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INDIAN WELLS VALLEY WATER DISTRICT

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

MOJAVE PISTACHIOS, LLC; et al.,

Plaintiffs,

v.

INDIAN WELLS VALLEY WATER
DISTRICT; et al.,

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.
30-2022-01239487-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

**JOINT INITIAL CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: March 15, 2022
Time: 10:00 a.m.
Dept.: C16

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.,

11 Cross-Defendants.

12 SEARLES VALLEY MINERALS INC.,

13 Cross-Complainant,

14 v.

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

21 Cross-Defendants.

Complaint Filed:
Trial Date:

November 19, 2019
None Set

1 **JOINT INITIAL CASE MANAGEMENT CONFERENCE STATEMENT**

2 Pursuant to guideline III of the Orange County Superior Court's Civil Complex
3 Guidelines and rule 3.750 of the California Rules of Court, the undersigned parties who have
4 appeared in this action submit this Joint Initial Case Management Conference Statement. The
5 following attorneys have met and conferred and submit this Statement for the March 15, 2022
6 Case Management Conference: (1) Douglas J. Evertz for defendant, cross-complainant, and
7 cross-defendant Indian Wells Valley Water District ("District"); (2) Derek R. Hoffman for
8 defendants and cross-defendants Meadowbrook Dairy Real Estate, LLC, Big Horn Fields, LLC,
9 Brown Road Fields, LLC, Highway 395 Fields, LLC, and the Meadowbrook Mutual Water
10 Company (collectively, "Meadowbrook"); and (3) R. Lee Leininger and David W. Gehlert for
11 cross-defendant the United States of America ("United States"). (The District, Meadowbrook,
12 and the United States are collectively referred to as "Parties.")

13 **1. WHAT HAS BEEN DONE IN THE CASE**

14 A. STATUS OF THE PLEADINGS

15 On November 19, 2019, plaintiffs and cross-defendants Mojave Pistachios, LLC, John
16 Thomas Conaway, John Thomas Conway Trust, John Conaway Living Trust U/D/T August 7,
17 2008, Nugent Family Trust, and Sierra Shadows Ranch LP (collectively, "Plaintiffs" or "Mojave
18 Pistachios") filed a Complaint for Quiet Title, Declaratory Relief and Injunction Imposing a
19 Physical Solution: Not General Adjudication against the District, defendant, cross-defendant and
20 cross-complainant Searles Valley Minerals Inc. ("Searles"), and Meadowbrook (collectively,
21 "Defendants"). On August 3, 2020, Plaintiffs filed a First Amended Complaint for Quiet Title,
22 Declaratory Relief and Injunction Imposing a Physical Solution: Not General Adjudication
23 ("Complaint"). Through their Complaint, Plaintiffs seek: (1) to quiet title to their water rights in
24 the Indian Wells Valley Groundwater Basin, Basin No. 6-54 ("Basin"); (2) a declaration of their
25 overlying water rights to extract and store groundwater within the Basin; and (3) to enjoin
26 Defendants from inconsistent conduct or, alternatively, to impose a limited physical solution
27 among Plaintiffs and Defendants. All Defendants have answered the Complaint.

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

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

20 B. STATUS OF NOTICE AND SERVICE OF THE COMPREHENSIVE
21 ADJUDICATION

22 **(1) Initial Notice of Comprehensive Adjudication (Code Civ. Proc.,**
23 **§ 835).**

24 Code of Civil Procedure section 835 required the District to provide notice of the
25 Comprehensive Adjudication via first-class mail or email to: (a) a groundwater sustainability
26 agency that overlies the Basin or a portion of the Basin; (b) a city, county, or city and county that
27 overlies the Basin or a portion of the Basin; (c) a district with authority to manage or replenish
28 groundwater resources of the Basin in whole or in part; (d) the operator of a public water system

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

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

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

24 Once the Court approves an adjudication notice and form answer, section 836 requires
25 the party initiating the comprehensive adjudication to (a) identify the assessor parcel numbers
26 and physical addresses of all real property overlying the basin and the names and addresses of all
27 holders of fee title to real property overlying the basin using the records of the assessors of the
28 counties overlying the basin; and (b) to mail, by registered mail or certified mail, return receipt

requested, a copy of the adjudication notice, cross-complaint, and form answer to all holders of fee title to real property overlying the basin. (Code Civ. Proc., § 836(c) & (d)(1)(A)-(B).) On November 15, 2021, the District filed a Notice of Acquisition of Information Concerning Real Property in the Basin, confirming that it had identified the assessor parcel numbers and physical addresses of all real property in the Basin and the names and addresses of all holders of fee title to real property in the Basin using the records of the assessors of the Counties of Inyo, Kern, and San Bernardino. On December 21, 2021, a mailing company the District retained began mailing a cover letter from the District, along with the Adjudication Notice, Comprehensive Adjudication, and Form Answer, to all property owners in the Basin. The District mailed to nearly 18,000 addresses between late December 2021 and early January 2022. The District estimates that it will mail another 1,600 packets to complete the mailing process. The District will file a notice of completion of the mailing once completed. (Code Civ. Proc., § 836(e).)

