

William M. Smiland (SBN 41928)
Theodore A. Chester, Jr. (SBN 105405)
Mary C. Alden (SBN 100023)
SMILAND CHESTER ALDEN LLP
140 South Lake Avenue, Suite 274
Pasadena, California 91101
Telephone: (213) 891-1010

Attorneys for Cross-Defendants, Landinv, Inc.;
Bruce Burrows; 300 A 40 H, LLC; Little Rock Sand and Gravel, Inc.;
The George and Charlene Lane Family Trust;
The Frank and Yvonne Lane 1993 Family Trust;
Monte Vista Building Sites, Inc., and A.V. Materials, Inc

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

Coordination Proceeding Special Title
(Rule 1550 (b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

Included Actions:

**Los Angeles County Waterworks District
No. 40 vs. Diamond Farming Co.**

Superior Court of California, County of
Los Angeles, Case No. BC 325 201;

**Los Angeles County Waterworks District
No. 40 vs. Diamond Farming Co.**

Superior Court of California, County of
Kern, Case No. S-1500-CV-254 348 NFT;

Diamond Farming Co. vs. City of Lancaster

Superior Court of California, County of
Riverside, Lead Case No. RIC 344 436;

[Consolidated with:

**Wm. Bolthouse Farms, Inc. vs. City of
Lancaster**, Case No. RIC 344 840; and
**Diamond Farming Co. vs. Palmdale Water
Dist.**, Case No. RIC 344 668];

CAPTION CONINUED ON NEXT PAGE

Judicial Council Coordination No. 4408
Santa Clara Case No.: 1-05-CV-049053
[Assigned to Hon. Jack Komar]

**SUPPLEMENTAL CASE
MANAGEMENT CONFERENCE
STATEMENT**

Date: October 7, 2015
Time: 9:00 a.m.
Dept.: Court Call Only

Trial Date: September 28, 2015

1 **Willis vs. Los Angeles County Waterworks**)
2 **District No. 40**; Superior Court of California,)
County of Los Angeles, Case No. BC 364 553;)
3)
4 **Wood v. Los Angeles County Waterworks**)
5 **District No. 40**, Superior Court of California,)
County of Los Angeles, Case No. BC 391 869)

6
7 Little Rock Sand and Gravel, Inc., The George and Charlene Lane Family Trust, The
8 Frank and Yvonne Lane 1993 Family Trust, Monte Vista Building Sites, Inc., and A.V.
9 Materials, Inc. (the “Lane Family”) file this Supplemental Case Management Conference
10 Statement to confirm that the issues concerning the Lane Family and Granite Construction
11 Company, two settling parties, remain “reserved for further discussions after the ruling on the
12 Final Approval Hearing,” in accordance with the Court’s January 7, 2015 Minute Order.
13 Attached as **Exhibit A** is a copy of the Lane Family’s December 31, 2014 Supplemental Case
14 Management Statement describing the issues. Attached as **Exhibit B** is a copy of the Court’s
15 January 7, 2015 Minute Order. Attached as **Exhibit C** is a copy of the Court’s August 7, 2015
16 Minute Order stating that “final approval” will not be made until after the “global settlement is
17 adjudicated.”
18

19 Dated: October 6, 2015

Respectfully submitted,

SMILAND CHESTER ALDEN LLP

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22 By /s/ Theodore A. Chester, Jr.
Theodore A. Chester, Jr.
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EXHIBIT A

1 SMILAND CHESTER LLP
Theodore A. Chester, Jr. (SBN 105405)
2 601 West Fifth Street, Suite 1100
Los Angeles, California 90071
3 Telephone: (213) 891-1010
Facsimile: (213) 891-1414
4

Attorneys for Cross-Defendants
5 Landinv, Inc.; Bruce Burrows; 300 A 40 H, LLC;
Little Rock Sand and Gravel, Inc.;
6 The George and Charlene Lane Family Trust;
The Frank and Yvonne Lane 1993 Family Trust;
7 Monte Vista Building Sites, Inc., and A.V. Materials, Inc.

