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changes on pages 3 and 4.

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

Lead Case No. BC 325201

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Case No.: BC 391869

~~Proposed~~ CASE MANAGEMENT
ORDER FOR PHASE 5 AND PHASE 6
TRIALS

Plaintiff,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et al.

Defendants.

1 **IT IS HEREBY ORDERED:**

2 1. The Phase 5 Trial will commence at 9:00 a.m. on February 10, 2014, in
3 Room 222 of the Superior Court of the County of Los Angeles, located at 111 North Hill
4 Street, Los Angeles, California or such other location as ordered by the court. The trial
5 will continue for one week.

6 2. The Phase 5 Trial is limited to the issues of federal reserved water rights
7 and claimed rights to return flows from imported water. As to return flows from
8 imported water, the trial will determine who has the right to recapture and use return
9 flows that result from water imported into the Antelope Valley Area of Adjudication, as
10 well as the amount or percentage of return flows that augment the groundwater basin
11 due to the imported water. The Phase 5 Trial will commence with the federal reserved
12 water rights issues followed immediately by evidence related to such return flow issues.

13 3. The Phase 6 Trial will commence on August 4, 2014 and will continue for
14 two weeks. The Phase 6 trial will determine claims to prescriptive rights and defenses
15 thereto. Phase 6 may involve other issues which may be determined following the
16 hearing on certain proposed motions to be submitted to the court.

17 4. The Court sets the following schedule for the Phases 5 and 6 trials:

18

19 **PHASE 5 SCHEDULE**

20 DATE	EVENT
21 11/13/2013	Summary judgment motions filing deadline
22 11/1/2013	Deadline to file Notice of Intention to Participate in Phase 23 5 Trial and Designation of Percipient Witnesses for case in 24 chief
25 11/18/2013	Deadline to designate expert witnesses
26 12/9/2013	Deadline to designate supplemental experts
27 12/27/2013	Oppositions to summary judgment deadline
28 1/03/2014	Replies in support of summary judgment deadline

1/27/14

1/10/2014	Hearing on summary judgment motions
1/10/2014	Discovery cut-off (expert witness depositions excepted)
1/17/2014	Expert witness depositions completion deadline
1/23/2014	Witness and exhibit lists posted
1/24/2014	Motions in limine deadline
1/31/2014	Trial Brief deadline
1/31/2014	Opposition to motions in limine deadline
2/03/2014	Parties exchange trial exhibits
2/05/2014	Replies in support of motions in limine deadline
2/10/2014	TRIAL

PHASE 6 SCHEDULE

DATE	EVENT
2/01/2014 through 3/01/2014	Discovery hiatus for Phase 6 discovery due to Phase 5 trial
4/18/2014	Summary judgment motion filing deadline
4/30/2013	Deadline to file Notice of Intention to Participate in Phase 5 Trial and Designation of Percipient Witnesses for case in chief
6/02/2014	Deadline to designate expert witnesses
6/23/2014	Deadline to designate supplemental experts
6/19/2014	Oppositions to summary judgment motion deadline
6/27/2014	Replies in support of summary judgment motion deadline
7/03/2014	Hearing on summary judgment motions
7/03/2014	Discovery cut-off (expert depositions excepted)
7/21/2014	Expert witness deposition completion deadline
7/17/2014	Witness and exhibit lists deadline

7/18/2014	Motions in limine deadline
7/25/2014	Trial brief deadline
7/25/2014	Opposition to motions in limine deadline
7/28/2014	Parties exchange trial exhibits and jury instructions
7/30/2014	Replies in support of motions in limine deadline
8/04/2014	TRIAL

5. Expert witnesses shall be designated by the dates noted in the schedules above. Expert witness designations shall comply with all Code of Civil Procedure requirements and include a statement as to the expert witness's deposition availability. The expert witness designation shall include a copy of any discoverable reports concurrently with his or her designation.

6. All parties designating expert or non-expert witnesses for the Phase 5 Trial are directed to meet and confer in person and/or by telephone by December 1, 2013, to develop a schedule for the taking of depositions of all designated witnesses. 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 by ~~October 4, 2013~~ ^{November 4, 2013}. Similar telephone conference(s) shall take place in the same manner for the supplemental expert witnesses, if necessary.

