPERIOR [3] 1/1 29/1 29/12	SUPERVISORS [1] 2/6 SUPERVISORY [1] 11/8 SUPPLEMENTAL [1] 26/6 SUPPLIER [2] 10/21 24/19 SUPPLIERS [1] 20/11 SUPPORT [3] 1/26 3/9 4/2 SURE [6] 5/11 7/15 12/16 15/14 16/16 23/24 SURPRISE [1] 25/7 SURVIVE [1] 14/9 SYMPATHETIC [1] 15/13
S	T	
SAID [6] 7/25 12/23 14/15 14/17 15/9 20/10 SAME [5] 8/17 10/16 17/3 18/9 24/11 SAN [2] 21/20 23/9 SAN JOSE [2] 21/20 23/9 SANDS [1] 2/8 SATISFY [1] 20/13 SAVAGE [1] 2/7 SAY [1] 6/7 SAYING [2] 6/25 7/7 SCHEDULE [3] 8/11 17/25 18/9 SCHEDULED [4] 8/3 15/19 16/2 24/2 SCHRECK [1] 1/22 SECURITY [1] 25/1 SEE [5] 1/7 5/10 8/22 11/13 15/4 SEEING [1] 7/13 SEEMS [4] 4/25 5/8 11/6 11/9 SEEN [3] 7/9 7/12 7/15 SENSE [1] 4/26 SENT [1] 14/14 SERVED [2] 22/26 28/11 SERVICE [2] 1/19 2/9 SERVICES [1] 24/16 SESSION [2] 1/6 3/9	TABLE [1] 12/18 TAKE [9] 4/17 9/9 15/22 16/25 18/25 23/6 25/2 25/12 26/10 TAKEN [2] 3/26 29/15 TAKES [2] 2/6 7/28 TALK [4] 1/13 8/9 18/18 21/28 TALKED [1] 3/15 TALKING [3] 6/20 7/10 10/4 TECHNICAL [1] 1/18 TEJON [11] 2/3 3/5 16/22 26/16 26/19 26/21 26/21 26/23 26/24 27/13 27/18 TEJON'S [5] 16/25 26/7 26/13 26/16 26/25 TELEPHONICALLY [2] 27/26 27/28 TELL [1] 25/1 TEN [2] 7/20 9/13 TERMS [10] 2/20 4/26 5/13 5/14 12/13 13/15 13/20 14/5 14/6 21/4 TERRIFIC [1] 5/24 TESTIFY [1] 27/4 TESTIMONY [1] 20/14 THAN [2] 5/7 6/11 THANK [14] 9/15 13/9 19/10 19/27 20/3 24/25 25/28 26/1 26/27 27/11 27/16 28/3 28/14 28/16 THANKS [1] 3/12 THAT [202] THAT'S [17] 4/19 5/9 5/22 6/1 8/2 11/12 12/19 13/4 14/11 17/15 18/3 18/22 19/16 22/15 26/16 26/27 28/2 THEIR [10] 7/6 8/15 11/10 13/3 14/10 20/13 20/13 20/13 20/15 27/6 THELEN [1] 2/4 THEM [7] 10/9 10/24 12/20 16/9 25/6 25/7 27/4 THEN [11] 2/10 9/3 13/6 16/26 17/11 17/17 19/11 20/18 21/3 26/6 27/12 THERE [32] 1/16 1/21 1/25 2/2 2/9 4/25 5/3 5/19 5/24 6/3 6/8 6/14 6/18 6/19 7/14 8/14 8/16 10/6 11/6 11/7 12/9 13/20 13/27 14/1 15/9 16/17 18/22 20/18 23/9 25/1 26/12 THERE'S [9] 9/23 10/14 14/27 18/23 22/24 23/15 24/1 24/20 26/11 THESE [3] 2/22 4/24 8/2 THEY [14] 2/27 3/9 7/16 8/25 10/22 14/8 14/9 16/8 18/12 20/12 20/12 25/2 27/9 27/15 THEY'RE [1] 7/10 THEY'VE [1] 2/27 THING [2] 8/17 18/6 THINGS [4] 8/8 8/27 10/16 25/13 THINK [32] 3/11 3/14 3/18 8/3 8/7 8/10 8/17 8/21 11/17 12/7 12/10 13/12 13/21 13/24 14/2 14/16 14/17 15/2 15/12 15/20 17/25 18/3 21/7 21/8 21/9 21/17 21/24 22/25 23/6 23/7 24/1 24/2 THINKING [2] 16/12 18/28 THIS [60] THOMAS [2] 9/17 27/8 THOSE [9] 2/3 10/14 10/27 14/4 18/4 20/17 23/14 24/5 28/9 THOUGH [1] 7/22 THOUGHTS [1] 23/20	

