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Pistachios, LLC; John Thomas Conaway; John  
Thomas Conaway Trust; John Thomas Conaway  
Living Trust U/D/T August 7, 2008; Nugent Family  
Trust; and Sierra Shadows Ranch LP

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

MOJAVE PISTACHIOS, LLC, et al.

Plaintiffs,

v.

INDIAN WELLS VALLEY WATER  
DISTRICT, et al.

Defendants.

AND ALL RELATED CROSS ACTIONS

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. 30-2022-01239487-CU-MC-CJC; Related Case No. 30-2022-01239479-CU-MC-CJC]*

Assigned for All Purposes to the  
Honorable James J. Di Cesare, Dept. C16

**PLAINTIFFS AND 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; AND SIERRA SHADOWS  
RANCH LP'S CASE MANAGEMENT  
CONFERENCE STATEMENT**

Case Initiated: November 19, 2019  
Trial Date: None Set

1 Plaintiffs and Cross-Defendants MOJAVE PISTACHIOS, LLC, JOHN THOMAS  
2 CONAWAY, an individual, JOHN THOMAS CONAWAY TRUST, JOHN THOMAS  
3 CONAWAY LIVING TRUST U/D/T AUGUST 7, 2008, NUGENT FAMILY TRUST, and  
4 SIERRA SHADOWS RANCH LP (collectively, “Plaintiffs”), hereby submit their Case  
5 Management Conference Statement pursuant to the Orange County Superior Court Civil  
6 Guidelines and rule 3.750 of the California Rules of Court. Plaintiffs met and conferred to  
7 consider a proposed Joint Initial Case Management Conference Statement developed by Cross-  
8 Complainant and Cross-Defendant Indian Wells Valley Water District (“District”). While  
9 Plaintiffs did not object to the draft of the proposed Joint Initial Case Management Conference  
10 Statement, Plaintiffs lack personal knowledge of certain of the statements therein (e.g., related to  
11 service of the District’s Cross-Complaint). On that basis, Plaintiffs submit their own Case  
12 Management Conference Statement.

13 **A. Status of Pleadings.**

14 Plaintiffs filed their initial complaint on November 19, 2019, and their First Amended  
15 Complaint on August 3, 2020; all named parties have been served and appeared, and Plaintiffs do  
16 not anticipate adding or dismissing parties, amending the pleading, or severing or further  
17 consolidating or coordinating any other actions. Plaintiffs, however, note that there are several  
18 related actions, set forth below. It is possible that further related actions may be filed during the  
19 pendency of this case.

20 Plaintiffs are unaware of the status of service or addition of parties to the pending Cross-  
21 Complaints initiated by the District and Searles Valley Minerals Inc. (“Searles”), respectively.

22 **B. Description of the Pleadings.**

23 Plaintiffs’ First Amended Complaint is for “Quiet Title, Declaratory Relief and Injunction  
24 Imposing a Physical Solution,” and relates to the Indian Wells Valley Groundwater Basin  
25 (“Basin”). Plaintiffs seek to quiet title to their water rights in the Basin, seek a declaration of their  
26 paramount overlying water rights to extract groundwater from the Basin for use on their  
27 appurtenant land, seek a declaration of their right to store water in the Basin, seek a “physical  
28 solution” among the named parties with respect to the Basin to preserve and protect the Basin’s

1 water supply in quantities sufficient to satisfy the cumulative reasonable requirements of the  
2 Parties, and seek to enjoin conduct inconsistent with that physical solution.

3 The District's Cross-Complaint is for Comprehensive Adjudication and Physical Solution  
4 of the Basin. The District's Cross-Complaint seeks a comprehensive adjudication of groundwater  
5 rights in the Basin and a physical solution for the perpetual and continuous management of the  
6 Basin pursuant to Code of Civil Procedure sections 830 to 852, and a preliminary injunction  
7 through entry of final judgment.

8 Searles' Cross-Complaint to the District's Cross-Complaint is for Declaratory Relief -  
9 Prescriptive Rights, Appropriative Rights, and a Physical Solution, and for the Unreasonable Use  
10 of Water. Searles' Cross-Complaint seeks judicial declaration of its alleged prescriptive and/or  
11 appropriative rights to the Basin, a physical solution preventing injury to the Basin, and a judicial  
12 declaration preventing the unreasonable use or waste of water in the Basin.

