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11 **Copa De Oro Land Company**

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

14 **Coordination Proceeding Special Title**
15 **(Rule 1550(b))**

16 **ANTELOPE VALLEY GROUNDWATER**
17 **CASES**

18 **Included Actions:**

19 **Los Angeles County Waterworks District**
20 **No. 40 v. Diamond Farming Company, et**
21 **al., Los Angeles Superior Court Case No.**
22 **BC325201**

23 **Los Angeles County Waterworks District.**
24 **No. 40 v. Diamond Farming Company, et**
25 **al., Kern County Superior Court Case No.**
26 **S-1500-CV-254348**

27 **Diamond Farming Company, and W.M.**
28 **Bolthouse Farms, Inc., v. City of Lancaster,**
et al., Riverside County Superior Court
Case No. RIC 344436 [c/w Case Nos. RIC
344668 and 353840]

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Santa Clara Case No. 01-05-CV-049053
Assigned to Hon. Jack Komar

COPA DE ORO LAND COMPANY'S
CASE MANAGEMENT STATEMENT

BY FAX

Date: October 12, 2011
Time: 10 a.m.
Room: 1515 (Los Angeles)
Judge: Hon. Jack Komar

1 **COPA DE ORO'S CASE MANAGEMENT STATEMENT**

2 Copa de Oro Land Company ("Copa de Oro") recommends that the Court address two
3 primary subjects at the October 12, 2011 case management conference: (1) a general update on
4 the status of the mediation with Justice Robie; and (2) the issues for, and timing of, the next
5 phase of trial in this coordinated action. Copa de Oro's positions on those subjects are below.

6 **1. Status of Mediation**

7 Copa de Oro has been actively involved in the mediation with Justice Robie and
8 believes that it has been, and continues to be, productive. Copa de Oro does not believe that
9 setting a date for trial for the next phase of litigation in the near future would accelerate
10 settlement discussions, given the complexity of the issues and the time required to set
11 mediation sessions that fit within Justice Robie's and the parties' schedules.

12 **2. Next Phase of Trial**

13 Copa de Oro agrees with the Antelope Valley-East Kern Water Agency ("AVEK") that
14 the next phase of trial should concern issues related to basin management or a physical
15 solution, but does not agree with AVEK's broad definition of the issues to be tried or its
16 proposed January 2012 trial date. Copa de Oro's objection to those proposals by AVEK is
17 based on the following grounds.

18 First, the Court and the parties should better define the basin management issues to be
19 addressed in the next phase of trial before initiating litigation of that phase. Stating that the
20 issue to be tried is "basin management" or "a physical solution" would likely create a
21 disorganized situation in which various parties would prepare their experts to address wildly
22 different issues, resulting in a trial in which the experts do not even agree on the relevant
23 subject matter, much less how the relevant issues should be resolved.

24 Copa de Oro accordingly recommends that the Court set a further case management
25 conference to identify exactly what basin management issues the Court would like the parties to
26 address. For example, Copa de Oro believes that it will be important, both for the resolution of
27 this case and the basin's future management, for the Court to make findings concerning the
28 hydrologic relationship among management areas within the basin. Such findings would

1 enable the parties and a basin manager to have a commonly accepted set of facts from which to
2 work in establishing and operating a physical solution. For example, such findings could
3 simplify water transfers that the parties or the Court might decide to authorize in a settlement or
4 a final judgment.

5 Second, a January 2012 trial date would not allow sufficient time for the parties to
6 review the existing trial record to determine what technical information already exists that
7 might expedite the resolution of the basin management issues that the Court wants to address or
8 to develop expert testimony to address such issues that are not adequately addressed in the
9 existing record. This is particularly true for parties like Copa de Oro that, because of the
10 extreme expense associated with actively participating in every phase of this case, did not
11 participate in the litigation of Phase III of this case.

12 **3. Conclusion**

13 Copa de Oro recommends that the Court schedule a subsequent case management
14 conference 45 to 60 days from the October 12 conference for the following purposes:

- 15 A. To receive further updates on the status of the mediation;
16 B. To receive the parties' proposals for specific issues to be addressed in the next
17 phase of the litigation; and
18 C. To issue an order listing the specific issues to be addressed in the next phase of
19 litigation and setting a trial date for it, which date should be no earlier than
20 September 2012.

21 Dated: October 6, 2011

Respectfully submitted,

22 BARTKIEWICZ, KRONICK & SHANAHAN
23 A Professional Corporation

24 By: 

25 Ryan S. Bezerra

26 Attorneys for Cross-Defendant Copa de Oro Land
27 Company
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PROOF OF SERVICE

I, Terry M. Olson, declare as follows:

I am a citizen of the United States and a resident of Sacramento County. I am over the age of 18, not a party to this action and am employed at Bartkiewicz, Kronick & Shanahan, 1011 Twenty-Second Street, Sacramento, California 95816. On October __, 2011, I served, in the manner described below, the following documents:

COPA DE ORO LAND COMPANY'S CASE MANAGEMENT STATEMENT

I posted these documents to the Court's World Wide Website located at www.scefiling.org.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Sacramento, California on October __, 2011.

Terry M. Olson