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

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

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

Code of Civil Procedure section 836.5 required the District to request certain information from the State Water Resources Control Board, a local agency designated under Water Code section 5009 as the local agency for a board-designated local area that includes the Basin or a

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

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

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

- 14 • Inyo County: On January 3, 2022, the District filed a Proof of Publication
15 confirming publication of the Adjudication Notice in *The Inyo Register*, a
16 newspaper of general circulation printed and published in the City of Bishop,
17 County of Inyo.
- 18 • San Bernardino County: On January 14, 2022, the District filed a Proof of
19 Publication confirming publication of the Adjudication Notice in the *San*
20 *Bernardino County Sun*, a newspaper of general circulation printed and published
21 in the City of San Bernardino, County of San Bernardino.
- 22 • Kern County: On January 14, 2022, the District filed a Proof of Publication
23 confirming publication of the Adjudication Notice in *The Daily Independent*, a
24 newspaper of general circulation printed and published in the City of Ridgecrest,
25 County of Kern.
- 26 • Kern County: On February 3, 2022, the District filed a Proof of Publication
27 confirming publication of the Adjudication Notice in *The News Review*, 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>

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Cross-Defendant

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<u>Cross-Defendant</u>	<u>Status</u>
<p>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 following 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:</p>	
<u>Cross-Defendant</u>	<u>Status</u>

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

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

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

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Cross-Defendant

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

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1 C. DEADLINE FOR REMAINING PLEADINGS AND SERVICE OF
2 ADDITIONAL PARTIES

3 The District has served over 15,000 cross-defendants and potential cross-defendants. The
4 District is still in the process of serving the Comprehensive Adjudication on: (1) 47 named
5 cross-defendants; (2) approximately 1,600 additional mailings; and (3) approximately 1,500
6 mailings where return-receipts were not received. The District requires additional time to
7 confirm the accuracy of names and addresses of those persons and entities. The District
8 estimates it will need an additional 90 days before completing service.

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

12 D. DE MINIMIS PAUSE

13 Pursuant to Code of Civil Procedure section 833(d), if the court finds that claims of right
14 to pump only “minor” quantities of water, not exceeding five acre-feet of water per year, would
15 not have a material effect on the groundwater rights of other parties, the court may exempt those
16 claimants with respect to those claims from the comprehensive adjudication. (Code Civ. Proc.,
17 § 833(d).) Under the Sustainable Groundwater Management Act of 2014 (“SGMA”), a “de
18 minimis” pumper is defined as a person who extracts, for domestic purposes, two acre-feet of
19 groundwater or less per year. (Wat. Code, § 10721(e).) The Authority currently exempts de
20 minimis pumpers from the payment of the Authority’s Replenishment Fee and certain other
21 GSP-related programs. No determination among the Parties has been made as to whether to
22 exempt de minimis pumpers; however, the Parties propose that the Court pause or put off the
23 required participation by potential de minimis pumpers for at least 180 days / six months while
24 the Parties and the Court further identify potential de minimis pumpers and evaluate whether or
25 to what extent such pumpers need to be included in a physical solution to manage the Basin.

1 E. RELATED PROCEEDINGS, LITIGATION, AND ALTERNATIVE DISPUTE
2 RESOLUTION

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

4 (a) *Searles Valley Minerals Inc. v. Indian Wells Valley Groundwater*
5 *Authority; et al.*, OCSC Case No. 30-2021-0118809 (the “Searles Action”) (consolidated with
6 the Mojave Pistachios Action, which is the lead case; related to the Comprehensive
7 Adjudication; and pending before The Honorable James J. Di Cesare): On September 29, 2020,
8 Searles filed a Petition for Writ of Mandate; Complaint for Declaratory and Injunctive Relief;
9 and Takings Claims under the California Constitution against the Indian Wells Valley
10 Groundwater Authority and the Authority’s Board of Directors (collectively, the “Authority”).
11 On or about August 25, 2021, Searles filed a First Amended Petition for Writ of Mandate and
12 Complaint for Declaratory and Injunctive Relief; and Takings Claim under the California
13 Constitution. Through its petition, Searles challenges the validity of the Authority’s
14 Groundwater Sustainability Plan adopted on January 16, 2020 (“GSP”). A hearing on the
15 Authority’s Demurrer and Motion to Strike Searles’ First Amended Petition is scheduled to
16 occur on March 11, 2022 in this Department.

17 (b) *Mojave Pistachios, LLC; et al. v. Indian Wells Valley*
18 *Groundwater Authority; et al.*, OCSC Case No. 30-2021-01187589 (the “Mojave Pistachios
19 Action”) (consolidated with the Searles Action; related to the Comprehensive Adjudication; and
20 pending before The Honorable James J. Di Cesare): On September 30, 2020, Mojave Pistachios
21 filed a Petition for Writ of Mandamus and Complaint against the Authority. On or about
22 August 25, 2021, Mojave Pistachios filed a Second Amended Petition for Writ of Mandamus
23 and Complaint. Through its petition, Mojave Pistachios alleges, inter alia, that the Authority
24 adopted an illegal and technically deficient GSP. A hearing on the Authority’s Demurrer and
25 Motion to Strike Mojave Pistachios’ Second Amended Petition set for March 4, 2022 in this
26 Department was continued to April 14, 2022 in Department CX-102. A hearing on Mojave
27 Pistachios’ Motion for Leave to Amend to file a Third Amended Petition is set to occur on May
28 20, 2022 in this Department.

