

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 9

BCV-21-101927

January 26, 2024

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

CSR: None

Judicial Assistant: R. Arraiga

ERM: None

Courtroom Assistant: M. Tavakoli

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Robert G. Kuhs; Richard G. Zimmer, Esq.

For Defendant(s): Amy M. Steinfeld; Stephanie Osler Hastings; Christopher M. Sanders; Noah Golden Krasner; Judith Coleman; Jeffrey V. Dunn

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

NATURE OF PROCEEDINGS: Case Management Conference and Hearing on Order of Statement of Decision;

Additional Appearances:

Craig A. Parton via LA Court Connect (Audio)

Collin Pearce via LA Court Connect (Audio)

Shawnda Grady via LA Court Connect (Audio)

Kathleen P. March via LA Court Connect (Video)

Stephanie Morris via LA Court Connect (Audio)

Kristi Marshall via LA Court Connect (Audio)

Thomas Thornton via LA Court Connect (Audio)

James L. Markman via LA Court Connect (Video)

Jad T. Davis via LA Court Connect (Video)

Irene Whitcombe via LA Court Connect (Audio)

Doug Gosling via LA Court Connect (Audio)

Dan Raytis via LA Court Connect (Audio)

Eve W. McDonald via LA Court Connect (Audio)

Boyd Hill via LA Court Connect (Audio)

R. Jeffrey Warren via LA Court Connect (Video)

Callie Kim via LA Court Connect (Audio)

The matter is called for hearing.

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The Court has received and reviewed the parties' [proposed] Phase I Statements of Decision on Basin Boundaries, reports, and the [proposed] Case Management Order.

The Court and counsel discuss the following issues:

1. Statement of Decision

The parties argue the [proposed] Phase 1 Statements of Decision on Basin Boundaries.

The parties agree that the Department of Water Resources GIS "shapefile" for the Bulletin 118 boundary of Basin 3 – 013, a more detailed electronic map, must be added to Joint Trial Exhibit 1.

By **02/09/2024**, all counsel must:

- A. Lodge a [proposed] Order re: Shapefile (that GSA will post the current version - as of the date of this order - of the shapefile of the Cuyama Valley Groundwater Basin, Basin No. 3-103, as mapped in Bulletin 118 on the GSA website. Such posting provides the public, all parties and the court with access to the shapefile);
- B. Lodge a thumb drive with the shapefile (which the Court will maintain in its records); and
- C. Email their previously filed respective [Proposed] Statements of Decision in Word format to the court at **sscdept9@lacourt.org**

If the ordered items are **NOT** lodged/emailed by said date subsequently an Order to Show Cause Re: Sanctions hearing will be set.

A Non-Appearance Case Review Re: Submitting of [Proposed] Order Re: Shapefile, Lodging of Thumb Drive of Shapefile, and Emailing of [Proposed] Statements of Decision is scheduled for 02/16/2024 at 08:30 AM in Department 9 at Spring Street Courthouse.

2. Order to Show Cause Re: Surface Rights

Plaintiffs filed their complaint seeking an adjudication of groundwater rights to the Cuyama

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Groundwater Basin on 08/17/2021, and filed their First-Amended Complaint on 03/08/2022. The complaint seeks a comprehensive adjudication solely of groundwater rights to the Basin, and not an adjudication of any party's surface water right.

The Court issues an Order to Show Cause why this groundwater rights adjudication should not proceed solely with a groundwater rights determination, and **not** proceed with a determination of any parties' surface water right. The adjudication proceedings must continue without an adjudication of a party's surface water right until such time, if ever, such a determination is necessary under Code of Civil Procedure Section 833(c).

The Court sets an Order to Show Cause hearing. An **Order to Show Cause Re: Surface Rights is scheduled for 03/11/2024 at 10:00 AM in Department 9 at Spring Street Courthouse.**

If a party intends to claim a surface water right, the party **must** appear at the Order to Show Cause hearing. The appearing party must be prepared to tell the Court the location of well(s), if any, and any filings with the State Water Board, if any.

3. Sanctions Motion Hearing

Plaintiff's counsel may refile a Sanctions Motion Re: failure to file initial disclosures. Counsel must call the Court to obtain a hearing date and briefing schedule to refiling the motion.

4. Stipulation and [Proposed] Order Re: Meet and Confer Process

The parties state that they are experiencing difficulty meeting and conferring. Due to the problems, case management conference productivity and efficiency are reduced and case management conferences are unnecessarily lengthy.

To assist the parties in crafting a [proposed] Case Management Order (addressing a trial date, future motions, discovery, etc.), the Court orders counsel for Defendant Highland Vineyard SB, LLC, et al. to meet and confer with Plaintiffs' counsel and file and serve a Stipulation and [Proposed] Order Re: Meet and Confer Process by **03/01/2024**.

If the Stipulation and [proposed] Order is **NOT** submitted by said date subsequently an Order to Show Cause Re: Sanctions hearing will be set.

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Due to the large number of parties, the Court suggests that the parties incorporate the use of Case Anywhere in their Stipulation and [Proposed] Order Re: Meet and Confer Process.

After the Court issues the Order Re: Meet and Confer Process, the Court will request for the parties to meet and confer and prepare a [Proposed] Case Management Order Re: Phase 2 (safe yield) of this case.

A Case Management Conference is scheduled for 03/11/2024 at 10:00 AM in Department 9 at Spring Street Courthouse.

The Court will discuss the issues to be addressed in the Case Management Order at the conference. The Court will likely begin the discussion with reference to the CMO issued for Phase 1 (Basin Jurisdictional Boundaries)

All counsel are ordered to appear. Counsel may appear remotely via LA Court Connect.

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.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 01/30/2024 <small>David W. Slayton, Executive Officer / Clerk of Court</small> 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		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: BCV-21-101927

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 01/26/2024, 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 01/30/2024 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: 01/30/2024

By: R. Arraiga
Deputy Clerk