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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 COUNTY OF LOS ANGELES

17 BOLTHOUSE LAND COMPANY, LLC, a  
18 California limited liability company; WM.  
19 BOLTHOUSE FARMS, INC., a Michigan  
20 corporation;

20 and

21 GRIMMWAY ENTERPRISES, INC., a Delaware  
22 corporation, DIAMOND FARMING  
23 COMPANY, a California corporation; LAPIS  
24 LAND COMPANY, LLC, a California limited  
25 liability company; RUBY LAND COMPANY,  
26 LLC, a Delaware limited liability company;

25 Plaintiffs,

26 vs.

27 ALL PERSONS CLAIMING A RIGHT TO  
28 EXTRACT OR STORE GROUNDWATER IN

Case No.: BCV-21-101927  
Complex Action

**[PROPOSED] ORDER RE PHASE ONE  
DISCOVERY AND TRIAL ORDER**

Honorable Yvette M. Palazuelos  
Spring Street Courthouse - Dept. 9

Action Filed: August 17, 2021  
Trial Date: None

1 THE CUYAMA VALLEY GROUNDWATER  
2 BASIN (NO. 3-013); ALL PERSONS  
3 UNKNOWN, CLAIMING ANY LEGAL OR  
4 EQUITABLE RIGHT, TITLE, ESTATE, LIEN,  
5 OR INTEREST IN THE PROPERTY  
6 DESCRIBED IN THE COMPLAINT ADVERSE  
7 TO PLAINTIFF’S TITLE, OR ANY CLOUD  
8 UPON PLAINTIFF’S TITLE THERETO; DOES  
9 1 THROUGH 5000 and THE PERSONS  
10 NAMED AS DEFENDANTS IDENTIFIED ON  
11 EXHIBIT D TO THIS COMPLAINT as may be  
12 amended from time to time,  
13  
14 Defendants.

15 Following the Trial Scheduling Conference on November 4, 2022, the Court issued a Minute  
16 Order requiring the parties to file and serve a proposed Discovery Plan by November 18, 2022,  
17 addressing experts and confirming that the “adjudication concerns groundwater and not surface  
18 waters” even though impact on surface waters may be part of the evidence presented at trial. Plaintiffs  
19 BOLTHOUSE LAND COMPANY, LLC; WM. BOLTHOUSE FARMS, INC., GRIMMWAY  
20 ENTERPRISES, INC., DIAMOND FARMING COMPANY, LAPIS LAND COMPANY, LLC, and  
21 RUBY PROPERTY, LLC (“Plaintiffs”) and Defendants who were available for a call, met and  
22 conferred by Zoom conference on November 10, 2022.

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**I. ORDER**

1. The Phase 1 Trial on Jurisdictional Boundaries (non-jury) is scheduled for **August 7, 2023, at 9:30 AM** in Department 9 at the Spring Street Courthouse, with a 7-10 day trial estimate.
2. The Final Status Conference is scheduled for **June 30, 2023, at 10:00 AM** in Department 9 of the Spring Street Courthouse.
3. Because the United States is a party to this proceeding, the character of the water rights being claimed is important for purposes of satisfying the McCarran Amendment (codified at 43 U.S.C. § 666; see also Code of Civil Procedure §830(a)(7).) Code of Civil Procedure section 832 defines groundwater as “water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.” Any party claiming that the water they are producing

1 from a well within the boundary of the Basin is not groundwater, as defined, is ordered to file  
 2 and serve a Notice of Intent to Claim Water Rights in Addition to Groundwater Rights on or  
 3 before **December 15, 2022**, generally describing the nature of the rights claimed, the location  
 4 of the well(s) and any filings with the State Water Board.

- 5 4. For any party that has filed a Notice of Intent to Challenge the DWR Bulletin 118 Basin  
 6 Boundary, the deadline to file a Notice of Withdrawal of Intent to Challenge the DWR Bulletin  
 7 118 Basin Boundary is **January 6, 2023**.
- 8 5. Non-Appearance Case Review Re: Filing of Notice of Intent to Claim Water Rights in  
 9 Addition to Groundwater Rights; and Notice of Withdrawal of Intent to Challenge the DWR  
 10 Bulletin 118 Basin Boundary is scheduled for ~~December 15, 2022~~ <sup>Revised: February 1, 2023</sup>, at 8:30 AM in  
 11 Department 9 of the Spring Street Courthouse.
- 12 6. The Discovery and Expert Disclosure Plan for the Phase 1 Trial is as follows:

Date	Event
Friday, Jan 27, 2023	Status Conference: 10:00 a.m.
Wed., Feb. 15, 2023	Disclose Experts Pursuant to CCP §843 by Parties Challenging DWR 118 Basin Boundary.
Wed., March 15, 2023	Disclose Expert Reports by Parties Challenging DWR 118 Basin Boundary pursuant to CCP § 843(b); and disclose materials relied upon by experts challenging DWR 118 Boundary in addition to required production pursuant to CCP 843 (b).
Friday, March 24, 2023	Identify non-expert trial witnesses intended to be called by parties challenging DWR 118 Basin Boundary.
April 3 – April 14, 2023	Depositions of experts and non-expert trial witnesses intended to be called by parties challenging DWR 118 Basin Boundary.
Mon., May 15, 2023	Disclose Experts Pursuant to CCP §843 by Parties Supporting DWR 118 Basin Boundary.
Thurs., June 1, 2023	Disclose Expert Reports by Parties Supporting DWR 118 Basin Boundary pursuant to CCP § 843(b); and disclose materials relied upon by experts supporting DWR 118 Basin Boundary in addition to required production pursuant to CCP 843 (b).
Mon., June 12, 2023	Identify non-expert trial witnesses intended to be called by parties supporting DWR 118 Basin Boundary.
June 26-30, July 6, 7, 2023	Depositions of experts and non-expert trial witnesses intended to be called by parties supporting DWR 118 Basin Boundary.
Friday, July 14, 2023	Disclosure of Rebuttal Expert reports and reliance materials by Experts challenging DWR 118 Basin Boundary.
July 19-July 21, 2023	Depositions of Experts offering Rebuttal testimony
July 25, 2023	Disclose Rebuttal Expert reports and reliance materials and Experts

