

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 9

BCV-21-101927

March 11, 2024

**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.**

10:00 AM

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 Garth Kuhs; Richard G. Zimmer, Esq.

For Defendant(s): Judith Coleman; Jeffrey V. Dunn; Noah Krasner; Irene Whitcombe; Wendy Y. Wang

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

NATURE OF PROCEEDINGS: Order to Show Cause Re: Surface Rights; Case Management Conference;

Additional Appearances:

Peter L. Candy via LA Court Connect (Audio)
Craig A. Parton via LA Court Connect (Audio)
R. Jeffrey Warren via LA Court Connect (Audio)
Kathleen P. March via LA Court Connect (Video)
Collin Pearce via LA Court Connect (Audio)
Eve W. McDonald via LA Court Connect (Audio)
Thomas Wynsma via LA Court Connect (Audio)
Derek Hoffman via LA Court Connect (Audio)
Kristi Marshall via LA Court Connect (Audio)
Stephanie Osler Hastings via LA Court Connect (Audio)
B. Tilden Kim via LA Court Connect (Audio)
Callie Kim via LA Court Connect (Audio)

The matter is called for hearing.

The Court has received and reviewed the Notice of Walking U Ranch, Defendants' Stipulation and [Proposed] Order Re: Meet and Confer Procedures and Plaintiffs' Stipulation and [Proposed] Case Management Order on Meet and Confer Procedures..

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The Court and counsel discuss the following issues:

1. Order to Show Cause Re: Surface Rights

On January 20, 2024, the Court issues an Order to Show Cause Re:

- "[W]hy this groundwater rights adjudication should not proceed solely with a groundwater rights determination, and not (sic) 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."

No party appears at the Order to Show Cause hearing to show why this groundwater rights adjudication should **not** proceed solely with a groundwater rights determination and instead proceed with a determination of any parties' surface water right.

Therefore, this action will proceed solely as a groundwater rights determination, and not proceed with (include) a determination of any parties' surface water right.

2. Case Management Order for Phase 2 (safe yield) Trial

The parties are to meet and confer and by **04/25/2024**, file and serve a [Proposed] Case Management Order (modeled after the CMO issued in the Phase 1 trial), addressing discovery, motions, expert discovery, status conferences, and a final status conference, etc. Additionally, please email the [Proposed] CMO in Word format to the court at **sscdept9@lacourt.org**

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Deputy Sheriff: None

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

A Non-Appearance Case Review Re: Submitting of [Proposed] Case Management Order Re: Phase 2 (safe yield) is scheduled for 05/02/2024 at 08:30 AM in Department 9 at Spring Street Courthouse.

3. Stipulation and Order Re: Meet and Confer Procedure Dispute

The parties dispute paragraph 9 of the Stipulation and Order Re: Meet and Confer Procedure dated 03/05/2024. After hearing dispute the Court orders that the Stipulation and Order Re: Meet and Confer Procedure dated 03/05/2024, shall stand.

4. Sanctions Motion Hearing

Plaintiff's counsel may refile an evidentiary 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.

5. Status Conference

A Status Conference is scheduled for 05/22/2024 at 10:00 AM in Department 9 at Spring Street Courthouse.

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

The parties are ordered to file and serve a Joint Status Report pursuant to the Stipulation and Order Re: Meet and Confer Procedure dated 03/05/2024, before the Status Conference. Do NOT use the Judicial Council Form CM-110 (Case Management Statement) for this purpose.

6. Non-Jury Trial Phase 2- Safe Yield

A Non-Jury Trial is scheduled for 02/24/2025 at 09:30 AM in Department 9 at Spring Street Courthouse.

All counsel are ordered to appear in person, no remote appearances will be permitted.

The Judicial Assistant to give notice to Counsel for Plaintiff (Mr. Zimmer) who is ordered to

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ERM: None

Courtroom Assistant: M. Tavakoli

Deputy Sheriff: None

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 FILED Superior Court of California County of Los Angeles 03/11/2024 David W. Slayton, Executive Officer / Clerk of Court By: <u>R. Arraiga</u> Deputy
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	
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 03/11/2024, 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 03/11/2024 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: 03/11/2024

By: R. Arraiga
Deputy Clerk