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Attorneys for Cross-Complainant,
ANTELOPE VALLEY-EAST KERN WATER AGENCY

*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included Actions:

Los Angeles County Waterworks District
No. 40 vs. Diamond Farming Company, a
corporation, Superior Court of California,
County of Los Angeles, Case No.
BC325201;

Los Angeles County Waterworks District
No. 40 vs. Diamond Farming Company, a
corporation., Superior Court of California,
County of Kern, Case No. S-1500-CV-254-
348;

Wm. Bolthouse Farms, Inc. vs. City of
Lancaster, Diamond Farming Company, a
corporation, vs. City of Lancaster, Diamond
Farming Company, a corporation vs.
Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
RIC 353840, RIC 344436, RIC 344668.

Judicial Council Coordination Proceeding
No. 4408

**Santa Clara Case No.
1-05-CV-049053**
The Honorable Jack Komar, Dept.17

**ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S TRIAL SETTING
CONFERENCE STATEMENT**

Date: September 13, 2013
Time: 1:30 p.m.
(Via Courtcall)

1 Cross-complainant, the Antelope Valley - East Kern Water Agency (AVEK) submits the
2 following Trial Setting Conference Statement for the hearing scheduled for September 13, 2013.

3 A. Order of Trial for Phase V Trial

4 AVEK believes that the matters to be tried in the Phase V trial should be tried in the
5 following order:

- 6 1. Federal reserve right;
- 7 2. Return flows, ownership and quantity;
- 8 3. Prescription;
- 9 4. Reasonable use;

10 B. AVEK Discovery To Be Conducted For Phase V Trial

11 Based on the foregoing understanding, the discovery AVEK presently intends to conduct
12 will be limited to issues regarding the ownership and quantity of return flows, and will be
13 further limited to several PMK and expert witness depositions (to be determined) and requests
14 for production of documents at such depositions.

15 C. Mediation

16 The Court indicates in its August 14, 2013 Order that the Parties are urged to continue
17 with mediation efforts in an attempt to resolve the case. AVEK is prepared to participate in any
18 of the following:

- 19 1) If he agrees, return to Justice Robie with Parties who are willing to attempt to
20 come to a full or partial resolution of this matter.
- 21 2) Agree to the Court functioning as a mediator if all Parties agree.

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3) Submit to any other third-party mediator, as may be suggested, and whom is acceptable to the Parties. AVEK would suggest a Retired Appellate Court Justice who helped resolve issues resulting from the Supreme Court Decision and implementation by trial court in the Mojave Adjudication if said Justice is available. In no event, should this process extend the trial date.

Respectfully submitted,

Dated: September 10, 2013

BRUNICK, McELHANEY & KENNEDY

By: William J. Brunick
 William J. Brunick
 Leland P. McElhaney
 Attorneys for Cross-Complainant,
 ANTELOPE VALLEY-EAST KERN
 WATER AGENCY

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I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California 92408-3303.

On September 11, 2013, I served the foregoing document(s) described as: **ANTELOPE VALLEY-EAST KERN WATER AGENCY'S TRIAL SETTING CONFERENCE STATEMENT** on the interested parties in this action served in the following manner:

■ **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

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

~~Executed on September 11, 2013, at San Bernardino, California.~~

P. Jo Anne Quihuis