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 4
 Attorneys for Cross-defendants,
 5 LITTLE ROCK SAND AND GRAVEL, INC.,
 a California Corporation;
 6 THE GEORGE AND CHARLENE LANE FAMILY TRUST;
 THE FRANK AND YVONNE LANE 1993 FAMILY
 7 TRUST, DATED MARCH 5, 1993, AS RESTATED
 JULY 20, 2000; MONTE VISTA BUILDING SITES, INC.,
 8 a California Corporation; A.V. MATERIALS, INC.,
 a California Corporation; A.C. WARNACK,
 9 as Trustee of the A.C. WARNACK TRUST;
 HOLLIDAY ROCK CO., INC.,
 10 successor in interest to
 LITTLEROCK AGGREGATE CO., INC. dba
 11 ANTELOPE VALLEY AGGREGATE, INC.;
 LITTLEROCK AGGREGATE CO., INC. dba
 12 ANTELOPE VALLEY AGGREGATE, INC.
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 17 Bruce Burrows and 300 A 40 H, LLC
 18

19 SUPERIOR COURT OF THE STATE OF CALIFORNIA

20 FOR THE COUNTY OF LOS ANGELES

21	ANTELOPE VALLEY GROUNDWATER CASES)	Judicial Council Coordination No.
22	Included Actions:)	4408
23	Los Angeles County Waterworks)	For filing purposes only:
24	District No. 40 v. Diamond)	Santa Clara County Case No.
		1-05-CV-049053
		[Assigned to the Honorable Jack

1 Farming Co. Superior Court of)
California County of Los Angeles,)
2 Case No. BC 325 201)
3 Los Angeles County Waterworks 2)
District No. 40 v. Diamong)
4 Farming Co. Superior court of)
Califronia, County of Kern, Case)
5 No. S-1500-CV-254-348)
6 Wm. Bolthouse Farms, Inc. V. City)
of Lancaster Diamong Farming Co.)
7 V. City of Lancaster Diamond)
Farming Co. V. Palmdale Water)
8 Dist. Superior Court of)
California, County of Riverside,)
9 consolidated actions, Case No.)
RIC 353 840, RIC 344 436, RIC 344)
10 668)

Komar]

[PROPOSED] ORDER RE EX PARTE
APPLICATION FOR APPROVAL AND
ENTRY OF STIPULATIONS OF FACTS
FOR TRIAL PURSUANT TO CASE
MANAGEMENT ORDER FOR PHASE IV
TRIAL

Date: March 25, 2013

Time: 9:00 a.m.

Dept.: "1" Los Angeles Superior
Court

11
12 PLEASE TAKE NOTICE that on March 25, 2013 at 9:00 a.m. in
13 Department "1" of the Los Angeles Superior Court, Central
14 District, located at 111 North Hill Street, Los Angeles,
15 California 90012, the application of cross-defendants LITTLE
16 ROCK SAND AND GRAVEL, INC., HOLLIDAY ROCK CO., INC., successor
17 in interest to LITTLEROCK AGGREGATE CO., INC. dba ANTELOPE
18 VALLEY AGGREGATE, INC., LITTLEROCK AGGREGATE CO., INC. dba
19 ANTELOPE VALLEY AGGREGATE, INC., THE FRANK AND YVONNE LANE 1993
20 FAMILY TRUST, DATED MARCH 5, 1993, AS RESTATED JULY 20, 2000,
21 THE GEORGE AND CHARLENE LANE FAMILY TRUST, MONTE VISTA BUILDING
22 SITES, INC., A.V. MATERIALS, INC. and Cross-defendants LANDINV,
23 INC., BRUCE BURROWS and 300 A 40 H, LLC (collectively "Moving
24 Parties") came on for hearing, the Hon. Jack Komar presiding.

1 The attorneys' appearances were as recorded by the clerk of the
2 court. The court has considered the parties' evidence and
3 arguments.

4 The court finds as follows:

5 1. In the Stipulation of Facts for Trial Pursuant to Case
6 Management Order for Phase IV Trial dated February 28, 2013, and
7 entered into between Landinv, Inc. and Palmdale Water District,
8 the parties to the stipulation stipulated to the truth of the
9 facts stated in the Declaration of Yogesh Radia Relating to Land
10 Owned by Landinv, Inc. and its exhibits, posted on the court's
11 website at

12 <http://www.scefiling.org/document/document.jsp?documentId=77168>

13 on January 31, 2013.

