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18 INDIAN WELLS VALLEY WATER DISTRICT

19 SUPERIOR COURT OF THE STATE OF CALIFORNIA
20 FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER

21 MOJAVE PISTACHIOS, LLC; et al.,

22 Plaintiffs,

23 v.

24 INDIAN WELLS VALLEY WATER
25 DISTRICT; et al.,

26 Defendants.

Case No. 30-2021-01187275-CU-OR-CJC

*[Related Case No.: 30-2021-01187589-CU-
WM-CXC; Related Case No.: 30-2021-
01188089-CU-WM-CXC; Related Case No.
30-2022-01239479-CU-MC-CJC; Related
Case No. 30-2022-01249146-CU-MC-CJC]*

Assigned For All Purposes To:
The Honorable William Claster, Dept. CX104

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: May 20, 2022
Time: 1:30 p.m.
Dept.: CX104

1 INDIAN WELLS VALLEY WATER
2 DISTRICT,

3 Cross-Complainant,

4 v.

5 ALL PERSONS WHO CLAIM A RIGHT
6 TO EXTRACT GROUNDWATER IN THE
7 INDIAN WELLS VALLEY
8 GROUNDWATER BASIN NO. 6-54
9 WHETHER BASED ON
10 APPROPRIATION, OVERLYING RIGHT,
11 OR OTHER BASIS OF RIGHT, AND/OR
12 WHO CLAIM A RIGHT TO USE OF
13 STORAGE SPACE IN THE BASIN; et al.,

14 Cross-Defendants.

15 SEARLES VALLEY MINERALS INC.,

16 Cross-Complainant,

17 v.

18 ALL PERSONS WHO CLAIM A RIGHT
19 TO EXTRACT GROUNDWATER IN THE
20 INDIAN WELLS VALLEY
21 GROUNDWATER BASIN NO. 6-54
22 WHETHER BASED ON
23 APPROPRIATION, OVERLYING RIGHT,
24 OR OTHER BASIS OF RIGHT, AND/OR
25 WHO CLAIM A RIGHT TO USE OF
26 STORAGE SPACE IN THE BASIN; et al.,

27 Cross-Defendants.

Complaint Filed:
Trial Date:

November 19, 2019
None Set

1 alternatively, to impose a limited physical solution among Plaintiffs and Defendants. All
2 Defendants have answered the Complaint.

3 In response to the Complaint, on June 16, 2021, the District filed a Cross-Complaint for
4 Comprehensive Adjudication of the Basin, pursuant to the California Streamlined Groundwater
5 Adjudication Statutes (Code Civ. Proc., §§ 830-852) (“Comprehensive Adjudication”). In the
6 Comprehensive Adjudication, the District seeks: (1) a determination of all rights to extract (aka
7 pump) groundwater in the Basin, whether based on appropriation, overlying right, or other basis
8 of right, and all rights to use of storage space within the Basin; (2) entry of judgment based upon
9 the criteria set forth in Code of Civil Procedure section 850; and (3) imposition of a physical
10 solution pursuant to Code of Civil Procedure section 849.

11 The Complaint, the Searles Action (as defined below in paragraph 1.D), and the Mojave
12 Pistachios Action (as defined below in paragraph 1.D) were filed in Kern County Superior Court.
13 On January 13, 2021, the parties to the Searles Action and the Mojave Pistachios Action
14 stipulated to consolidate the two actions and transfer venue to the neutral county of Orange
15 County pursuant to Code of Civil Procedure section 394(a). Because the District expressed its
16 intention to file the Comprehensive Adjudication and Code of Civil Procedure section 838
17 provides that any judge of a superior court of a county overlying the Basin or any part of the
18 Basin shall be disqualified (i.e., the Counties of Inyo, Kern, and San Bernardino), the Parties
19 stipulated to transfer the Comprehensive Adjudication to Orange County with the Searles Action
20 and the Mojave Pistachios Action. On February 8, 2021, the Kern County Superior Court
21 transferred the Comprehensive Adjudication to Orange County Superior Court.

