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Attorneys for Plaintiff Richard Wood and the Class

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 325 201

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

Case No.: BC 391869

Plaintiff,

MODIFICATION TO *EX PARTE*
APPLICATION FOR
CLARIFICATION AND
AMENDMENT OF PHASE 4 CASE
MANAGEMENT ORDER; JOINDER
RE ORDER OF PRESENTATION OF
EVIDENCE

v.

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

Date: January 16, 2013

Time: 9:00 a.m.

Defendants.

Place: Department 1 (San Jose)

1 On December 20, 2012, the Court held a hearing Richard Wood's *Ex Parte*
2 application for an order clarifying and amending the Case Management Order For Phase
3 4 Trial. The Court continued the hearing on this Application to January 16, 2013 at 9:00,
4 in Department 1 of the Santa Clara Superior Court.

5 **A. Modification to CMO Regarding Scope of Phase Four Trial**

6 After discussions with various other parties to the case, Plaintiff hereby modifies
7 section A of his *Ex Parte* Application to propose that paragraph 2 of the CMO be revised
8 as follows:

9 The Phase 4 trial will address the issue of the current groundwater
10 production (or alternative nontributary waters in lieu thereof) of all parties,
11 proof of claimed reasonable and beneficial use of the water for each parcel
12 to be adjudicated, and the claimed return flows from imported water, for the
13 calendar year 2011 and January 1 through November 30, 2012. Parties that
14 wish to produce evidence during the years of 2000 to 2011 may do so if they
15 timely produce such evidence in discovery. Trial of the parties' claimed
16 reasonable and beneficial uses of water will include the amount of water
17 used by each party and the identification of the beneficial use to which that
18 amount was applied, but will not include any determination as to the
reasonableness of that type of use, of the manner in which the party applied
water to that use, or any determination of a water right. The trial will also
address federal reserved rights. Claims of prescription will be tried
following the decision in Phase 4.

19 **B. Phasing of Trial**

20 Richard Wood agrees with and joins the proposed order of presentation of the
21 evidence as set forth in the Joint Case Management Conference Statement of the City of
22 Los Angeles, et al., commencing with the Federal reserved right.

23 DATED: January 14, 2013

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26 By: //s// Michael D. McLachlan

27 Michael D. McLachlan
28 Attorneys for Plaintiff