13 **C. Procedural History.**

14 This action was originally brought in the Kern County Superior Court. Due to the  
15 COVID-19 pandemic, the District's first demurrer was not heard until June 16, 2020, thus  
16 rendering the case not yet at-issue seven months after it was filed. Thereafter, the Court ordered  
17 Plaintiffs to file an amended complaint identifying known groundwater users pursuant to Code of  
18 Civil Procedure section 389(c). Plaintiffs filed their First Amended Complaint on August 3,  
19 2020. Subsequently, the District filed a second demurrer on September 2, 2020, which was heard  
20 on October 1, 2020 and overruled in its entirety. Thereafter, the District was granted extensions  
21 of time to respond by the Court, and the action was ultimately transferred to the Orange County  
22 Superior Court in March of 2021. The District filed its Answer and Cross-Complaint in June of  
23 2021, and Searles filed its Cross-Complaint to the District's Cross-Complaint in August of 2021.  
24 Plaintiffs are informed and believe that the District is in the process of serving all interested  
25 parties with its Cross-Complaint, but that process has not yet been completed.

26 **D. Related Cases.**

27 The following actions have been related to the present action:

28 1) *Mojave Pistachios, LLC. v. Indian Wells Valley Groundwater Authority*

Orange County Superior Court Case No. 30-2021-01187589-CU-WM-CXC  
(related in Court's Minute Order dated 03/23/2021);  
2) *Searles Valley Minerals Inc. v. Indian Wells Valley Groundwater Authority*  
Orange County Superior Court Case No. 30-2021-01188089-CU-WM-CXC  
(related in Court's Minute Order dated 03/23/2021);  
3) *Indian Wells Valley Groundwater Authority v. Searles Valley Minerals Inc.*  
Orange County Superior Court Case No. 30-2022-01239487-CU-MC-CJC  
(to Plaintiffs' knowledge, the Court has not yet acted on the Notice of Related  
Case); and  
4) *Indian Wells Valley Groundwater Authority v. Mojave Pistachios, LLC*  
Orange County Superior Case No. 30-2022-01239479-CU-MC-CJC  
(related in Court's Minute Order dated January 18, 2022).

**E. Schedule for Discovery.**

Given that numerous parties have not yet appeared nor answered the District's Cross-Complaint, the District and Plaintiffs, and the District and Searles previously stipulated to extend the time for exchange of initial disclosures under Code of Civil Procedure section 842. On February 3, 2022, the Court entered the amended stipulated Order between the District and Plaintiffs and on February 9, 2022, the Court entered the stipulated Order between the District and Searles. Both Orders extend the time for the exchange of initial disclosures to a date to be agreed upon by the parties and/or ordered by the Court.

Plaintiffs believe discovery is premature until the exchange of initial disclosures, and therefore request a stay pending such exchange.

**F. Schedule for Mediation or Settlement Conference.**

Plaintiffs are willing to participate in mediation and/or a settlement conference. Plaintiffs propose that mediation or a settlement conference would occur after the exchange of initial disclosures.

**G. Appointment of Liaison or Lead Counsel or Special Master.**

Plaintiffs do not believe it is necessary at this time to appoint liaison or lead counsel, nor a

1 special master.

2 **H. Dispositive Motions.**

3 Plaintiffs do not anticipate filing any dispositive motions prior to the exchange of initial  
4 disclosures.

5 **I. Filing and E-Service.**

6 Plaintiffs request that the Court order that all filings be made by electronic filing and that  
7 the Court provide or authorize the use of a web-based electronic service system through which  
8 parties would register and through which the electronic posting of documents automatically  
9 effectuates service on all parties. Plaintiffs consent to electronic service and request that the  
10 Court order that all service be made by electronic service, subject to a party showing that  
11 electronic service poses an undue hardship on that party.

12 **J. Master List of Contact Information.**

13 Plaintiffs propose that the District establish or add to its existing case-based website a  
14 current list of contact information for the parties.

15 **K. Schedule for Further Conferences.**

16 Plaintiffs request a further Status Conference to be held in six months.

17  
18 Dated: March 8, 2022

BROWNSTEIN HYATT FARBER SCHRECK, LLP

19  
20 By: /s/ Amy M. Steinfeld

21 SCOTT S. SLATER  
22 ROBERT J. SAPERSTEIN  
23 AMY M. STEINFELD  
24 ELISABETH L. ESPOSITO  
25 Attorneys for Plaintiffs and Cross-Defendants,  
26 MOJAVE PISTACHIOS, LLC, JOHN THOMAS  
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LP