T	VOCE [1] 22/6	WISH [1] 17/11
THREE [5] 13/3 16/23 20/14 26/6 27/3	W	WITHDRAWN [1] 2/10
THROUGH [10] 3/5 6/27 20/13 22/16 22/17	WAGNER [2] 20/19 27/7	WITHOUT [1] 7/7
26/21 26/23 27/13 27/19 29/14	WANG [1] 1/27	WITNESS [7] 2/25 15/14 20/16 20/18 20/23
THROUGHOUT [1] 7/20	WANT [18] 5/11 5/17 6/7 7/1 7/22 8/25 10/9	20/25 22/19
THURSDAY [1] 22/16	11/14 13/1 16/4 17/23 18/24 21/6 22/22	WITNESSES [3] 8/19 22/25 27/3
TIE [1] 18/25	23/17 23/19 23/24 24/10	WONDERED [1] 26/5
TILL [2] 1/15 15/20	WANTED [4] 2/17 9/18 11/27 20/5	WONDERING [1] 18/12
TIME [24] 1/6 2/6 2/14 2/17 7/13 8/11 8/13	WANTS [6] 2/24 3/16 4/15 9/26 12/22 15/15	WOOD [2] 1/17 25/9
8/26 9/26 12/18 13/6 16/4 18/25 19/1 19/11	WAS [23] 2/2 2/7 2/9 2/10 2/12 2/22 4/16	WORD [1] 13/14
20/11 22/23 22/26 23/19 23/21 23/22 23/26	4/25 6/11 6/19 6/19 6/23 8/3 10/22 12/2	WORDS [1] 5/17
25/10 25/10	13/24 14/4 14/16 19/7 20/10 20/18 20/18	WORK [7] 3/26 4/18 4/20 4/27 12/14 15/10
TIMES [2] 7/19 7/26	21/17	23/27
TIMETABLE [1] 17/22	WASN'T [1] 6/22	WORKED [1] 10/25
TIMING [1] 12/24	WASTE [1] 23/19	WORKING [4] 4/27 8/13 12/4 13/19
TITLE [1] 1/7	WASTED [1] 23/20	WORKS [1] 20/28
TODAY [9] 1/28 8/19 12/24 20/6 20/20 21/5	WATER [14] 2/9 3/7 5/15 6/16 10/3 10/11	WORTHWHILE [1] 7/5
25/19 25/22 27/4	10/11 10/12 10/20 10/23 11/8 11/18 20/11	WOULD [53]
TOGETHER [3] 3/12 18/25 21/1	24/18	WOULDN'T [2] 16/4 20/24
TOLD [1] 26/13	WATERWORKS [3] 1/26 1/13 1/22	WREN [1] 27/8
TOMORROW [2] 25/21 25/22	WAY [8] 5/7 6/26 7/17 12/13 14/9 19/26	WRIT [1] 24/17
TOOK [1] 25/17	21/25 26/8	WRONG [1] 5/10
TOP [1] 11/19	WE [100]	WYNDER [1] 1/19
TOTALLY [2] 16/12 16/17	WE'D [4] 4/7 16/8 20/24 21/10	Y
TOWARD [1] 23/27	WE'LL [3] 19/9 23/9 24/27	YEAH [3] 18/18 19/9 20/25
TRANSCRIPT [2] 1/10 29/15	WE'RE [16] 4/10 4/11 4/17 4/19 7/28 8/8	YEARS [5] 5/25 6/26 7/20 7/26 9/14
TRIAL [28] 1/11 2/11 2/19 2/21 2/22 4/1 4/5	8/18 8/25 11/24 13/5 13/6 16/11 16/26 18/26	YES [14] 11/22 11/28 17/4 22/13 24/9 24/12
4/17 4/21 5/18 6/1 7/11 8/1 9/22 13/2 13/3	21/25 21/28	24/14 24/24 24/27 25/27 26/1 26/4 28/6
14/15 14/26 15/18 15/26 16/2 16/9 16/14	WE'VE [7] 7/19 8/19 8/23 10/4 13/13 23/20	28/13
20/5 24/22 25/18 27/3 28/12	26/20	YESTERDAY [4] 1/12 1/14 1/15 18/7