22 B. STATUS OF NOTICE AND SERVICE OF THE COMPREHENSIVE
23 ADJUDICATION

24 **(1) Initial Notice of Comprehensive Adjudication (Code Civ. Proc.,**
25 **§ 835).**

26 Code of Civil Procedure section 835 required the District to provide notice of the
27 Comprehensive Adjudication via first-class mail or email to: (a) a groundwater sustainability
28 agency that overlies the Basin or a portion of the Basin; (b) a city, county, or city and county that

1 overlies the Basin or a portion of the Basin; (c) a district with authority to manage or replenish
2 groundwater resources of the Basin in whole or in part; (d) the operator of a public water system
3 or state small water system that uses groundwater from the Basin to supply water service; (e) a
4 California Native American tribe that is on the contact list maintained by the Native American
5 Heritage Commission; (f) the Attorney General, the State Water Resources Control Board, the
6 Department of Water Resources, and the Department of Fish and Wildlife; and (g) a federal
7 department or agency that manages a federal reservation that overlies the Basin or a portion of
8 the Basin. (Code Civ. Proc., § 835(a)(1)-(7), (b), & (c)(1)(A).) On July 1, 2021, the District
9 filed a Notice of Completion of Providing Notice of the Comprehensive Adjudication to the
10 entities and individuals entitled to receive notice pursuant to Code of Civil Procedure
11 section 835. The July 1, 2021 notice of completion included a list of those entities and
12 individuals to whom the District provided notice.

13 **(2) Mailing of Notice of Commencement of Comprehensive Adjudication,**
14 **Cross-Complaint, and Form Answer to Basin Property Owners (Code**
15 **Civ. Proc., § 836).**

16 Code of Civil Procedure section 836 required the District to lodge a Notice of
17 Commencement of Groundwater Basin Adjudication (“Adjudication Notice”) and Form Answer
18 to Adjudication Cross-Complaint (“Form Answer”) with the Court upon filing the
19 Comprehensive Adjudication. (Code Civ. Proc., § 836(a).) The District lodged the Adjudication
20 Notice and Form Answer with the Court on June 16, 2021. Section 836 further required the
21 District to seek and obtain the Court’s approval of the Adjudication Notice and Form Answer.
22 (Code Civ. Proc., § 836(b).) On August 26, 2021, the Court granted the District’s motion and
23 approved the Adjudication Notice and Form Answer. On November 5, 2021, the Court granted
24 the District’s ex parte application and approved modification of the Adjudication Notice and
25 Form Answer to reflect the then-newly assigned department and judicial officer.

26 Once the Court approves an adjudication notice and form answer, section 836 requires
27 the party initiating the comprehensive adjudication to (a) identify the assessor parcel numbers
28 and physical addresses of all real property overlying the basin and the names and addresses of all

1 holders of fee title to real property overlying the basin using the records of the assessors of the
2 counties overlying the basin; and (b) mail, by registered mail or certified mail, return receipt
3 requested, a copy of the adjudication notice, cross-complaint, and form answer to all holders of
4 fee title to real property overlying the basin. (Code Civ. Proc., § 836(c) & (d)(1)(A)-(B).) On
5 November 15, 2021, the District filed a Notice of Acquisition of Information Concerning Real
6 Property in the Basin, confirming that it had identified the assessor parcel numbers and physical
7 addresses of all real property in the Basin and the names and addresses of all holders of fee title
8 to real property in the Basin using the records of the assessors of the Counties of Inyo, Kern, and
9 San Bernardino. On December 21, 2021, a mailing company the District retained began mailing
10 a cover letter from the District, along with the Adjudication Notice, Comprehensive
11 Adjudication, and Form Answer, to all property owners in the Basin. The District mailed to
12 nearly 18,000 addresses starting in late December 2021. The District estimates that it will have
13 completed the mailing process by the Case Management Conference. The District will file a
14 notice of completion of the mailing once completed. (Code Civ. Proc., § 836(e).)

