

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Theodore A. Chester, Jr. (SBN 105405) Stephen R. Isbell (SBN 74234) MUSICK, PEELER & GARRETT, LLP 650 Town Center Dr., Ste. 1200 Costa Mesa, CA 92626-1925 TELEPHONE NO.: (714) 668-2400 FAX NO. (Optional): (714) 668-2490 E-MAIL ADDRESS (Optional): t.chester@mpglaw.com; s.isbell@mpglaw.com ATTORNEY FOR (Name): Plaintiff LITTLE ROCK SAND AND GRAVEL, INC.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: Central District	
PLAINTIFF/PETITIONER: LITTLE ROCK SAND AND GRAVEL, INC., a California corporation DEFENDANT/RESPONDENT: GRANITE CONSTRUCTION COMPANY, a California corporation	
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	CASE NUMBER: 1-05-cv-049053 / MC026932
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: January 31, 2018 Time: 9:00 a.m. Dept.: Judge Komar Div.: Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Stephen R. Isbell	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (answer one):
 - a. ☒ This statement is submitted by party (name): Little Rock Sand and Gravel, Inc.
 - b. ☐ This statement is submitted jointly by parties (names):

2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
 - a. The complaint was filed on (date): March 6, 2017
 - b. ☐ The cross-complaint, if any, was filed on (date):

3. **Service** (to be answered by plaintiffs and cross-complainants only)
 - a. ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. ☐ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
 - (3) ☐ have had a default entered against them (specify names):
 - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

4. **Description of case**
 - a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
 Quiet Title; Declaratory Relief

PLAINTIFF/PETITIONER: LITTLE ROCK SAND AND GRAVEL, INC., a California corporation	CASE NUMBER:
DEFENDANT/RESPONDENT: GRANITE CONSTRUCTION COMPANY, a California corporation	1-05-cv-049053 / MC0269

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

☒ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☒ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

- a. ☐ The trial has been set for *(date)*:
b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:
c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:
March 5-23, 2018 (trial) April 1-8, 2018 (vacation)
June 22-25, 2018 (vacation)

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

- a. ☒ days *(specify number)*: one day oral argument following briefing.
b. ☐ hours (short causes) *(specify)*:

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
b. Firm:
c. Address:
d. Telephone number:
e. E-mail address:
f. Fax number:
g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

- a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

- (1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

- (1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:

PLAINTIFF/PETITIONER: LITTLE ROCK SAND AND GRAVEL, INC., a California corporation DEFENDANT/RESPONDENT: GRANITE CONSTRUCTION COMPANY, a California corporation	CASE NUMBER: 1-05-cv-049053 / MC026932
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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: LITTLE ROCK SAND AND GRAVEL, INC., a California corporation	CASE NUMBER:
DEFENDANT/RESPONDENT: GRANITE CONSTRUCTION COMPANY, a California corporation	1-05-cv-049053 / MC0269

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- ☒ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
- Potential discovery motions.

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiff Little Rock Sand and Gravel, Inc.	Written discovery	January 31, 2018
Plaintiff Little Rock Sand and Gravel, Inc.	Depositions	January 31, 2018

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: LITTLE ROCK SAND AND GRAVEL, INC., a California corporation	CASE NUMBER:
DEFENDANT/RESPONDENT: GRANITE CONSTRUCTION COMPANY, a California corporation	1-05-cv-049053 / MC026932

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

18. Other issues

- ☒ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*): On September 21, 2017, this action was coordinated with the Antelope Valley Groundwater cases (Lead Case: Santa Clara Case No. 1-05-cv-049053) and now proceeds before Hon. Jack Komar.

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*): The parties agreed to the following briefing schedule:
 Opening Briefs: April 13, 2018
 Oppositions: May 11, 2018
 Replies: June 8, 2018
 Hearing: June 20, 2018 (or last week of June 2018)

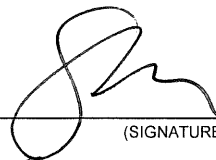
20. Total number of pages attached (*if any*): one

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: January 17, 2018

Stephen R. Isbell

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PARTY OR ATTORNEY)

▶

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

ATTACHMENT 4b to Case Management Statement

Little Rock Sand and Gravel, Inc. vs. Granite Construction Company Case No. MC026932

Defendant Granite Construction Company (“Defendant”) leases from Plaintiff Little Rock Sand and Gravel, Inc. (“Plaintiff”) a property located in the Antelope Valley (the “Property”). Under the lease and for the term thereof, Defendant is entitled to, among other things, exercise Plaintiff’s overlying groundwater rights that are appurtenant to the Property and use such groundwater exclusively on the Property. Plaintiff, as the owner of the Property, and Defendant, as the occupier of the Property, were made parties to a consolidation of lawsuits known as the Antelope Valley Groundwater Cases (Santa Clara County Superior Court Case No. 1-05-CV-049053), which concerned the allocation of groundwater between the various owners and occupiers of parcels of real property located above a groundwater basin in the Antelope Valley. A judgment was entered in the Groundwater Cases that identified the Property as “Granite Construction Company (Little Rock Sand and Gravel, Inc.)” and allocated it overlying production rights of 234 acre-feet of groundwater per year (the “Allocated Groundwater”). Defendant intends to pump and use all of the Allocated Groundwater indefinitely, including after the expiration of the Lease in April 2021 and on land other than the Property (including land owned by Defendant). Defendant’s intentions in this regard violate the terms of the lease and Plaintiff’s water rights that run with the Property. Accordingly, Plaintiff seeks a judgment (1) quieting title to all of the Allocated Groundwater and (2) for declaratory relief that Plaintiff is the sole owner of all rights, title and interest in the Allocated Water and that Defendant has no rights, title or interest to the Allocated Groundwater except to the extent that Plaintiff granted Defendant limited rights thereto under the express terms of the lease.

PROOF OF SERVICE

Antelope Valley Groundwater Cases
Santa Clara County Case No. 1-05-CV-049053
Judicial Council Coordination ("JCCP") No. 4408
California Court of Appeal, Fourth District, Division Two, Case No. E065512

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is Musick Peeler & Garrett LLP, 650 Town Center Drive, Suite 1200, Costa Mesa, CA 92626-1925.

On January 17, 2018, I served the foregoing document described as: **LITTLE ROCK SAND AND GRAVEL INC.'S CASE MANAGEMENT STATEMENT** on the interested parties in this action by posting the document listed above to the <http://www.avwatermaster.org> website in regard to the Antelope Valley Groundwater Adjudication matter, pursuant to the Electronic Filing and Service Standing Order of Judge Komar and through the TwoLegal website (www.Twolegal.com).

The file transmission was reported as complete to all parties appearing on the <http://www.avwatermaster.org> electronic service list and (www.Twolegal.com) for the Antelope Valley Groundwater Cases, Case No. 2005-1-CV-049053; JCCP 4408.

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

Executed on January 17, 2018, at Costa Mesa, California.

/s/ Judy Jacobs
Judy Jacobs