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11 Copa De Oro Land Company

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

14 ANTELOPE VALLEY GROUNDWATER
15 CASES

16 Included Actions:

17 Los Angeles County Waterworks District No.
18 40 v. Diamond Farming Co., Superior Court of
19 California, County of Los Angeles, Case No.
20 BC 325201;

21 Los Angeles County Waterworks District No.
22 40 v. Diamond Farming Co., Superior Court of
23 California, County of Kern, Case No. S-1500-
24 CV-254-348;

25 Wm. Bolthouse Farms, Inc. v. City of
26 Lancaster, Diamond Farming Co. v.
27 Lancaster, Diamond Farming Co. v. Palmdale
28 Water Dist., Superior Court of California,
County of Riverside, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to Hon. Jack Komar

CASE MANAGEMENT STATEMENT
OF CROSS-DEFENDANT COPA DE
ORO LAND COMPANY

Date: November 5, 2007
Time: 10:00 a.m.
Dept: 1

21 Cross-defendant Copa de Oro Land Company (“Copa de Oro”) provides the following
22 case management statement.

23 1. Trial Schedule

24 Copa de Oro agrees with the case management proposal of Tejon Ranchcorp, City of
25 Los Angeles, City of Lancaster, City of Palmdale and Northrop Grumman Corporation
26 (collectively, “Tejon”), except that Copa de Oro believes that proposal’s proposed trial dates
27 are unrealistic. A substantial amount of work and time apparently is necessary to implement a
28 plaintiff landowner class and definitely is necessary to allow newer parties in the case – such as

1 Copa de Oro – time to retain and prepare experts to respond to the work of experts retained by
2 parties who have participated in this case for years. To account for these considerations, Copa
3 de Oro proposes the following trial dates for Tejon’s proposed trials:

4 November 3, 2008: Yield of the Basin and other information about the
5 hydrogeological character of the Basin; and

6 March 2, 2009: All other elements of prescription (overdraft, notice, etc.),
7 excluding the defense of self-help.

8 Copa de Oro participated, by telephone, in the parties’ October 23, 2007 meet-and-
9 confer conference, during which the possibility of a plaintiffs’ class was discussed. Based on
10 that conference, it appears that: (1) a noticed motion will be required to revise the approved
11 plaintiffs’ class and approve a new class-action notice; (2) approximately 30 to 60 days
12 following the approval of the class and of the class-action notice will be required to publish the
13 notice; (3) there will be a period of approximately 60 days following notice for class members
14 to provide notice that they are opting out of the class; (4) any class members who opt out of the
15 class will be served as cross-defendants by the public water suppliers, which presumably will
16 take another 30 days; and (5) any cross-defendants so served would have another 30 days to
17 answer. If one allows 30 days for briefing and a hearing on the above-referenced noticed
18 motion, then the combined amount of time consumed by these procedures would be between
19 180 and 210 days. If that motion were filed on November 6, 2007, the day after the Court’s
20 present case management conference, the time periods associated with the above-described
21 process would not be completed until May or June 2008, so this case could not be at issue until
22 that time.

23 If one were to be extremely aggressive and schedule the exchange of expert witnesses
24 only 30 days after the case becomes at issue, then the trial could not occur until at least 80 days
25 after that at-issue date because Code of Civil Procedure section 2034.230, subdivision (b),
26 allows for 50 days between the exchange and the trial date. Adding 80 days to a May or June
27 2008 at-issue date probably would place a trial date in August or September 2008. Scheduling
28 a trial on the basin’s yield and its hydrogeological characteristics – with the primary

1 “characteristics” issue probably being whether the basin should be divided into sub-basins for
2 adjudication purposes – in November 2008 therefore is aggressive, particularly in light of the
3 numerous expert depositions that presumably will need to be taken after the expert exchange.

4 Such a trial schedule also would be equitable for parties who have only been served in
5 the last few months, such as Copa de Oro, and numerous other landowners who the public
6 water suppliers apparently have served in the last few weeks. This case involves highly
7 complex hydrological and hydrogeological issues and parties who have been involved in the
8 case for at most a few months will require time to adequately prepare their trial presentations.
9 For example, to date, Copa de Oro has been unsuccessful in even identifying all of the experts
10 who have been retained in this action so that Copa de Oro may search intelligently for one of
11 the shrinking pool of qualified groundwater experts who has not already been retained. Many
12 new parties presumably may cooperate with other parties to make their trial presentations, but
13 an adequate amount of time is necessary for new parties to evaluate their options in
14 consultation with appropriate experts.

15 2. Filing and Service Procedures

16 Copa de Oro respectfully requests that the Court issue a case management order that
17 specifies precisely how filing and service must occur in this unique, coordinated case. Based
18 on information on the E-filing Web site of the Superior Court of California, County of Santa
19 Clara, Copa de Oro understands that:

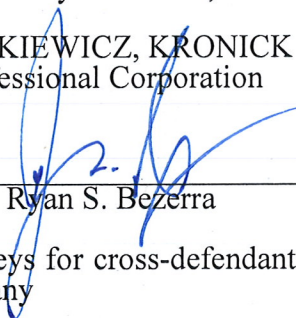
- 20 (a) All pleadings must be filed with the Superior Court of California, County of Los
21 Angeles, Central District, located at 111 North Hill Street, Room 109, Los
22 Angeles, California 90012; and
23 (b) All pleadings and other documents whose service is required are to be served via
24 the E-filing Web site of the Superior Court of California, County of Santa Clara,
25 whose Web address is www.scefiling.org.

26 Copa de Oro believes that confirmation of these procedures in an order by the Court
27 would be helpful to both existing parties and those parties who are only now being served.
28

1 Dated: November 1, 2007

Respectfully submitted,

2 BARTKIEWICZ, KRONICK & SHANAHAN
3 A Professional Corporation

4 By: 
5 Ryan S. Bezerra

6 Attorneys for cross-defendant Copa de Oro Land
7 Company
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