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OCT 28 2008

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of California County of Santa Clara
BY [Signature] DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

ANTELOPE VALLEY GROUNDWATER
CASES

JCCP Case No. 4408

Case No.: BC391869

ORDER

Hearing Date: October 27, 2009
Time: 9:00 a.m.
Department: 17C/Complex Civil

Judge: Hon. Jack Komar

On October 13, 2009, following a hearing on a noticed motion to consolidate the various coordinated cases herein, the court indicated its intent to grant the motion to consolidate and directed the parties to meet and confer on the form of the order. Immediately following the court's statement of intent to order consolidation, a motion was made pursuant to Code of Civil Procedure Section 170.6 to disqualify the undersigned judge who is the assigned coordination trial judge. The asserted ground for re-opening the right to exercise such a challenge was the court's order granting consolidation. No formal order of consolidation has yet been signed by the court. The peremptory challenge is premature and anticipatory and has been improvidently

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SUPERIOR COURT**

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1 filed. The court therefore strikes the purported challenge but does not at this time rule on the
2 validity of a challenge that is filed beyond the period specified in Cal. Rules of Court, rule 3.516.


3
4 To assist the parties in their meet and confer, the order for consolidation should
5 accomplish a consolidation of the causes of action which assert a claim for declaratory relief (or
6 its equivalent) recognizing that in the present case, the court having found a single aquifer, all
7 ground water rights, however acquired, are correlative to all other water rights in the Antelope
8 Valley, and for a judgment to be effective as to the various interests, the judgment should be in a
9 single judgment encompassing all water rights. All parties with water rights in the aquifer are
10 necessary parties.

11
12 The court is informed that the parties involved in the two class actions which are
13 coordinated herewith are hopeful that there will be a voluntary settlement in those matters and
14 hearing dates to consider approval of such settlements are pending. The exact status of those
15 matters will have an impact on the nature of the consolidation order. Other than establishing
16 correlative water rights, the consolidation motion should not affect any other claims of rights or
17 duties between parties who are not litigating against each other.

18
19 The court resets the hearing dates for the motions to approve settlements and other
20 motions (including a hearing to discuss the form of a consolidation order) and a case
21 management conference to February 5, 2010 at 10:00 a.m. in the Los Angeles County Superior
22 Court.

23
24 SO ORDERED.

25
26 Dated: October 28, 2009

27 
28 Honorable Jack Komar
Judge of the Superior Court