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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

ANTELOPE VALLEY
GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co. Superior Court of
California County of Los Angeles, Case No. BC
325 201 Los Angeles County Waterworks
District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348Wm. Bolthouse
Farms, Inc. v. City of Lancaster Diamond
Farming Co. v. City of Lancaster Diamond
Farming Co. v. Palmdale Water Dist. Superior
Court of California, County of Riverside,
consolidated actions, Case No. RIC 353 840,
RIC 344 436, RIC 344 668

Judicial Council Coordination Proceeding
No. 4408

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

SUBMISSION OF PROPOSED CASE
MANAGEMENT ORDER


Phase 2A Trial

Date: October 6, 2008
Time: 9:00 am
Dept: 1

1 Since the Court's August 11, 2008 Class Certification Hearing and Case Management
2 Conference, various parties have posted to the Court's website a proposed Case Management Order
3 and their objections thereto. AGWA has attempted to create a revised Case Management Order,
4 attached, that responds to and incorporates the comments and responses of the parties in a manner
5 that it hopes will be acceptable to all.

6
7 Dated: August 19, 2008

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

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10 By: 
11 MICHAEL T. FIFE
12 BRADLEY J. HERREMA
13 ATTORNEYS FOR AGWA
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PROOF OF SERVICE

**STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On August 19, 2008, I served the foregoing document described as:

SUBMISSION OF PROPOSED CASE MANAGEMENT ORDER

on the interested parties in this action.

By posting it on the website at 2:55 p.m./a.m. on August 19, 2008. This posting was reported as complete and without error.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed in Santa Barbara, California, on August 19, 2008.

Rachel Robledo

TYPE OR PRINT NAME

Rachel Robledo

SIGNATURE

Attachment

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

**ANTELOPE VALLEY
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No. 4408

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

**[PROPOSED] CASE MANAGEMENT
ORDER FOR PHASE 2A TRIAL**

Date: October 6, 2008
Time: 9:00 am
Dept: 1

IT IS HEREBY ORDERED:

1. The Phase 2 trial will be segmented. The first segment, Phase 2A, will commence at 9:00 a.m. on October 6, 2008, in Department 1 of the Superior Court of the County of Los Angeles, located at 111 North Hill Street, Los Angeles, California.
2. The scope of the Phase 2A trial will be limited to determining whether the Antelope Valley Area of Adjudication ("Basin"), is composed of or contains hydrologically distinct sub-

basins.

3. Los Angeles County Waterworks District No. 40 shall post and file a declaration regarding the status of service of process on or before August 22, 2008. Counsel for Los Angeles County Waterworks District No. 40 shall make a diligent effort to identify and name all of the unnamed land owners not included within the two classes, as certified, and to effect service on those parties on or before September 1, 2008. Counsel for Los Angeles County Waterworks District No. 40 shall also provide served parties with the required notice of trial, including a copy of the signed Case Management Order.

4. As previously ordered, expert witness disclosures for the Phase 2A Trial took place on August 15, 2008. Designation of supplemental experts shall take place on August 25, 2008. Said designations shall be substantially equivalent to the requirements of Code of Civil Procedure section 2034.010, et seq., and include a statement as to availability for deposition. In addition, the designation of any expert shall be accompanied by a copy of any reports that were prepared by the designated expert in connection with or in preparation for the instant action.

A party intending to call a non-expert or percipient witness shall post the name(s) of such witness(es) on the Court's website on September 15, 2008, which shall include a statement as to availability for deposition.

5. The parties who have designated witnesses are directed to meet and confer in person and/or by telephone at 12:00 p.m. on August 25, 2008, to develop a schedule for the taking of depositions of the expert witnesses for the Phase 2A Trial who were designated on August 15, 2008. Counsel for the Los Angeles County Waterworks District No. 40 is directed to provide telephone conference information to the parties by posting the same to the Court's website. The purpose of the telephone conference is to develop a schedule for the taking of depositions, such that such taking is concluded by September 26, 2008, which is the expert witness, percipient witness and written discovery cut-off. A similar telephone conference shall take place in the same manner on August 26, 2008 for the supplemental expert witnesses designated on August 25, 2008.

Any party failing to participate in the telephone scheduling conferences or who refuses to

1 schedule their witnesses for deposition shall be deemed to have waived the right to coordinate, and
2 may thereafter have their witness' deposition set at the convenience of the participating parties on 5
3 court days notice given pursuant to the Court's Electronic Filing and Service Order. To the extent
4 that parties are unable to reach agreement as to any deposition, the Court will conduct a telephonic
5 meet and confer to be scheduled at the earliest convenient to the Court.

6 6. The parties are directed to conduct a telephone conference on August 25, 2008 to
7 discuss a coordinating or liaison committee for purposes of the Phase 2 Trial. Counsel for the Los
8 Angeles County Waterworks District No. 40 is directed to provide telephone conference information
9 to the parties by posting the same to the Court's website. The purpose of the committee is to create a
10 means of attempting to resolve issues quickly and informally, and to streamline the presentations at
11 trial. The existence of this committee, however, shall not deprive any other party from raising issues
12 or concerns to the other parties, and shall not deprive any party from the right to participate at trial.

