

1 NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP  
2 FRED A. FUDACZ (SBN 050546)  
3 HENRY S. WEINSTOCK (SBN 089765)  
4 445 S. Figueroa Street, 31st Floor  
5 Los Angeles, California 90071-1602  
6 Telephone: (213) 612-7800  
7 Facsimile: (213) 612-7801

8 Attorneys for Defendant and Cross-Complainant Tejon Ranchcorp

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

10 ANTELOPE VALLEY	)	Judicial Council Coordination Proceeding No.
11 GROUNDWATER CASES	)	4408
12 Included Actions:	)	
13 Los Angeles County Waterworks District No. 40	)	Santa Clara Case No. 1-05-CV-049053
14 v. Diamond Farming Co.	)	Assigned to The Honorable Jack Komar
15 Superior Court of California	)	
16 County of Los Angeles, Case No. BC 325 201	)	<b>PROPOSED AGENDA FOR CASE</b>
17	)	<b>MANAGEMENT CONFERENCE</b>
18 Los Angeles County Waterworks District No. 40	)	Date: April 28, 2006
19 v. Diamond Farming Co.	)	Time: 10:00 a.m.
20 Superior Court of California, County of Kern,	)	Department: 1
21 Case No. S-1500-CV-254-348	)	
22	)	
23 Wm. Bolthouse Farms, Inc. v. City of Lancaster	)	
24 Diamond Farming Co. v. City of Lancaster	)	
25 Diamond Farming Co. v. Palmdale Water Dist.	)	
26 Superior Court of California, County of Riverside,	)	
27 consolidated actions, Case Nos.	)	
28 RIC 353 840, RIC 344 436, RIC 344 668	)	

Based on the results of the Issues Conference on March 24, 2006, Tejon Ranchcorp proposes that the April 28, 2006 Case Management Conference focus on the following issues:

1. **PHASE 1 TRIAL RE OUTER BASIN BOUNDARIES.**

In order to determine which parties and which lands will be subject to this adjudication, the Court indicated that it would schedule a trial on the outer basin boundaries in or about July of this year. If so, there must be a determination of the scope and timing of pre-trial discovery.

Pursuant to the Court's Protective Order Re Settlement Discussions, approximately 20

1 experts met on April 10, 2006 to discuss basin boundaries and other issues. They have scheduled  
2 another meeting for May 15, 2006. Per the Court's request, if a unanimous agreement regarding basin  
3 boundaries is reached, which would obviate the need for a basin boundary trial, the parties will promptly  
4 notify the Court.

5 **2. PHASE 2 – CHARACTER OF THE BASIN.**

6 The Court also indicated that it would schedule a trial around the end of 2006 in which  
7 the parties would present evidence regarding the "character of the basin." It was discussed that this  
8 phase would include evidence regarding subareas, groundwater banking, and other issues. The scope of  
9 this phase of the case will presumably be discussed and defined further.

10 **3. JOINT DATA COLLECTION AND COST-SHARING.**

11 There is a great deal of data available regarding the geology and hydrology of this  
12 groundwater basin and its subbasins, including prior research and more recent data that has not been  
13 collected or analyzed in any published reports. It would save the parties, the Court, and experts  
14 enormous amounts of time and money if there were an agreed joint compilation of important  
15 hydrogeological data regarding this basin. The technical committee of experts may soon propose a  
16 method of collecting and digitizing such data, along with an estimated budget. But the parties and the  
17 Court must decide how these costs will be shared, the admissibility of this data compilation, and related  
18 procedural issues. In view of the impending Phase 1 & 2 trials, these issues should be resolved  
19 promptly.

20 **4. JOINDER OF PARTIES.**

21 It is still unclear which landowners and water suppliers will be joined as cross-defendants  
22 and when they will be joined.

23 **5. HEARING RE DISPOSITIVE LEGAL ISSUES.**

24 Many parties have raised legal issues whose resolution could decide important claims and  
25 defenses in this case and promote settlement of the case. Examples include what constitutes adequate  
26 "notice" to landowners to establish prescription, whether prescription claims must be decided on a  
27 parcel-by-parcel basis, the nature and effect of "self help," clarification of unexercised or dormant  
28 overlying rights of landowners, and other issues. Such motions could be cast as motions for partial

1 judgment of the pleadings, or decided under other procedures consistent with the Court's broad powers  
2 to expedite complex litigation of this type. Reasonable procedures, including briefing schedules, should  
3 be discussed.

4 **6. PROCEDURES FOR NUMEROUS SMALL LANDOWNERS.**

5 Since this case many ensnare hundreds or even thousands of small landowners, the Court  
6 should adopt model pleadings of the type proposed by Mr. Lemieux. In addition, legal representation  
7 should be provided in some economical form, such as by classes of landowners, which should be  
8 defined so as to minimize conflicts of interest based on water use, geographical differences, or other  
9 interests.

10  
11 Dated: April 21, 2006

NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP  
FREDRIC A. FUDACZ  
HENRY S. WEINSTOCK

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14 By: 

HENRY S. WEINSTOCK  
Attorneys for Tejon Ranchcorp

1 **PROOF OF SERVICE**

2  
3 The undersigned declares:

4 I am employed in the County of , State of California. I am over the age of 18 and am not a party  
5 to the within action; my business address is c/o Nossaman, Guthner, Knox & Elliott, LLP, 445 S.  
6 Figueroa Street, 31st Floor Los Angeles, California 90071-1602.

7 On **April 21, 2006**, I served the foregoing **PROPOSED AGENDA FOR CASE**  
8 **MANAGEMENT CONFERENCE** on all interested parties:

9 (X) (By U.S. Mail) On the same date, at my said place of business, said correspondence was sealed  
10 and placed for collection and mailing following the usual business practice of my said employer.  
11 I am readily familiar with my said employer's business practice for collection and processing of  
12 correspondence for mailing with the United States Postal Service, and, pursuant to that practice,  
13 the correspondence would be deposited with the United States Postal Service, with postage  
14 thereon fully prepaid, on the same date at Los Angeles, California, addressed to:

15  
16 Honorable Jack Komar  
17 Judge of the Superior Court of California  
18 County of Santa Clara  
19 191 North First Street, Department 17C  
20 San Jose, CA 95113

21 (X) (By E-Filing) I posted the document(s) listed above to the Santa Clara County Superior Court  
22 website in regard to the Antelope Valley Groundwater matter in compliance with the Court's  
23 electronic posting instructions and the Court's Clarification Order dated October 27, 2005.

24 ( ) (By Federal Express) I served a true and correct copy by Federal Express or other overnight  
25 delivery service, for delivery on the next business day. Each copy was enclosed in an envelope  
26 or package designated by the express service carrier; deposited in a facility regularly maintained  
27 by the express service carrier or delivered to a courier or driver authorized to receive documents  
28 on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying  
service list.

Executed on **April 21, 2006** at Los Angeles, California.

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

( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

25 \_\_\_\_\_  
26 Mitchi Shibata