

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

**Civil Division**

Central District, Spring Street Courthouse, Department 9

**BCV-21-101927**

December 7, 2023

10:00 AM

**BOLTHOUSE LAND COMPANY, LLC, et al. vs ALL  
PERSONS CLAIMING A RIGHT TO EXTRACT OR STORE  
GROUNDWATER IN THE CUYAMA VALLEY  
GROUNDWATER BASIN (NO.3-013), et al.**

Judge: Honorable Yvette M. Palazuelos  
Judicial Assistant: R. Arraiga  
Courtroom Assistant: M. Tavakoli

CSR: None  
ERM: None  
Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Robert G. Kuhs via LA Court Connect (Video); Richard G. Zimmer, Esq. via LA Court Connect (Video)

For Defendant(s): Cameron Goodman via LA Court Connect (Telephonic); Boyd Hill via LA Court Connect (Telephonic); Daniel N. Raytis via LA Court Connect (Telephonic); Wendy Y. Wang

Other Appearance Notes: \*Additional Appearances for Defendant(s) Are Listed Below\*

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**NATURE OF PROCEEDINGS:** Status Conference;

Additional Appearances:

Christopher M. Sanders via LA Court Connect (Video)  
Sean Hood via LA Court Connect (Telephonic)  
Callie Kim via LA Court Connect (Video)  
Collin Pearce via LA Court Connect (Telephonic)  
Amy Steinfeld via LA Court Connect (Video)  
Thomas Thornton via LA Court Connect (Video)  
Jad T. Davis via LA Court Connect (Telephonic)  
Kristi Marshall via LA Court Connect (Video)  
Kathleen P. March via LA Court Connect (Video)  
R. Jeffrey Warren via LA Court Connect (Video)  
Irene Whitcombe via LA Court Connect (Telephonic)  
B. Tilden Kim via LA Court Connect (Video)  
Eve W. McDonald via LA Court Connect (Telephonic)  
James L. Markman via LA Court Connect (Telephonic)

The matter is called for hearing.

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The Court has received and reviewed Plaintiffs' Status Conference Statement filed on 12/06/2023.

The Court and counsel confer in reference to the following:

**Remaining Parties-**

The parties clarify that the landowners Bolthouse, Grimmway, and Diamond are still in the action. It is the Leaseholders who are no longer in the suit. The landowners will be fully participating in the litigation.

**Intervenor-**

Cuyama Basin Groundwater Sustainability Agency has intervened as a Defendant as a matter of right. They do not intend to participate in this first phase of trial except to file a trial brief. Although the recent GSP uses Bulletin 118 as the basin's boundaries, Intervenor has not yet decided what position will take in this trial concerning the basin boundaries. The court orders that Intervenor's trial brief, if any, be filed no later than 5 court days before trial. Intervenor confirmed that at this point, it takes no position concerning the allocation of water from the basin as among the parties and understands that the Court will be undertaking such allocation at a later phase of the trial.

**Trial-**

All previously lodged binders, witness and exhibit lists remain unchanged. The parties may work with staff to bring in extra binders and to perform technology set up. Each side has one hour for opening statements.

Multiple defendants (those **disputing** Bulletin 118 boundaries) will first give opening statements and allocate the time among themselves.

Multiple Plaintiffs (those **supporting** Bulletin 118 boundaries) next will give opening statements and allocate the time among themselves.

First witness is Anthony Brown, an expert. direct estimate - 8 hrs; cross estimate - 8 hrs; redirect - TBD

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Second witness is Mark Nicholls, an expert. direct estimate - 4 hrs; cross estimate - TBD;  
redirect - TBD

At the conclusion of each trial day, the court will discuss with the parties the witnesses who will testify the following day, and the testimony estimates.

**Disputes-**

The parties dispute whether an expert, not being called to testify by the designating party, may be called at trial by the non-designating party. See CCP section 2034.310(A). The parties should meet and confer on this issue. If the issue cannot be resolved, each party may file a 5-page brief with the Court **prior** to trial.

The parties advise that they have exchanged demonstrative/slides before opening statements. As there are objections, the parties agree to meet and confer in reference to objections. The opening statement demonstratives appear to be limited to approximately 30 slides per opening statement.

The parties also advise that there may be 300 slides to be presented in connection with expert testimony. The Court expresses concern as to the number of slides, the parties advise that most concern introductory and educational materials on hydrology (the parties describe it as "Hydrology 101"). The Court appreciates the educational materials but cautions the parties to eliminate cumulative material and not to repeat the information.

The Objections and briefing is limited to **15** pages each and must be filed by **12/18/2023**. A stand-alone [proposed] order must also be filed concurrently which provides a space for the Court to make its rulings [sustained / overruled] and a space for comments / further explanation.

**A Non-Appearance Case Review Re: Filing of Objections and Briefing is scheduled for 12/26/2023 at 08:30 AM in Department 9 at Spring Street Courthouse.**

Ms. March for Walking U Ranch makes oral objections to Plaintiff's service and posting. Walking U Ranch's objections are **OVERRULED**.

Ms. McDonald makes a special appearance on behalf of the United States in the action. Ms.

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McDonald intends to personally attend trial. If Ms. MacDonald wants to be heard during the trial, the trial will be recessed so that she may be heard.

The Court reminds counsel that if counsel intend to argue, introduce evidence, examine or cross-examine any witnesses, they must personally appear at trial. Argument, introduction of evidence, and examination of witnesses, must be done in person and in court.

The Court advises counsel, or any member of the public, who want to monitor the trial but not participate that they may appear by LA CourtConnect as "non-party" or "public." Staff will be available to assist with LA CourtConnect.

Trials are conducted Monday through Friday each day commencing at 9:00 AM. A short break will be taken at 10 am for the Court's calendar. Trial will resume at approximately 10:30 to noon. Lunch Break is from noon to 1:30 PM. Trial resumes at 1:30PM through approximately 4:00 PM.

Reminder: If witnesses are not under subpoena and do not timely appear, trial will proceed without them. Continuances will not be granted due to witnesses who do not appear in a timely manner.

The Judicial Assistant to give notice to Counsel for Plaintiff, Mr. Zimmer who is ordered to give further and formal notice to all parties.

Clerk's Certificate of Service By Electronic Service is attached.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		<b>FILED</b> Superior Court of California County of Los Angeles <b>12/07/2023</b> David W. Slayton, Executive Officer / Clerk of Court By: <u>    R. Arraiga    </u> Deputy
PLAINTIFF: Ruby Land Company et al		
DEFENDANT: All Persons Claiming a Right to Extract or Store Groundwater in the Cuyar		
<b>CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</b>		CASE NUMBER: <b>BCV-21-101927</b>

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Minute Order

entered herein, on 12/07/2023, upon each party or counsel of record in the above entitled action, by electronically serving the document(s) on Case Anywhere at www.caseanywhere.com on 12/07/2023 from my place of business, Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012

in accordance with standard court practices.

David W. Slayton, Executive Officer / Clerk of Court

Dated: 12/07/2023

By: R. Arraiga

Deputy Clerk