15 **(3) Providing the Adjudication Notice and Form Answer to Various**
16 **Entities for Posting Online (Code Civ. Proc., § 836).**

17 Code of Civil Procedure section 836 required the District to provide the court-approved
18 Adjudication Notice and Form Answer to the California Department of Water Resources and
19 each county and groundwater sustainability agency that overlies the Basin or a portion of the
20 Basin, so that these entities could post those documents on their websites. (Code Civ. Proc.,
21 § 836(m).) Within fifteen (15) days of the Court’s approval of the Adjudication Notice and
22 Form Answer, the District provided them to the California Department of Water Resources, the
23 Counties of Inyo, Kern, and San Bernardino, and the Indian Wells Valley Groundwater
24 Authority. Within fifteen (15) days of the Court’s approval of modification of the Adjudication
25 Notice and Form Answer, the District provided the modified documents to those same entities.

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1 **(4) Requesting Information from Various Entities (Code Civ. Proc.,**
2 **§ 836.5).**

3 Code of Civil Procedure section 836.5 required the District to request certain information
4 from the State Water Resources Control Board, a local agency designated under Water Code
5 section 5009 as the local agency for a board-designated local area that includes the Basin or a
6 portion of the Basin, and the groundwater sustainability agency that overlies the Basin or a
7 portion of the Basin. (Code Civ. Proc., § 836.5.) Within fifteen (15) days of the Court's
8 approval of the Adjudication Notice and Form Answer, the District requested the required
9 information from the State Water Resources Control Board and the Indian Wells Valley
10 Groundwater Authority. The District determined that the Basin lacks a local agency for any
11 board-designated local area under Water Code section 5009.

12 **(5) Publication of Notice of Commencement of Comprehensive**
13 **Adjudication (Code Civ. Proc., § 836).**

14 Code of Civil Procedure section 836 required the District to publish the Adjudication
15 Notice once a week for four consecutive weeks in at least one newspaper of general circulation
16 within each county overlying the Basin. (Code Civ. Proc., § 836(d)(1)(D).) The Basin overlies
17 portions of Inyo, Kern, and San Bernardino Counties. The District completed publication as
18 follows:

- 19 • Inyo County: On January 3, 2022, the District filed a Proof of Publication
20 confirming publication of the Adjudication Notice in *The Inyo Register*, a
21 newspaper of general circulation within that county and printed and published in
22 the City of Bishop, County of Inyo.
- 23 • San Bernardino County: On January 14, 2022, the District filed a Proof of
24 Publication confirming publication of the Adjudication Notice in the *San*
25 *Bernardino County Sun*, a newspaper of general circulation within that county and
26 printed and published in the City of San Bernardino, County of San Bernardino.
- 27 • Kern County: On January 14, 2022, the District filed a Proof of Publication
28 confirming publication of the Adjudication Notice in *The Daily Independent*, a

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	<u>Cross-Defendant</u>	<u>Status</u>
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	<u>Cross-Defendant</u>	<u>Status</u>

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	<u>Cross-Defendant</u>	<u>Status</u>

In addition to naming specific entities, individuals, and governmental agencies as cross-defendants, the District also named All Persons Who Claim a Right to Extract Groundwater in the Indian Wells Valley Groundwater Basin No. 6-54 Whether Based on Appropriation, Overlying Right, or other Basis of Right, and/or Who Claim a Right to Use of Storage Space in the Basin. The District reports that additional cross-defendants have claimed an interest in the Basin’s groundwater and have submitted answers to the District and/or have appeared in the action as of the date of the filing of this Statement as reflected on the attached Exhibit A.

C. DEADLINE FOR REMAINING PLEADINGS AND SERVICE OF ADDITIONAL PARTIES

The District has served over 15,000 cross-defendants and potential cross-defendants. The District is still in the process of serving the Comprehensive Adjudication on: (1) 35 named cross-defendants; and (2) approximately 1,500 mailings where return-receipts were not received. The District requires additional time to confirm the accuracy of names and addresses of those persons and entities. The District estimates it will need an additional 90 days before completing service.

