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**SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

Coordination Proceeding  
Special Title (Rule 1550(b))  
  
ANTELOPE VALLEY GROUNDWATER  
CASES  
  
RICHARD A. WOOD, an individual, on  
behalf of himself and all others similarly  
situated,  
  
Plaintiff,  
  
v.  
  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40; et al.  
  
Defendants.

Judicial Council Coordination  
Proceeding No. 4408  
  
Lead Case No. BC 325201  
  
Case No.: BC 391869  
  
**[proposed] CASE MANAGEMENT  
ORDER FOR PHASE 5 AND PHASE 6  
TRIALS**

IT IS HEREBY ORDERED:

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

2. The Phase 5 Trial the issues of federal reserved water rights and return flows from imported water. As to return flows from imported water, the trial will determine who has the right to recapture and use return flows that result from water imported into the area of adjudication, as well as the amount or percentage of return flows that augment the groundwater basin due to the imported water. The Phase 5 Trial will commence with the issue of the federal reserved water rights.

3. The Phase 6 Trial will commence on August 4, 2014 and will continue for two weeks. The Phase 6 trial will determine claims to a prescriptive rights and defenses thereto.

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

PHASE 5 SCHEDULE	
DATE	EVENT
10/15/2013	Deadline to file Notice of Intention to Participate in Phase 5 Trial
10/18/2013	Summary judgment motions filing deadline
12/27/2013	Oppositions to summary judgment deadline
01/03/2014	Replies in support of summary judgment deadline
01/10/2014	Hearing on summary judgment motions
1/10/2014	Discovery cut-off (expert witness depositions excepted)
01/17/2014	Expert witness depositions completion deadline
01/23/2014	Witness and exhibit lists posted

01/24/2014	Motions in limine deadline
01/31/2014	Trial Brief deadline
01/31/2014	Opposition to motions in limine deadline
02/03/2014	Parties exchange trial exhibits
02/10/2014	<b>TRIAL</b>

<b>PHASE 6 SCHEDULE</b>	
<b>DATE</b>	<b>EVENT</b>
02/01/2014 through 03/01/2014	Discovery hiatus for Phase 6 discovery due to Phase 5 trial
04/18/2014	Summary judgment motion deadline
4/30/2013	Deadline to file Notice of Intention to Participate in Phase 5 Trial
06/19/2014	Oppositions to summary judgment motion deadline
06/27/2014	Replies in support of summary judgment motion deadline
07/03/2014	Hearing on summary judgment motions
07/03/2014	Discovery cut-off (expert depositions excepted)
07/21/2014	Expert witness deposition completion deadline
07/17/2014	Witness and exhibit lists deadline
07/18/2014	Motions in filing limine deadline
07/25/2014	Trial brief deadline
07/25/2014	Opposition to motions in limine deadline
07/28/2014	Parties exchange trial exhibits
08/04/2014	<b>TRIAL</b>

5. Expert witness designations shall comply with all Code of Civil Procedure requirements and include a statement as to the expert witness's deposition availability.

1 The expert witness designation shall include a copy of any report prepared concurrently  
2 with his or her designation.

3 6. All parties designating expert or non-expert witnesses for the Phase 5 Trial  
4 are directed to meet and confer in person and/or by telephone by December 1, 2013, to  
5 develop a schedule for the taking of depositions of all designated witnesses. Counsel for  
6 the Los Angeles County Waterworks District No. 40 is directed to provide telephone  
7 conference information to the parties by posting the same to the Court's website by  
8 October 4, 2013.

9 All parties designating expert or non-expert witnesses for the Phase 6 Trial are  
10 directed to meet and confer in person and/or by telephone by June 15, 2014, to develop a  
11 schedule for the taking of depositions of all designated witnesses for the Phase 6 trial.  
12 Counsel for the Los Angeles County Waterworks District No. 40 is directed to provide  
13 telephone conference information to the parties by posting the same to the Court's  
14 website by June 1, 2014. Similar telephone conference(s) shall take place in the same  
15 manner for the supplemental expert witnesses, if necessary. The telephone conferences  
16 are to develop schedules to complete depositions before the deposition deadlines.

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

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

28 8. All designated witnesses shall be available and prepared to provide

1 deposition testimony, absent other agreement, as noted in the above schedules. The  
2 parties shall make every effort to complete the depositions of the initially designated  
3 expert witnesses in time for the depositions of the supplemental experts to take place  
4 before the discovery cut-off directed above. More than one deposition may be scheduled  
5 to take place on the same day, but only if such depositions will not occur  
6 simultaneously.

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

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

14 11. The parties are directed to meet and confer concerning any discovery  
15 dispute before contacting the Court and before filing any discovery motion. If such  
16 attempts prove unsuccessful, the Court will conduct a further meet and confer, either by  
17 telephone or in person as the Court may direct. The parties will provide the Court with a  
18 letter in advance setting forth the text of any written discovery requests and responses  
19 thereto that are in dispute, or other information that will assist the Court in conducting  
20 the meet and confer. The parties should contact the Court's clerk to schedule any such  
21 meet and confer. The Court expects that all discovery disputes will be resolved through  
22 the meet and confer process. Any party may thereafter apply *ex parte* for an order  
23 shortening time and specially setting a motion to compel for hearing by providing notice  
24 thereof pursuant to the Electronic Filing and Service Order.

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

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

8 14. The parties shall coordinate with one another to determine the actual date  
9 and time of the witnesses' testimony at trial. The parties shall make their best efforts to  
10 produce all documents relevant to that witnesses' testimony prior to the witness'  
11 deposition. Any other documents not previously produced, but which are intended to be  
12 used at trial, shall be made available as soon as practicable.

13 15. Allied parties are strongly encouraged to file joint briefs.

14 16. Any motion to exclude witnesses or exhibits, or other motions *in limine*,  
15 will be heard at the commencement of the trial for each respective part of Phases 5 and  
16 6. Any such moving papers, opposition papers, including evidentiary objections, or  
17 evidentiary objections to evidence submitted in opposition, shall be filed and posted as  
18 noted in the timeline, above. No other reply papers are allowed.

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

23 18. Any party desiring to monitor the Phase 5 or 6 trials by telephone may do  
24 so through CourtCall, but will not be allowed to question witnesses or participate in oral  
25 argument absent prior arrangement with the Court.

26 19. The Court shall be provided with courtesy copies of all exhibits, except  
27 those pertaining to impeachment, preferably in three-ring notebooks with numbered  
28 dividers, as noted in the timeline, above. Counsel are directed to coordinate this project

1 with one another.

2         20. Prior to the commencement of each day of trial, counsel shall confer as to  
3 the order of the next day's witnesses, and shall advise the Court of the same at the  
4 commencement of that day of trial.

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

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9 Dated: \_\_\_\_\_

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Hon. Jack Komar  
Judge of the Superior Court