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11 Coordination Proceeding Special Title
(Rule 1550 (b))

Judicial Council Coordination No. 4408
[Assigned to Hon. Jack Komar; Dept 17]

12 ANTELOPE VALLEY GROUNDWATER
13 CASES

Santa Clara Case No.: 1-05-CV-049053

14 Included CONSOLIDATED Actions:

JOINDER IN JOINT CASE
MANAGEMENT CONFERENCE
STATEMENT AND SUPPLEMENTAL
CASE MANAGEMENT STATEMENT OF
THE LANE FAMILY

15 Los Angeles County Waterworks District No.
16 40 vs. Diamond Farming Company
17 Los Angeles Superior Court Case No.
BC325201

Date: January 7, 2015
Time: 10:00 a.m.
Dept.: Court-Call Only

18 Los Angeles County Waterworks District No.
19 40 vs. Diamond Farming Company
20 Kern County Superior Court Case No. S-1500-
CV-254348 NFT

21 Diamond Farming Company vs. City of
22 Lancaster Riverside County Superior Court
23 Lead Case No. RIC 344436 [Consolidated w/
24 Case Nos. 344668 & 353840]

25 Willis v. Los Angeles County Waterworks
District No. 40; Los Angeles Superior Court
26 Case No. BC 364553

27 Wood v. Los Angeles County Waterworks
District No. 40; Los Angeles Superior Court
28 Case No. BC 391869

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1 The Lane Family is prepared to stipulate to entry of the proposed judgment that has been
2 negotiated by and among the settling parties. By doing so the Lane Family would be settling
3 with all other Stipulating Parties, provided, however, that the issue of title to water rights
4 allocated under the proposed judgment as between the Lane Family and Granite would remain
5 undecided. The Lane Family would seek to have this remaining two-party dispute decided by
6 the Court or by an alternate approach, including mediation.

7 The Court's November 4, 2014 Case Management Order sets forth a schedule for
8 determining disputed matters, and the Lane Family would ask that its two-party dispute with
9 Granite be included therein.

10 The principals of Granite and the Lane Family met during the week of December 15th in
11 an attempt to settle this matter. They are scheduled to meet again in advance of the January 7,
12 2015 case management conference. The Lane Family's counsel will report to the Court after
13 such meeting.

14
15 Dated: December 31, 2014

Respectfully submitted

16 SMILAND CHESTER LLP

17 By /s/ Theodore A. Chester, Jr.
18 Theodore A. Chester, Jr.

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PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }

I, Felicia Herbstreith am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 140 South Lake Avenue, Suite 274, Pasadena, California 91101.

On December 31, 2014, I served the foregoing document described as: **CASE MANAGEMENT STATEMENT OF LITTLE ROCK SAND AND GRAVEL, INC.; THE FRANK AND YVONNE LANE 1993 FAMILY TRUST; AND MONTE VISTA BUILDING SITES, INC.** on the interested parties in this action by posting the document listed above to the Santa Clara County Superior website in regard to the Antelope Valley Groundwater Adjudication matter, pursuant to the Electronic Filing and Service Standing Order of Judge Komar.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **December 31, 2014**, at Los Angeles, California.

/s/ Felicia Herbstreith
Felicia Herbstreith

EXHIBIT B

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

Coordination Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., Superior Court of California, County of Los Angeles, Case No. BC 325 201

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., Superior Court of California, County of Kern, Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of Riverside,
consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Willis v. Los Angeles County Waterworks District No. 40, Superior Court of California, County of Los Angeles, Case No. BC 364 553

Wood v. Los Angeles County Waterworks District No. 40, Superior Court of California, County of Los Angeles, Case No. BC 391869

Wood v. A.V. Materials, Inc., et al., Superior Court of California, County of Los Angeles, Case No. BC 509546

Wood v. County of Los Angeles, Superior Court of California, County of Los Angeles, Case No. BS 143790 [ADD-ON PETITION IS PENDING]

Judicial Council Coordination
Proceeding No. 4408

For Court's Use Only:
Santa Clara County Case No.
1-05-CV-049053
(for E-Posting/E-Service
Purposes Only)

Date/Time: Wednesday, January 7, 2015

10:00 a.m.

Location: [CourtCall]

Superior Court of California
County of Santa Clara

Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
January 7, 2015 (10:00am) / Hon. Jack Komar

F:\komar\antelope Valley\2015-01-07 MO.doc

Present: Hon. Jack Komar, Judge
_____, Reporter

Rowena Walker, Clerks (SC)
_____, C.A. Deputy Sheriff (SC)

MINUTE ORDER / TELEPHONIC CONFERENCE TO DISCUSS

- Demand by Charles Tapia and the Nellie Tapia Family Trust for Inclusion in Settlement Discussions, filed on December 16, 2014
- Demand by the Willis Class for Inclusion in Settlement Negotiations, filed December 22, 2014
- Demand by Juanita Eyherabide and the Eyherabide Sheep Company for Inclusion in Settlement Negotiations, filed December 23, 2014
- Case Management Conference

An informal teleconference call was held by the Court, off the record, with counsel to discuss the various "demands" noted above.