14 2. In the Stipulation of Facts for Trial Pursuant to Case
15 Management Order for Phase IV Trial dated February 28, 2013, and
16 entered into between Littlerock Sand & Gravel, et al. and
17 Palmdale Water District, the parties to the stipulation
18 stipulated to the truth of the facts stated in the Declaration
19 of George M. Lane in Lieu of Deposition Testimony for Phase 4
20 Trial, dated January 31, 2013, as corrected by the Notice of
21 Errata on February 5, 2013, and the Declaration of Blake
22 McCullough-Sanden Re Phase 4 Trial dated January 31, 2013 and
23 their attached exhibits, which are posted on the court's website
24 respectively at:

1 <http://www.scefiling.org/document/document.jsp?documentId=76581>

2 <http://www.scefiling.org/document/document.jsp?documentId=76787>

3 <http://www.scefiling.org/document/document.jsp?documentId=76580>

4 3. In the Stipulation of Facts for Trial Pursuant to Case
5 Management Order for Phase IV Trial dated March 15, 2013, and
6 entered into between the Moving Parties, the parties to the
7 stipulation stipulated to the truth of the facts stated in the
8 following declarations, and their respective exhibits, which are
9 posted on the court's website as follows:

10 4. Declaration of Yogesh Radia Relating to Property Owned
11 by Landinv, Inc. dated February 12, 2013

12 <http://www.scefiling.org/document/document.jsp?documentId=77168;>

13 5. Declaration of Bruce Burrows dated March 14, 2013

14 <http://www.scefiling.org/document/document.jsp?documentId=7>
15 [8425;](http://www.scefiling.org/document/document.jsp?documentId=78425;)

16 6. Declaration of George M. Lane in Lieu of Deposition
17 Testimony for Phase 4 Trial, dated January 31, 2013, as
18 corrected by the Notice of Errata on February 5, 2013

19 <http://www.scefiling.org/document/document.jsp?documentId=76581>

20 <http://www.scefiling.org/document/document.jsp?documentId=76787>

21 7. Declaration of Blake McCullough-Sanden Re Phase 4 Trial
22 dated January 31, 2013

23 <http://www.scefiling.org/document/document.jsp?documentId=76580;>

24 8. Declaration of Robert J. Pluss in Lieu of Deposition

1 Testimony for Phase 4 Trial dated January 31, 2013

2 <http://www.scefiling.org/document/document.jsp?documentId=76576;>

3 9. Declaration of Dean Browning in Lieu of Deposition

4 Testimony for Phase 4 Trial dated January 31, 2013

5 <http://www.scefiling.org/document/document.jsp?documentId=76578;>

6 10. Declaration of John Holliday in Lieu of Deposition

7 Testimony for Phase 4 Trial dated January 31, 2013

8 <http://www.scefiling.org/document/document.jsp?documentId=76573;>

9 11. Declaration of Peter H. Pouwels in Lieu of Deposition

10 Testimony for Phase 4 Trial dated January 31, 2013

11 [http://www.scefiling.org/document/document.jsp?documentId=76575.](http://www.scefiling.org/document/document.jsp?documentId=76575)

12 12. No party has demonstrated there is an evidentiary
13 dispute concerning the facts set forth in the declarations
14 identified

15 herein _____
16 _____
17 _____.

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1 Accordingly, GOOD CAUSE APPEARING, the court orders as
2 follows:

3 The facts stated in each of the declarations identified
4 herein are accepted as facts proven at trial and shall be
5 binding on all parties in this
6 action_____

7 _____
8 IT IS HEREBY ORDERED

9 Dated: March ____ 2013

10 By: _____

11 Hon. Judge Jack Komar
12 Judge of the Superior
13 Court
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STATE OF CALIFORNIA

On March 15, 2013, I served the foregoing document, described as:

on the interested parties in this action in the following manner:

Executed on March 15, 2013 at Los Angeles, California.

James W. Lewis