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10 **Attorneys for Cross-Defendant**
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 Co., Superior**
21 **Court of California, County of Los Angeles,**
22 **Case No. BC 325 201;**

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

27 **Wm. Bolthouse Farms, Inc. v. City of**
28 **Lancaster, Diamond Farming Co. v.**
29 **Lancaster, Diamond Farming Co. v.**
30 **Palmdale Water Dist., Superior Court of**
31 **California, County of Riverside, Case No.**
32 **RIC 353 840, RIC 344 436, RIC 344 668**

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Case No. BC 391869
Assigned to Hon. Jack Komar

(Santa Clara Case No. 01-05-CV-049053)

COPA DE ORO LAND COMPANY'S
TRIAL SETTING CONFERENCE
STATEMENT

BY FAX

Date: November 9, 2012
Time: 9 a.m.
Dept: 316, Room 1515
Judge: Hon. Jack Komar

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COPA DE ORO'S TRIAL SETTING CONFERENCE STATEMENT

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I. INTRODUCTION

If the Court decides to move forward with ordering the disclosure of the information described above and setting the next phase of trial, it should establish a streamlined procedure that would significantly limit the burden on the Court and the parties of producing, litigating and evaluating the pumping and water use information that the hundreds of parties would need to present. Such a procedure should include the following steps:

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(5) Litigate only water right claims at issue as a result of objections in the next phase of trial.

Adopting such a procedure would be consistent with the Court's authority to manage complex and coordinated cases. (See Cal. Rules of Ct., rules 3.541(b), 3.750(b)(10); *Lu v. Superior Court* (1997) 55 Cal.App.4th 1264, 1267-1271.)

II. STREAMLINED PROCEDURE FOR NEXT PHASE OF TRIAL

Pursuant to the Court's authority over this complex case (Cal. Rules of Ct., rule 3.541(b), 3.750), Copa de Oro respectfully requests that the Court establish a streamlined procedure to actively manage discovery and the next phase of litigation by setting for trial only those issues that relate to specific disputes regarding a party's water right claims. Copa de Oro proposes the following procedure:

Deadline	Action
A date certain	Each party must submit to the Court evidence to support its claimed water right, including evidence of the following: current pumping or other water use (up to 2012); average annual pumping or other water use (beginning no later than 2000); type of water use; sources of used water; claims of prescription, claims to return flows and other water right claims; and location of the property/properties where pumping or water use occurs or has occurred.
45 days after Court-ordered deadline for submitting pumping-related information	Each party may submit to the Court objections regarding another party's claimed water rights and pumping-related information
120 days after close of objection period	Discovery relating only to disputed water right claims and disputed pumping-related information
6 months after close of discovery period	Begin next phase of trial to litigate disputed water rights claims and issues relating to those disputes.

Under this approach, if a party's water right claim were not disputed, then the Court could find that amount of the water use on which the party bases its claim to be undisputed and

1 therefore factually determined. If necessary, the parties then could make any further legal
2 arguments to determine the legal status of a party's water right claim. Such a process could
3 simplify trial in this matter significantly and potentially eliminate the need for dozens – or even
4 hundreds – of trial days that otherwise could be consumed by parties presenting live testimony
5 to provide factual support for their water right claims.

6 Dated: November 8, 2012

Respectfully submitted,

7 BARTKIEWICZ, KRONICK & SHANAHAN
8 A Professional Corporation

9 By: 
10 Katrina C. Gonzales

11 Attorneys for Copa de Oro Land Company
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PROOF OF SERVICE

I, Alissa Mackrill, declare as follows:

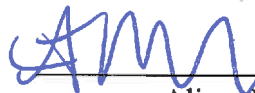
I am a citizen of the United States and a resident of Sacramento County. I am over the age of 18, not a party to this action and am employed at Bartkiewicz, Kronick & Shanahan, 1011 Twenty-Second Street, Sacramento, California 95816. On November 8, 2012, I served, in the manner described below, the following document:

COPA DE ORO LAND COMPANY'S TRIAL SETTING CONFERENCE STATEMENT

I posted this document 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 November 8, 2012.



Alissa Mackrill