13 7. Any expert designated by the parties on August 15, 2008 shall be available and
14 prepared to provide deposition testimony, absent other agreement, beginning on August 28, 2008.
15 Any expert designated by the parties on August 25, 2008 shall be available and prepared to provide
16 deposition testimony beginning on September 15, 2008. The parties shall make every effort to
17 complete the depositions of the initially designated experts in time for the depositions of the
18 supplemental experts to take place before the discovery cut-off directed above. More than one
19 deposition may be scheduled to take place on the same day.

20 8. Any expert or other witness who is not prepared to testify on the date agreed or
21 noticed for deposition is subject to exclusion at the time of trial.

22 9. All deponents are directed to produce their file on this matter, and any other requested
23 materials for inspection at least three business days before the date set for the deposition at the
24 expert's place of business or such location as the parties may agree. Such materials may be produced
25 in electronic format.

26 At least three business days prior to the first deposition of an expert disclosed on August 15,
27 2008, counsel for Los Angeles County Waterworks District No. 40, on behalf of the public water
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1 purveyors, shall post and file a list that identifies and summarily describes the data that any of the
2 public water purveyors and/or their experts have generated and obtained, whether or not they intend
3 to rely upon or introduce that data in the Phase 2A Trial. Counsel for Los Angeles County
4 Waterworks District No. 40, on behalf of the public water purveyors, shall also promptly make the
5 computer data described as being 'on the hard drive' available to all parties and counsel, without
6 need for a formal request.

7 10. The parties are directed to attempt to avoid serving duplicative written discovery.

8 11. The parties are directed to meet and confer concerning any discovery dispute before
9 contacting the Court and before filing any discovery motion. If such attempts prove unsuccessful,
10 the Court will conduct a further meet and confer, either by telephone or in person as the Court may
11 direct. The parties will provide the Court with a letter in advance setting forth the text of any written
12 discovery requests and responses thereto that are in dispute, or other information that will assist the
13 Court in conducting the meet and confer. The parties should contact the Court's clerk to schedule
14 any such meet and confer. The Court expects that all discovery disputes will be resolved through the
15 meet and confer process. Any party may thereafter apply ex parte for an order shortening time and
16 specially setting a motion to compel for hearing by providing notice thereof pursuant to the
17 Electronic Filing and Service Order.

18 12. Any party intending to participate in the Phase 2A Trial must post a Notice of
19 Intention to Participate in the Phase 2A Trial on the Court's website by September 15, 2008. Excuse
20 from this requirement may be given upon a showing of good cause.

21 13. The parties shall post their Phase 2A Trial witness and exhibit lists on September 29,
22 2008. The witness lists shall provide the name of the witness(es), a short summary of testimony
23 expected to be elicited, and a time estimate. The exhibit lists shall be sufficiently specific as to
24 enable the other parties to identify the exhibit prior to trial. Exhibits shall be sequentially numbered,
25 starting with the Arabic number 1. The parties shall agree as to the division of exhibit numbers by
26 September 20, 2008.

1 14. The parties shall coordinate with one another to determine the actual date and time of
2 the witnesses' testimony at trial. The parties shall make their best efforts to produce all documents
3 relevant to that witnesses' testimony prior to the witness' deposition. Any other documents not
4 previously produced, but which are intended to be used at trial, shall be made available as soon as
5 practicable.

6 15. Upon request, the parties shall provide one another with electronic copies of their
7 exhibits, except those exhibits that are not practical to provide in electronic format.

8 16. Trial briefs shall be filed and posted on or before September 25, 2008. Responding
9 trial briefs, if any, shall be filed at posted on or before October 2, 2008.

10 17. Any motion to exclude witnesses or exhibits, or other motions in limine, will be heard
11 at the commencement of the trial on October 6, 2008. Any such moving papers shall be filed and
12 posted on October 1, 2008. Any opposition papers, including evidentiary objections, shall be filed
13 and posted on October 3, 2008. Evidentiary objections to evidence submitted in opposition shall be
14 filed and posted on October 3, 2008. No other reply papers are allowed.

15 18. Should any party elect to use a third party provider to assist in the projection or
16 presentation of evidence, that party shall permit said third party provider to contract with any other
17 party for the use the same services provided. Third party providers, in any event, shall work together
18 to coordinate the use of equipment.

19 19. Any party desiring to monitor the Phase 2A Trial by telephone may do so through
20 CourtCall, but will not be allowed to question witnesses or participate in oral argument absent prior
21 arrangement with the Court.

22 20. The Court shall be provided with courtesy copies of all exhibits, except those
23 pertaining to impeachment, preferably in three ring notebooks with numbered dividers, on or before
24 October 3, 2008. Counsel are directed to coordinate this project with one another.

25 21. Prior to the commencement of each day of trial, counsel shall confer as to the order of
26 the next day's witnesses, and shall advise the Court of the same at the commencement of that day of
27 trial.
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1 22. The Court will consider whether to request closing trial briefs as the Phase 2A Trial
2 proceeds.

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4 DATED: _____

Judge of the Superior Court