

1 RYAN S. BEZERRA, State Bar No. 178048
2 JOSHUA M. HOROWITZ, State Bar No. 186866
3 KATRINA C. GONZALES, State Bar No. 258412
4 BARTKIEWICZ, KRONICK & SHANAHAN
5 A PROFESSIONAL CORPORATION
6 1011 TWENTY-SECOND STREET
7 SACRAMENTO, CALIFORNIA 95816-4907
8 TELEPHONE: (916) 446-4254
9 TELECOPIER: (916) 446-4018
10 E-MAIL: rsb@bkslawfirm.com

11 Attorneys for Cross-Defendant
12 Copa De Oro Land Company

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

15 Coordination Proceeding Special Title
16 (Rule 1550(b))

17 ANTELOPE VALLEY GROUNDWATER
18 CASES

19 Included Actions:

20 Los Angeles County Waterworks District
21 No. 40 v. Diamond Farming Co., Superior
22 Court of California, County of Los Angeles,
23 Case No. BC 325 201;

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

28 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v.
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case No.
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)

NOTICE OF *EX PARTE* APPLICATION
AND *EX PARTE* APPLICATION OF
COPA DE ORO LAND COMPANY FOR
APPROVAL OF STIPULATION
REGARDING FACTS PERTAINING TO
COPA DE ORO LAND COMPANY FOR
TRIAL; DECLARATION OF RYAN S.
BEZERRA

BY FAX

Date: March 25, 2013
Time: 9 a.m.
Dept: 1 (Central District)
Judge: Hon. Jack Komar

8792/P031313rsb Stip App

COPA DE ORO'S *EX PARTE* APPLICATION FOR APPROVAL OF OWNERSHIP STIPULATION

1 **NOTICE OF EX PARTE APPLICATION FOR APPROVAL OF STIPULATION**

2 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

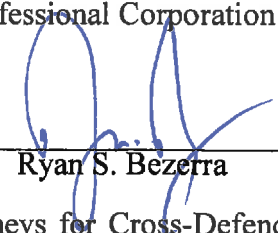
3 PLEASE TAKE NOTICE that, on March 25, 2013, at 9 a.m. or as soon thereafter as the
4 matter may be heard, in Department 1 of the Los Angeles County Superior Court, Central
5 District, located at 111 North Hill Street, Los Angeles, California 90012, cross-defendant Copa
6 de Oro Land Company ("Copa de Oro") will apply, pursuant to the Court's March 1, 2013
7 minute order, for an order approving the Stipulation Regarding Facts Pertaining to Copa De
8 Oro Land Company For Trial (the "Ownership Stipulation") and establishing the facts
9 referenced in that Ownership Stipulation. The Ownership Stipulation has been executed by
10 Copa de Oro, Los Angeles County Waterworks District No. 40 and Palmdale Water District.
11 Copa de Oro will apply to the Court pursuant to Code of Civil Procedure sections 187 and
12 404.7, California Rules of Court, rules 3.504(c), 3.1203 and 3.1204 and the Court's orders in
13 this coordinated action. Copa de Oro will apply to the Court based on the following that are
14 submitted herewith or are posted on the Court's Web site located at www.scefiling.org:

- 15 (1) This Notice of *Ex Parte* Application;
- 16 (2) The attached *Ex Parte* Application;
- 17 (3) The attached Declaration of Ryan S. Bezerra;
- 18 (4) The Ownership Stipulation, posted on the Court's Web site at
19 <http://www.scefiling.org/document/document.jsp?documentId=77782> on
20 February 28, 2013;
- 21 (5) The Declaration of Elliot Joelson for Copa de Oro Land Company and its
22 exhibits, posted on the Court's Web site at
23 <http://www.scefiling.org/document/document.jsp?documentId=76507> on
24 January 31, 2013;
- 25 (6) The [Proposed] Order Approving Stipulation Concerning Copa de Oro's
26 Property filed herewith; and
- 27 (7) Any evidence or argument presented at the hearing on this Application.
- 28

1 Dated: March 14, 2013

Respectfully submitted,

2 BARTKIEWICZ, KRONICK & SHANAHAN
3 A Professional Corporation

4
5 By: 
6 Ryan S. Bezerra

7 Attorneys for Cross-Defendant Copa de Oro Land
8 Company
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **EX PARTE APPLICATION FOR APPROVAL OF STIPULATION**

2 Code of Civil Procedure section 187 authorizes the Court to adopt "any suitable process
3 or mode of proceeding . . . which may appear most conformable to the spirit of this Code"
4 where a course of proceeding is not specifically identified by statute. Code of Civil Procedure
5 section 404.7 and California Rules of Court, rule 3.504(c), implement this general concept in
6 coordinated cases by, collectively, authorizing the Court to "prescribe any suitable manner of
7 proceeding" consistent with the Code of Civil Procedure and the Rules of Court. As stated in
8 *McGhan Medical Corp. v. Superior Court* (1992) 11 Cal.App.4th 804, 812:

9 [I]t is the intent of the Judicial Council to vest in the coordinating judge
10 whatever great breadth of discretion may be necessary and appropriate to ease
11 the transition through the judicial system of the logjam of cases which gives rise
to coordination.

12 In these coordinated actions involving thousands of parties, the Court has exercised its
13 discretion by establishing a procedure in which parties may present sworn declarations stating
14 evidence that they would intend to present at trial and seek stipulations with the parties to
15 whom they are adverse. Upon the completion of such stipulations, the Court has authorized
16 stipulating parties to seek the Court's approval of those stipulations and a hearing to determine
17 whether any other party has any basis for requiring proof of the stipulated facts at trial.

18 Copa de Oro used the Court's procedures to present, on January 31, 2013, a sworn
19 declaration by a corporate representative, Elliot Joelson, concerning basic facts about Copa de
20 Oro's property, such as its location, its Assessor's Parcel Numbers and easements and structures
21 on it. (<http://www.sceffiling.org/document/document.jsp?documentId=76507>.) Copa de Oro
22 then obtained, and posted on the Court's Web site on February 28, 2013, the Ownership
23 Stipulation concerning Mr. Joelson's declaration with Los Angeles County Waterworks District
24 No. 40 and Palmdale Water District, which named Copa de Oro as a cross-defendant in this
25 action. (See <http://www.sceffiling.org/document/document.jsp?documentId=77782>.) No party
26 has objected to any of the facts stated in Mr. Joelson's declaration. (See attached Declaration of
27 Ryan S. Bezerra, ¶ 3.)

1 Consistent with the Court's authority in coordinated cases, and the Court's orders in this
2 action, the Court therefore should approve the Ownership Stipulation and establish the facts
3 stated in Mr. Joelson's declaration as proven in this action.

4 Dated: March 14, 2013

Respectfully submitted,

5 BARTKIEWICZ, KRONICK & SHANAHAN
6 A Professional Corporation

7 By: 

Ryan S. Bezerra

8 Attorneys for Copa de Oro Land Company
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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

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

- 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

2

3
4
5
6

8
9

10

11

12

13

14

17