Based on the status of service, the District believes it is premature to set deadlines to serve or add new parties or define classes of parties. (Cal. Rules of Court, rule 3.750(b).) A copy of the current service list is attached as Exhibit B.

D. DE MINIMIS PAUSE

Pursuant to Code of Civil Procedure section 833(d), if the court finds that claims of right to pump only “minor” quantities of water, not exceeding five acre-feet of water per year, would not have a material effect on the groundwater rights of other parties, the court may exempt those

1 claimants with respect to those claims from the comprehensive adjudication. (Code Civ. Proc.,
2 § 833(d).) Under the Sustainable Groundwater Management Act of 2014 (“SGMA”), a “de
3 minimis” pumper is defined as a person who extracts, for domestic purposes, two acre-feet of
4 groundwater or less per year. (Wat. Code, § 10721(e).) The Indian Wells Valley Groundwater
5 Authority currently exempts de minimis pumpers from the payment of the Authority’s
6 Replenishment Fee and certain other GSP-related programs. No determination among the
7 Parties has been made as to whether to exempt de minimis pumpers; however, the United States’
8 position is that the McCarran Amendment’s waiver of sovereign immunity for a comprehensive
9 adjudication requires joinder of all water right users and potential claimants. The Parties propose
10 that the Court pause or put off the required participation by potential de minimis pumpers for at
11 least 180 days / six months while the Parties and the Court further identify potential de minimis
12 pumpers and evaluate whether or to what extent such pumpers need to be included in a physical
13 solution to manage the Basin.

14 E. RELATED PROCEEDINGS, LITIGATION, AND ALTERNATIVE DISPUTE
15 RESOLUTION

16 **(1) Related Proceedings and Litigation.**

17 (a) *Searles Valley Minerals Inc. v. Indian Wells Valley Groundwater*
18 *Authority; et al.*, OCSC Case No. 30-2021-01188089 (the “Searles Action”) (consolidated with
19 the Mojave Pistachios Action, which is the lead case; related to the Comprehensive
20 Adjudication; and pending before The Honorable William Claster): On September 29, 2020,
21 Searles filed a Petition for Writ of Mandate; Complaint for Declaratory and Injunctive Relief;
22 and Takings Claims under the California Constitution against the Indian Wells Valley
23 Groundwater Authority and the Authority’s Board of Directors (collectively, the “Authority”).
24 On or about August 25, 2021, Searles filed a First Amended Petition for Writ of Mandate and
25 Complaint for Declaratory and Injunctive Relief; and Takings Claim under the California
26 Constitution. Through its petition, Searles challenges the validity of the Authority’s
27 Groundwater Sustainability Plan adopted on January 16, 2020 (“GSP”).
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1 (b) *Mojave Pistachios, LLC; et al. v. Indian Wells Valley*
2 *Groundwater Authority; et al.*, OCSC Case No. 30-2021-01187589 (the “Mojave Pistachios
3 Action”) (consolidated with the Searles Action; related to the Comprehensive Adjudication; and
4 pending before The Honorable William Claster): On September 30, 2020, Mojave Pistachios,
5 LLC and Paul G. Nugent and Mary E. Nugent, Trustees of the Nugent Family Trust dated
6 June 20, 2011 (collectively, “Mojave Pistachios”) filed a Petition for Writ of Mandamus and
7 Complaint against the Authority. On or about August 25, 2021, Mojave Pistachios filed a
8 Second Amended Petition for Writ of Mandamus and Complaint. Through its petition, Mojave
9 Pistachios alleges, inter alia, that the Authority adopted an illegal and technically deficient GSP.
10 A hearing on Mojave Pistachios’ Motion for Leave to Amend to file a Third Amended Petition
11 is set to occur on May 20, 2022 in this Department.

