

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

**[proposed] FIRST AMENDED CASE
MANAGEMENT ORDER FOR
PHASE 4 TRIAL**

1 IT IS HEREBY ORDERED:

2 The Case Management Order For Phase 4 Trial (the “CMO”), dated December 12,
3 2012, is hereby amended as set forth below.

4 Paragraph 2 of the CMO is amended to read as follows:

5 The Phase 4 trial will address, for the calendar year 2011 and January 1 through
6 November 30, 2012, the issues of the current groundwater production (or use of
7 alternative nontributary waters in lieu thereof) of all parties on a per parcel basis, proof of
8 claimed reasonable and beneficial use of the water for each parcel to be adjudicated, and
9 the claimed return flows from imported water. The trial will also address federal
10 reserved rights. Claims of prescription will be tried following the decision in Phase 4.

11 The Court further orders that if a party timely complies with the Discovery Order
12 for Phase 4 Trial by December 21, 2012 to the satisfaction of all other parties, the parties
13 to this coordinated proceeding may agree that such party need not testify or put forth
14 evidence to establish current groundwater production (or use of alternative nontributary
15 waters in lieu thereof) or the reasonable and beneficial use of such water at the Phase 4
16 trial. To that end, if by 4:00 p.m. on January 10, 2013, no party files an objection as to a
17 particular party’s current groundwater production (or use of alternative nontributary
18 waters in lieu thereof) then the party in question’s current groundwater production (or use
19 of alternative nontributary waters in lieu thereof) for that parcel shall be deemed as set
20 forth in that party’s discovery filing. Furthermore, if no party objects to the reasonable
21 and beneficial use of the water on a parcel, it shall be deemed reasonable and beneficial
22 without need for submission of evidence at the Phase 4 trial.

23 All other portions of the CMO remain unchanged.

24
25 DATED:_____

26 Hon. Jack Komar
27 Judge of the Superior Court
28