TRIALS [1] 24/4	WEDNESDAY [1] 25/16	YET [1] 7/12
TRIED [1] 5/26	WEEK [14] 2/11 7/11 9/4 9/5 13/17 19/1	YOU [48]
TRUE [2] 13/16 29/14	19/2 20/8 21/15 21/17 22/3 22/14 25/17	YOU'D [1] 17/27
TRUTH [1] 26/15	25/26	YOU'LL [1] 19/26
TRY [5] 5/21 12/5 13/26 18/24 25/6	WEEKS [12] 3/16 4/6 4/7 4/8 4/11 8/12 9/24	YOU'RE [7] 5/12 9/7 9/8 17/23 18/15 23/25
TRYING [3] 15/12 15/18 22/26	9/24 13/3 13/4 15/23 18/21	25/1
TUESDAY [2] 19/2 19/4	WELL [15] 2/28 4/23 5/1 5/5 5/15 9/25	YOU'VE [4] 3/5 5/27 11/25 23/23
TURN [2] 8/15 12/20	11/17 11/25 13/9 14/12 14/24 16/11 18/8	YOUR [39]
TWENTY [1] 19/12	25/21 27/5	Z
TWO [9] 2/22 3/15 4/8 4/24 9/24 15/16	WENDY [1] 1/27	ZIMMER [4] 1/21 13/10 18/1 20/19
16/22 16/23 16/24	WERE [16] 5/28 6/18 7/1 7/10 7/13 7/19	ZIMMER'S [1] 21/9
TYPES [1] 10/16	13/13 16/8 16/15 20/12 20/22 21/5 21/8	
U	25/16 27/26 28/18	
U.S [2] 1/14 2/17	WEREN'T [1] 7/14	
ULTIMATE [1] 4/13	WESLEY [1] 1/19	
ULTIMATELY [1] 11/17	WEST [1] 24/16	
UNDER [1] 15/5	WESTERN [1] 2/18	
UNDERSTAND [3] 5/11 22/24 23/25	WHAT [21] 1/28 2/14 2/14 5/12 5/13 6/7	
UNDERSTANDING [3] 13/27 16/14 20/10	7/26 9/28 10/24 12/21 14/9 15/2 15/2 15/5	
UNDERSTOOD [1] 12/25	16/28 17/25 18/3 18/17 20/5 21/28 22/21	
UNIFORMITY [1] 24/19	WHATEVER [3] 11/10 13/4 14/10	
UNIQUE [2] 1/23 24/21	WHEN [6] 6/3 7/1 7/18 18/13 20/16 21/6	
UNITED [6] 2/7 2/26 3/22 4/10 15/10 24/7	WHERE [3] 10/11 16/13 18/12	
UNITES [1] 1/14	WHETHER [4] 9/23 14/9 15/23 18/12	
UNNECESSARILY [1] 22/22	WHICH [12] 2/5 2/5 5/6 11/7 16/22 16/23	
UNTIL [3] 25/13 28/9 28/19	17/9 17/20 22/28 23/2 26/12 26/12	
UP [14] 4/13 7/1 8/9 9/12 10/12 10/12 10/13	WHO [7] 2/2 5/16 11/1 12/27 20/17 20/19	
13/2 13/7 15/5 17/21 22/26 22/27 25/3	23/13	
UPON [5] 13/28 14/9 14/10 25/11 25/12	WHO'S [1] 12/2	
US [8] 2/14 1/23 7/11 8/12 15/21 18/4 20/28	WHOLE [1] 12/17	
25/17	WHY [4] 6/13 8/2 12/16 23/7	
USE [1] 23/9	WIDESPREAD [1] 1/26	
V	WILL [25] 2/4 6/9 6/27 7/5 7/7 8/12 8/15	
VACATE [1] 2/11	8/16 8/21 10/20 11/8 18/25 20/2 20/17 20/20	
VALLEY [7] 1/6 1/22 1/2 3/7 6/16 25/2 29/6	22/25 22/28 23/1 23/24 25/2 25/13 27/9	
VARIED [1] 5/16	27/15 28/9 28/11	
VARIOUS [3] 5/22 11/21 13/7	WILLIAM [2] 1/25 2/14	
VAST [1] 2/21	WILLIAMS [2] 8/23 12/27	
VERY [5] 6/28 13/9 21/15 21/24 28/14	WILLING [1] 5/23	
VIEW [1] 6/26	WILLINGNESS [1] 5/21	
VOCAL [1] 16/27	WILLIS [10] 2/8 10/19 10/21 10/26 11/3	
	12/11 14/13 14/24 14/28 25/5	