12 (c) *Indian Wells Valley Groundwater Authority v. Mojave Pistachios,*
13 *LLC; et al.*, OCSC Case No. 30-2022-01239479 (related to the consolidated case of OCSC Case
14 No. 30-2021-01187589; related to the Comprehensive Adjudication; and pending before The
15 Honorable James J. Di Cesare): On January 5, 2022, the Authority filed a Complaint for
16 Preliminary and Permanent Injunction; Recovery of Delinquent Groundwater Fees; and Civil
17 Penalties against Mojave Pistachios. Through its complaint, the Authority seeks to enjoin
18 Mojave Pistachios from operating groundwater wells without payment of Basin Replenishment
19 Fees, delinquent groundwater extraction charges, and civil penalties. Mojave Pistachios filed an
20 Answer on April 11, 2022. Mojave Pistachios notes that the docket reflects that this case is
21 currently assigned to The Honorable James J. Di Cesare who has subsequently retired, and as
22 such Mojave Pistachios respectfully requests that this case be reassigned to The Honorable
23 William Claster.

24 (d) *Indian Wells Valley Groundwater Authority v. Searles Valley*
25 *Minerals Inc.; et al.*, OCSC Case No. 30-2022-01239487 (Notice of Related Case was filed on
26 January 5, 2022, but not yet acted upon; pending before The Honorable Theodore Howard): On
27 January 5, 2022, the Authority filed a Complaint for Preliminary and Permanent Injunction;
28 Recovery of Delinquent Groundwater Fees; and Civil Penalties against Searles. Through its

1 complaint, the Authority seeks to enjoin Searles from operating groundwater wells without
2 payment of Basin Replenishment Fees, delinquent groundwater extraction charges, and civil
3 penalties. Searles filed an Answer on April 19, 2022.

4 (e) *Mojave Pistachios, LLC, et al. v. Indian Wells Valley*
5 *Groundwater Authority, et al.*, Orange County Superior Court Case
6 No. 30-2022-01249146-CU-MC-CJC (related to the consolidated case of OCSC Case
7 No. 30-2021-01187589; related to the Comprehensive Adjudication; and pending before The
8 Honorable William Claster): On March 9, 2022, Mojave Pistachios filed a Complaint for
9 Refund of Extraction Fees Paid against the Authority, seeking to recover fee payments levied by
10 the Authority pursuant to Ordinance No. 02-20, as later amended by Ordinance Nos. 02-20 and
11 05-20, which impose a \$105 per acre-foot groundwater extraction fee, which the Authority
12 states is necessary to finance the estimated costs to develop and adopt the GSP. A status
13 conference in this matter is set to occur on May 20, 2022 in this Department.

14 (f) *Indian Wells Valley Groundwater Authority v. Inyo Kern*
15 *Community Services District*, Kern County Superior Court Case No. BCV-22-100281 (Notice
16 of Related Case filed by Mojave Pistachios on April 26, 2022, but not yet acted upon): On or
17 about February 1, 2022, the Authority filed a Complaint for Preliminary and Permanent
18 Injunction; Recovery of Delinquent Groundwater Extraction Fees; Imposition of Civil Penalties
19 against the Inyo Kern Community Services District. Through its complaint, the Authority seeks
20 to enjoin Inyo Kern Community Services District from operating groundwater wells without
21 payment of Basin Replenishment Fees, delinquent groundwater extraction charges, and civil
22 penalties.

23 **(2) Alternative Dispute Resolution.**

24 (a) DWR Facilitation: The District has requested from the California
25 Department of Water Resources (“DWR”), and DWR has offered, facilitation support services
26 to foster discussions among Basin stakeholders towards promoting the long-term sustainability
27 of the Basin, and discussing constructive solutions for the Basin. DWR has committed several
28 hundred hours to the facilitation process for the Basin. The Parties have expressed a willingness

1 to participate in the DWR facilitation process and meetings among their representatives as part
2 of the facilitation are occurring. DWR's first public meeting for Basin stakeholders is set to
3 occur on May 17, 2022 in Ridgecrest and via live stream.