7. All parties designating expert or non-expert witnesses for the Phase 6 Trial are directed to meet and confer in person and/or by telephone by June 15, 2014, to develop a schedule for the taking of depositions of all designated witnesses for the Phase 6 trial. 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 by June 1, 2014. Similar telephone conference(s) shall take place in the same manner for the supplemental expert witnesses, if necessary. The telephone conferences are to develop schedules to complete depositions before the deposition deadlines.

1 8. A party failing to participate in the telephone scheduling conferences or
2 who refuses to schedule its witnesses for deposition shall be deemed to have waived the
3 right to coordinate scheduling, and may thereafter have their witness' deposition set at
4 the convenience of participating scheduling parties on 15 days' notice pursuant to the
5 Court's Electronic Filing and Service Order. To the extent that parties are unable to
6 reach agreement as to any deposition, the Court will conduct a telephonic meet and
7 confer to be scheduled at the earliest time convenient to the Court.

8 9. The parties shall produce all documents relevant to that witnesses'
9 testimony prior to the witness' deposition.

10 10. The parties are directed to utilize the assistance of a liaison committee as a
11 means of attempting to resolve issues quickly and informally, and to streamline the
12 presentations at trial. The existence of this committee, however, shall not deprive any
13 other party from raising issues or concerns to the other parties.

14 11. All designated witnesses shall be available and prepared to provide
15 deposition testimony, absent other agreement, as noted in the above schedules. The
16 parties shall make every effort to complete the depositions of the initially designated
17 expert witnesses in time for the depositions of the supplemental experts to take place
18 before the discovery cut-off directed above. More than one deposition may be scheduled
19 to take place on the same day, but only if such depositions will not occur
20 simultaneously.

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

25 13. Written discovery, including requests for admission, form interrogatories,
26 document production requests, etc., may commence immediately for both Phase 5 and
27 Phase 6. Parties are directed to coordinate these efforts with similarly situated parties.

28 14. The parties are directed to meet and confer concerning any discovery

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

11 15. Any party intending to participate in the Phase 5 and/or Phase 6 trials must
12 post a Notice of Intention to Participate by November 1, 2013 and April 30, 2014,
13 respectively. Excuse from this requirement may be given upon a showing of good
14 cause.

15 16. The parties, when posting witness and exhibit lists, shall provide the name
16 of each witness, a short summary of testimony expected to be elicited, and a testimony
17 time estimate. The exhibit list shall be sufficiently specific as to enable the other parties
18 to identify the exhibit prior to trial. Exhibits shall be sequentially numbered for each
19 party, starting with the Arabic number 1. The parties shall continue with the numbering
20 system utilized in Phase 4.

21 17. The parties shall coordinate with one another to determine the actual date
22 and time of the witnesses' testimony at trial. Any other documents not previously
23 produced, but which are intended to be used at trial, shall be made available as soon as
24 practicable.

25 18. Allied parties are strongly encouraged to file joint briefs.

26 19. Any motion to exclude witnesses or exhibits, or other motions *in limine*,
27 will be heard at the commencement of the trial for each respective part of Phases 5 and
28 6. Any such moving papers, opposition papers, including evidentiary objections, or

1 evidentiary objections to evidence submitted in opposition, and reply papers shall be
2 filed and posted as noted in the timeline, above.

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

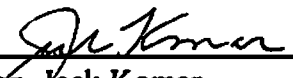
7 21. Any party desiring to monitor the Phase 5 or 6 trials by telephone may do
8 so through CourtCall, but will not be allowed to question witnesses or participate in oral
9 argument via Courtcall. No party or other person may electronically or otherwise record
10 such proceedings.

11 22. The Court shall be provided with courtesy copies of all exhibits, except
12 those pertaining to impeachment, preferably in three-ring notebooks with numbered
13 dividers, as noted in the timeline, above. Counsel are directed to coordinate this project
14 with one another.

15 23. Prior to the commencement of each day of trial, counsel shall confer as to
16 the order of the next day's witnesses, and shall advise the Court of the same at the
17 commencement of that day of trial.

18 24. The Court will consider whether to request closing trial briefs as the Phase
19 5 and 6 trials proceed.

20
21
22 Dated: Oct 22, 2013


Hon. Jack Komar
Judge of the Superior Court