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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 325201

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

Case No.: BC 391869

**RICHARD WOOD'S TRIAL  
SETTING CONFERENCE  
STATEMENT**

Plaintiff,

Date: September 13, 2013

v.

Time: 1:30 p.m.

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

Place: Telephonic

Defendants.

1 Plaintiff Richard Wood submits the following statement of his proposal for  
2 handling the Phase V trial and related discovery.

3 **I. DEFINITION OF ISSUES TO BE TRIED: CASE MANAGEMENT**  
4 **ORDER**

5 Wood suggests that the Court order the parties, with direct guidance from the  
6 Court, to submit a proposed Case Management Order for the Phase V trial that would at a  
7 minimum: (1) set forth a detailed list of the claims, defenses and issues to be tried; (2)  
8 set the order in which those issues would be tried; (3) set a pretrial schedule including  
9 dates for motions for summary judgment, motions in limine, or resolution of other legal  
10 matters; and (4) set aside a sufficient block or blocks of time during which the case would  
11 be tried.<sup>1</sup>

12 Excluding the physical solution claims, the potential claims and issues remaining to  
13 be tried include: prescription, various defenses thereto including self-help, the federal  
14 reserved right, return flows, claims to stored water, appropriative rights, various priority  
15 right claims, and takings claims filed by the Class. There are also issues of “in lieu”  
16 water rights claims, potential water rights by treaty, and other issues that other parties  
17 may be able to add to this list.

18 Wood suggests that the Court order the liaison committee from the Phase IV trial to  
19 convene and prepare a draft Case Management Order to circulate to other parties for  
20 comment, and then file with the Court for further hearing set in approximately three  
21 weeks.

22 The Court should set the trial date now, far enough into the future so as allow for  
23 the completion of discovery and all pre-trial motions and to allow all of the parties and  
24 counsel to block off the necessary time to complete the trial. Wood suggests that, absent

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26 <sup>1</sup> The Order should also require the public water suppliers to disclose as a date  
27 certain, the prescriptive periods that each of them actually plan to pursue at trial. There is  
28 little sense in conducting discovery over a sixty year window of time on the numerous  
issues raised by prescription, if in fact the trial will only focus on a more limited  
prescriptive period.

1 stipulations or settlement of certain claims, the trial is likely to consume between eight to  
2 twelve weeks, at a minimum. Prior to setting the trial date (or multiple dates), the Court  
3 should resolve the question of whether any of the claims are triable to a jury, as that may  
4 govern the timing of trial of certain issues, as well as the ability of the Court to conduct a  
5 single contiguous trial if that is the goal.

## 6 **II. DISCOVERY**

7 Wood suggests that the various parties wishing to conduct discovery for the Phase  
8 V trial prepare and circulate that discovery within a set period of time for review by the  
9 other parties, and further meet and confer discussions. The liason committee could  
10 coordinate the assembly of some proposed “master” discovery for Court-approval. Wood  
11 suggests a hearing be set on this discovery such that issues of concern could be briefed  
12 and argued prior to Court-approval. A Phase V discovery order should permit the parties  
13 to issue supplemental (non-repetitive) discovery that would be unique to their own claims  
14 or that was not otherwise addressed in the Court-approved master set of discovery.

15 The Discovery Order order should also set forth reasonable procedures and  
16 timeframes for completion of written discovery, percipient depositions, the exchange of  
17 expert reports and documents, and expert depositions in advance of the Phase V trial.  
18 Given the expert-intensive nature of the issues to be tried, Wood also believes the  
19 schedule for expert discovery should not proceed according to the timeframes set by  
20 Section 2034 *et seq.*, but instead should proceed over substantially longer period of time,  
21 consistent with the procedures used in earlier phases of trial in this matter.

22  
23 DATED: September 12, 2013

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26 By: \_\_\_\_\_  
27 Michael D. McLachlan  
28 Attorneys for Plaintiff