4 (b) Confidential Negotiations/Mediation: The Parties have expressed
5 a willingness to participate in confidential informal negotiations and/or mediation.

6 F. ISSUES OF JURISDICTION

7 The United States is participating in the Comprehensive Adjudication pursuant to the
8 McCarran Amendment (43 U.S.C. § 666; *United States v. District Court in and for Eagle*
9 *County*, 401 U.S. 520 (1971).)

10 The Parties are not aware of any additional issues regarding jurisdiction, venue, or
11 arbitration clauses.

12 G. PAYMENT OF COMPLEX FEES

13 The District filed a Motion for Order Temporarily Suspending the Requirement to Pay
14 the Initial Appearance Fee. On February 18, 2022, the Court granted the District's Motion and
15 suspended the requirement to pay the initial appearance fee, but only through April 29, 2022.
16 The District requests that the Court extend the fee waiver through July 31, 2022. The District
17 has received numerous answers that do not appear to have been filed or served on all parties, and
18 the District is in the process of contacting those potential cross-defendants to provide
19 information on how to file and serve their answers. Moreover, the mailing company the District
20 retained just recently mailed the final batch of mailings of the Adjudication Notice, which
21 informs recipients that they have sixty (60) days from receipt in which to file an answer.

22 **2. CORE LEGAL AND FACTUAL ISSUES**

23 This is a complex case procedurally and substantively. It involves the determination of
24 all rights to extract and store groundwater within the Basin among hundreds of pumpers and
25 thousands of users and/or potential users of Basin groundwater. The Comprehensive
26 Adjudication seeks a physical solution pursuant to Code of Civil Procedure section 849. The
27 Basin is also subject to the groundwater management requirements of SGMA. This is one of the
28 first applications of the California Streamlined Groundwater Adjudication Statutes. Potential

1 issues include, but are not limited to, determining the Basin boundaries, determining the
2 sustainable yield, quantifying water rights, and establishing a physical solution.

3 The Parties will meet and confer on the issues of phasing of trial and potential motions
4 and will propose a recommendation before the next scheduled status conference.

5 **3. DISCOVERY ISSUES**

6 A. INITIAL DISCLOSURES

7 Code of Civil Procedure section 842 provides, “Except as otherwise stipulated by the
8 parties or ordered by the court, within six months of appearing in a comprehensive adjudication,
9 a party shall serve on the other parties and the special master, if one is appointed, an initial
10 disclosure” that includes certain information, such as the quantity of groundwater extracted from
11 the Basin, the type of water rights claimed, a general description of the purpose to which the
12 groundwater has been put, and the location of each well or other source through which the party
13 extracts groundwater. (Code Civ. Proc., § 842(a).)

14 The District, Plaintiffs, and Searles previously stipulated to extend the time for exchange
15 of initial disclosures under section 842. On February 3, 2022, the Court entered the amended
16 stipulated Order between the District and Plaintiffs and on February 9, 2022, the Court entered
17 the stipulated Order between the District and Searles. Both Orders extend the time for the
18 exchange of initial disclosures to a date to be agreed upon by the parties and/or ordered by the
19 Court.

20 The Parties will meet and confer to discuss an appropriate date and scope for the
21 exchange of initial disclosures, including documents and data, and provide their recommendation
22 before the next status conference. In the meantime, the Parties request the Court order that the
23 time for exchange of initial disclosures for all parties that have appeared in this matter be
24 continued to a date consistent with the Orders of February 3, 2022 and February 9, 2022. The
25 Parties also believe it is premature to set a discovery schedule until the exchange of initial
26 disclosures. The Parties request a stay on discovery pending exchange of the initial disclosures.

