

# **EXHIBIT “J”**

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**DISTRICT NO. 40**

**EXEMPT FROM FILING FEES**  
**UNDER GOVERNMENT CODE**  
**SECTION 6103**

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**COUNTY WATERWORKS DISTRICT NO. 40**

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**  
16

17 **ANTELOPE VALLEY**  
18 **GROUNDWATER CASES**

19 **Included Actions:**  
20 Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co., Superior  
21 Court of California, County of Los  
Angeles, Case No. BC 325201;

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

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

Judicial Council Coordination No. 4408

**CLASS ACTION**

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

**PUBLIC WATER SUPPLIERS' CASE**  
**MANAGEMENT STATEMENT**

**Date:** January 16, 2013  
**Time:** 9:00 a.m.  
**Dept.:** 1

28 HOA.947456.1

1 CASE MANAGEMENT STATEMENT

2 I. INTRODUCTION

3 In response to the Court's comments at the last Case Management Conference, the Public  
4 Water Suppliers ("PWS") prepared and circulated to all parties a proposed stipulation and  
5 declaration. (See attached Exhibit A.) The declaration would be in lieu of the declarant's  
6 deposition testimony and eliminate the need to depose the declarant.

7 On Friday afternoon, the PWS notified the parties to this case that they would be drafting  
8 a proposed declaration and stipulation that would obviate the need for depositions. On Monday  
9 afternoon, the PWS distributed the stipulation and declaration to all parties to this case.

10 The declaration asks for basic information regarding the limited scope of issues at the  
11 phase 4 trial such as ownership, amount of water pumped, how the party determined the amount  
12 pumped, and how it was used. Most parties should be able to quickly and easily complete the  
13 declaration. This should obviate the need to take a large number of depositions. Moreover, the  
14 declarations will lay the foundation for stipulations as to facts at trial. This process will  
15 streamline and simplify the phase 4 trial.

16 Parties only need to fill out the portions of the declaration that apply to their particular  
17 situation. The declaration enables the PWS to obtain additional information that they could  
18 normally obtain through depositions, in order to verify claimed pumping amounts.

19 \* While the responses to the Court-ordered discovery provide useful information, they do  
20 not connect the dots between parties claimed pumping and actual water. For example, the Court-  
21 ordered discovery does not address the relationship between irrigated acres and groundwater  
22 pumping. It is also important to determine the parcels upon which the water was used versus  
23 where the water was pumped, because the water rights belong to the owner of the property where  
24 the water was used absent contractual agreement. If this is not taken into account, there is a  
25 danger of double-counting. This information is essential to be able to analyze and verify the  
26 claimed groundwater use and current pumping.

27 Once the PWS obtain the information contained in the declarations, they can analyze the  
28 water use claimed by the parties and determine if they can enter into a stipulation of facts for

1 and a physical solution is badly needed. Many of the landowners, who pump groundwater for  
2 free, have engaged in delay tactics for years and they continue to do so now. The Court should  
3 not reward their dilatory and obstructive behavior by continuing the trial. The PWS have  
4 suggested an easy way for parties to complete discovery and proceed to the next phase trial on a  
5 limited scope of issues on February 11.

6 Dated: January 15 2013

BEST BEST & KRIEGER LLP

By 

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**PROOF OF SERVICE**

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California, 92614. On January 15, 2013, I served the within document(s):

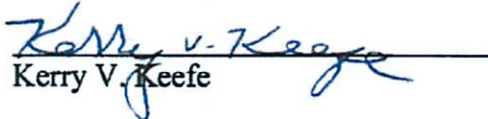
**PUBLIC WATER SUPPLIERS' CASE MANAGEMENT STATEMENT**

- ☒ by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- ☐ by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on January 15, 2013, at Irvine, California.

  
Kerry V. Keefe