Attorney McLachlan raised an issue regarding the briefing schedule noted in the November 4, 2014 Case Management Order (attached for reference), specifically, the possibility of being unable to meet the January 15, 2015 deadline to file the Stipulation(s) for Entry of Judgment by the Stipulating Parties. Should any party be unable to timely file its stipulation, the Court will address the issue at the next Case Management Conference, set for **January 22, 2015 at 10am in Department 12** of the Superior Court of California, County of Santa Clara, 191 N. 1st Street, San Jose, California.

There remains an outstanding issue between two parties, namely the Lane Family (represented by Attorney Theodore A. Chester, Jr.) and Granite Construction Company (represented by Attorney Robert Kuhs), which the Court reserved for further discussion after the ruling on the Final Approval Hearing of the Wood Class Settlement.

PARTIES/ATTORNEYS OF RECORD:

Blum, Sheldon	Goldsmith, Janet	McLachlan, Michael	Ukkestad, John
Brumfield, Robert	Graham, Justin	Miliband, Wesley	Wang, Wendy
Bunn, Thomas	Holmes, Kyle	Ramos, Andrew	Weeks, Bradley
Casey, Edward	Hughes, Joseph	Reed, Chad	Wellen, Warren
Chester, Theodore	Joyce, Bob	Rose, Lori	Wilson, Walter
Coldren, Robert	Kalfayan, Ralph	Rusineck, Walter	Wood, Richard
Davis, Michael	Kuhs, Robert	S.Renwick, Edward	Worth, James
Dunn, Jeffrey	Kuney, Scott	Sanders, Christopher	Zimmer, Richard
Evertz, Douglas	Leininger, R.Lee	Skahan, Patrick	Zolezzi, Jeanne
Fife, Michael	Lemieux, Keith	Sloan, William	
Golden-Krasner, Noah	McElhaney, Leland	Tootle, John	

REPORTER:

Not reported.

EVENT CALENDAR:

January 22, 2015	10:00am	Blum MSJ; Motion to Sub Plaintiff to Willis Class; Request by Willis Class to Dismiss Answer of the Leslie Property; Hearing on Proposed Statement of Decision on PPH Trial on Causes of Action 2 and 6; CMC
Location: 191 N. 1 st Street, San Jose, CA (Department 12)		
February 6, 2015	9:00am	Motion for Preliminary Approval of the Wood Class Settlement
June 1, 2015	9:00am	Final Fairness Hearing (Wood Class Settlement)

MATTERS OFF CALENDAR AND CONTINUED UNTIL FURTHER ORDER OF THE COURT:

April 4, 2014	9am	Ex Parte Application by the United States to continue briefing schedule on the Federal Reserve Right Claim (currently: closing brief due April 2, 2014; opposition brief due April 22, 2014; reply brief due 5/1/14; stands submitted as of 5/1/14. Ex Parte Application by the Public Water Suppliers to Extend Date to Respond to Phase 6 Discovery Order
April 7, 2014 Dept 41, Room 417, 4 th Fl. Los Angeles	9am	AGWA's Motions, including, but not limited to: (1) Motion for Judgment on the Pleadings; (2) Motion in Limine for an Order Establishing the Evidentiary Standard for Notice for Proof of Prescription by the Public Water Purveyors; (3) Motion in Limine for an Order Establishing the Necessity of the Public Water Purveyors Proving the Elements of Prescription as to Each Landowner; and (4) Motion for Order Setting Matter for Jury Trial Joinders to the above motion by the Bolthouse Entities (Continued) Trial, Phase 5 (return flows, federal reserve rights); Wm. Bolthouse Farms, Inc.'s Motion for Non-Suit on the Federal Reserve Right Claim
August 4, 2014 Old Dept 1, Los Angeles	9am	Trial, Phase 6 (prescription + remaining issues)

EXHIBIT C

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/03/15

DEPT. 222

HONORABLE Jack Komar

JUDGE

J.M. GURNEE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

V. RODRIGUEZ #12215

Reporter

10:00 am JCCP4408

NO COURT FILE

Plaintiff	MICHAEL MCLACHLAN (X)
Counsel	RALPH KALFAYAN (X)
	LYNNE BRENNAN (X)
Defendant	DANIEL O'LEARY (X)
Counsel	DOUGLAS EVERTZ (X)
	OLAF LANDSGAARD (X)
	THEODORE CHESTER JR (X)
	CHRISTOPHER SANDERS (X)

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

NATURE OF PROCEEDINGS:

APPEARANCES (CONT) IN COURT:

IN COURT:

SCOTT KUNEY (X)
JAMES DUBOIS (X)
EDWARD RENWICK (X)
ROBERT KUHS (X)
LELAND MCELHANEY (X)
BILL BRUNICK (X)
NOAH GOLDEN-KRAZNER (X)
MILES HOGAN (X)
SHELDON BLUM (X)
THOMAS BUNN (X)
JUNE AILIN (X)
BRADLEY WEEKS (X)