1 B. DOCUMENTS AND ELECTRONICALLY STORED INFORMATION

2 The District proposes that when a party first produces documents, each party shall select
3 a unique three letter prefix for the bates numbering of the documents it produces in this case.
4 The District shall keep an index of prefixes. The Parties shall meet and confer on selecting an
5 online document depository for service and retention of all documents, depositions, and written
6 discovery produced in the action. (Cal. Rules of Court, Rules 3.750(b)(10), 3.751, 2.251.) The
7 Parties shall also meet and confer on selecting protocols for the discovery and production of
8 electronically stored information.

9 C. FILING AND E-SERVICE

10 Pursuant to rule 2.251 of the California Rules of Court and Code of Civil Procedure
11 sections 839 and 1010.6, the Parties request that the Court order that all service be made by
12 electronic service, subject to exception based on a proper showing that electronic service poses
13 an undue hardship on a party. Electronic service by 5:00 p.m. shall be deemed same-day
14 personal service. The Parties request that the Court provide or authorize the use of a web-based
15 electronic service system through which parties would register and through which the electronic
16 posting of documents automatically effectuates service on all parties. (Cal. Rules of Court,
17 Rule 3.751; Code Civ. Proc., § 830(b)(2).) The Parties shall meet and confer on selecting such
18 an electronic service system. The Parties further request that the Court order that all filings be
19 made by electronic filing.

20 D. CODE OF CIVIL PROCEDURE SECTION 583.310

21 The Parties propose that discovery and/or pleading stays entered by the Court for case
22 management purposes shall not be considered in determining the statutory period for bringing
23 the case to trial under Code of Civil Procedure section 583.310.

24 **4. RECOMMENDED DATES AND TIMES**

25 A. NEXT STATUS CONFERENCE

26 The Parties recommend the next status conference be set in approximately 180 days / six
27 months.

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B. SCHEDULE AND FILING DEADLINES FOR PROPOSED MOTIONS

The Parties will meet and confer on the issues of scheduling, filing deadlines and potential motions and will provide further information and recommendations before the next scheduled status conference.

DATED: May 12, 2022 BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Scott S. Slater
Scott S. Slater
Robert J. Saperstein
Amy M. Steinfeld
Elisabeth L. Esposito
Attorneys for Plaintiffs & Cross-Defendants
MOJAVE PISTACHIOS, LLC;
JOHN THOMAS CONAWAY;
JOHN THOMAS CONAWAY TRUST;
JOHN THOMAS CONAWAY LIVING TRUST u/d/t
August 7, 2008;
NUGENT FAMILY TRUST;
SIERRA SHADOWS RANCH LP

DATED: May 12, 2022 MURPHY & EVERTZ LLP

By: /s/ Douglas J. Evertz
John C. Murphy
Douglas J. Evertz
Emily L. Madueno
Attorneys for Defendant, Cross-Complainant, &
Cross-Defendant
INDIAN WELLS VALLEY WATER DISTRICT

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DATED: May 12, 2022

FENNEMORE LLP

By: /s/ Derek R. Hoffman
Derek R. Hoffman
Byrin Romney
Attorneys for Defendants & Cross-Defendants
MEADOWBROOK DAIRY REAL ESTATE, LLC;
BIG HORN FIELDS, LLC;
BROWN ROAD FIELDS, LLC;
HIGHWAY 395 FIELDS, LLC;
THE MEADOWBROOK MUTUAL WATER
COMPANY

DATED: May 13, 2022

U.S. DEPARTMENT OF JUSTICE

By: /s/ R. Lee Leininger
R. Lee Leininger
David W. Gehlert
Attorneys for Cross-Defendant
UNITED STATES OF AMERICA

DATED: May 12, 2022

BEST BEST & KRIEGER LLP

By: /s/ Jeffrey V. Dunn
Eric L. Garner
Jeffrey V. Dunn
Maya Mouawad
Attorneys for Defendant, Cross-Defendant, &
Cross-Complainant
SEARLES VALLEY MINERALS INC.

EXHIBIT A

EXHIBIT B