WILLIAM SLOAN (X) AM
LEE LEININGER (X)
JEFFREY DUNN (X)
MICHAEL FIFE (X)
RICHARD ZIMMER (X)
WALTER WILSON (X)
JANET GOLDSMITH (X)
DEREK HOFFMAN (X)
JOHN TOOTLE (X)
KAREN BILOTTI (X)
BOB JOYCE (X)

ON COURTCALL:

CARLOS AMBRIZ (X)
WALTER RUSINEK (X)
JOSEPH HUGHES (X)
W. KEITH LEMIEUX, JR (X)
ANDREW RAMOS (X)
WILLIAM SLOAN (X) PM

ANDREW BRADY (X)
JAMES WORTH (X)
CHRISTOPHER BURGER (X)
CLIENT-MARLON BARNES (X)
JAMES MARKMAN (X)

FINAL FAIRNESS HEARING SMALL PUMPER/WOOD CLASS

The Order Appointing Court Approved Reporter as
Official Reporter Pro Tempore is signed and filed

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/03/15

DEPT. 222

HONORABLE Jack Komar

JUDGE J.M. GURNEE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

V. RODRIGUEZ #12215

Reporter:

10:00 am	JCCP4406	*NO COURT FILE*	Plaintiff	MICHAEL MCLACHLAN (X)
			Counsel	RALPH KALFAYAN (X)
				LYNNE BRENNAN (X)
			Defendant	DANIEL O'LEARY (X)
			Counsel	DOUGLAS EVERTZ (X)
				OLAF LANDSGAARD (X)
				THEODORE CHESTER JR (X)
				CHRISTOPHER SANDERS (X)

NATURE OF PROCEEDINGS:

this date.

The matter is called for hearing.

The court makes a finding that there are no objections by any member to the allocation of the amount in the Wood Class but there may be an objection by a member of the Willis Class who is also a land owner who has pumped an amount that would qualify under the Small Pumper Class.

Prove up is held.

Witnesses Mark Wildermuth and Richard Wood are sworn and testify.

Counsel argue Motions in Limine as follows:

Willis Class' Notice of Motion and Motion in Limine No 1 Re: Exclusion of Expert Report of Tim Thompson

Willis Class' Notice of Motion and Motion in Limine No 2 Re: Opinion Testimony on Reasonable and Beneficial Use of Groundwater by the Small Pumper Class

Court reserves ruling until the witness testifies.

Timothy Thompson is sworn and testifies.

Exhibts are marked for identification and admitted into evidence as follows:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/03/15

DEPT. 222

HONORABLE Jack Komar

JUDGE J.M. GURNEE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

V. RODRIGUEZ #12215

Reporter

10:00 am	JCCP4408	*NO COURT FILE*	Plaintiff	MICHAEL MCLACHLAN (X)
			Counsel	RALPH KALFAYAN (X)
		Coordination Proceeding Special		LYNNE BRENNAN (X)
		Title Rule (1550(b))	Defendant	DANIEL O'LEARY (X)
		ANTELOPE VALLEY	Counsel	DOUGLAS EVERTZ (X)
		GROUNDWATER CASES		OLAF LANDSGAARD (X)
		*ASSIGNED TO JUDGE JACK KOMAR		THEODORE CHESTER JR (X)
		IN SANTA CLARA COUNTY (8/31/05)		CHRISTOPHER SANDERS (X)

NATURE OF PROCEEDINGS:

RW1 2 VOLUME TECHNICAL REPORT BY EXPERT
 RW2 INDIVIDUAL GRANT DEED
 RW3 WOOD DOCUMENTS

and for identification only as follows:

RW4 CURRICULUM VITAE OF TIMOTHY THOMPSON

After further argument, the court rules on Motions in Limine. Motions in Limine are denied, Objections are overruled.

No final approval is made at this time, as global settlement needs to be adjudicated.

Court is in recess until 8/4/2015 at 9:00am in Department 222 for Hearing Re: Inconsistencies of Global Settlement with previous Willis Class Settlement.

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I, Lynda Ann Hachem, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 140 South Lake Avenue, Suite 274, Pasadena, California 91101.

On October 6, 2015, I served the foregoing document described as: **SUPPLEMENTAL CASE MANAGEMENT CONFERENCE STATEMENT** on the interested parties in this action by posting the document listed above to the Santa Clara County Superior website in regard to the Antelope Valley Groundwater Adjudication matter, pursuant to the Electronic Filing and Service Standing Order of Judge Komar.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **October 6, 2015**, at Pasadena, California.

/s/ Lynda Ann Hachem
Lynda Ann Hachem