1 (c) *Indian Wells Valley Groundwater Authority v. Mojave Pistachios,*
2 *LLC; et al.*, OCSC Case No. 30-2022-01239479 (related to the consolidated case of OCSC Case
3 No. 30-2021-01187589; related to the Comprehensive Adjudication; and pending before The
4 Honorable James J. Di Cesare): On January 5, 2022, the Authority filed a Complaint for
5 Preliminary and Permanent Injunction; Recovery of Delinquent Groundwater Fees; and Civil
6 Penalties against Mojave Pistachios. Through its complaint, the Authority seeks to enjoin
7 Mojave Pistachios from operating groundwater wells without payment of Basin Replenishment
8 Fees, delinquent groundwater extraction charges, and civil penalties. Counsel for Mojave
9 Pistachios has accepted service of this complaint via a Notice and Acknowledgment of Receipt
10 on February 25, 2022.

11 (d) *Indian Wells Valley Groundwater Authority v. Searles Valley*
12 *Minerals Inc.; et al.*, OCSC Case No. 30-2022-01239487 (related to the consolidated case of
13 OCSC Case No. 30-2021-01187589; related to the Comprehensive Adjudication): On January
14 5, 2022, the Authority filed a Complaint for Preliminary and Permanent Injunction; Recovery of
15 Delinquent Groundwater Fees; and Civil Penalties against Searles. Through its complaint, the
16 Authority seeks to enjoin Searles from operating groundwater wells without payment of Basin
17 Replenishment Fees, delinquent groundwater extraction charges, and civil penalties. To the
18 Parties' knowledge, service has not yet been perfected on Searles.

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

20 (a) DWR Facilitation: The California Department of Water
21 Resources ("DWR") has offered facilitation support services to foster discussions among Basin
22 stakeholders towards promoting the long-term sustainability of the Basin, and discussing
23 constructive solutions for the Basin. The Parties have expressed a willingness to participate in
24 the DWR facilitation process. The District anticipates that discussions among major
25 stakeholders, facilitated through DWR, will commence in March 2022.

26 (b) Confidential Negotiations/Mediation: The Parties have expressed
27 a willingness to participate in confidential informal negotiations and/or mediation.
28

1 F. ISSUES OF JURISDICTION

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

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

7 G. PAYMENT OF COMPLEX FEES

8 The District filed a Motion for Order Temporarily Suspending the Requirement to Pay
9 the Initial Appearance Fee. On February 18, 2022, the Court granted the District's Motion and
10 suspended the requirement to pay the initial appearance fee through April 29, 2022.

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

12 This is a complex case procedurally and substantively. It involves the determination of
13 all rights to extract and store groundwater within the Basin among hundreds of pumpers and
14 thousands of users and/or potential users of Basin groundwater. The Comprehensive
15 Adjudication seeks a physical solution pursuant to Code of Civil Procedure section 849. The
16 Basin is also subject to the groundwater management requirements of SGMA. This is one of the
17 first applications of the California Streamlined Groundwater Adjudication Statutes. Potential
18 issues include, but are not limited to, determining the Basin boundaries, determining the
19 sustainable yield, quantifying water rights, and establishing a physical solution.

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

22 **3. DISCOVERY ISSUES**

23 A. INITIAL DISCLOSURES

24 Code of Civil Procedure section 842 provides, "Except as otherwise stipulated by the
25 parties or ordered by the court, within six months of appearing in a comprehensive adjudication,
26 a party shall serve on the other parties and the special master, if one is appointed, an initial
27 disclosure" that includes certain information, such as the quantity of groundwater extracted from
28 the Basin, the type of water rights claimed, a general description of the purpose to which the

1 groundwater has been put, and the location of each well or other source through which the party
2 extracts groundwater. (Code Civ. Proc., § 842(a).)

3 The District, Mojave Pistachios, and Searles previously stipulated to extend the time for
4 exchange of initial disclosures under section 842. On February 3, 2022, the Court entered the
5 amended stipulated Order between the District and Mojave Pistachios and on February 9, 2022,
6 the Court entered the stipulated Order between the District and Searles. Both Orders extend the
7 time for the exchange of initial disclosures to a date to be agreed upon by the parties and/or
8 ordered by the Court.

9 The Parties will meet and confer to discuss an appropriate date and scope for the
10 exchange of initial disclosures, including documents and data, and provide their recommendation
11 before the next status conference. The Parties also believe it is premature to set a discovery
12 schedule until the exchange of initial disclosures. The Parties request a stay on discovery
13 pending exchange of the initial disclosures.

14 B. DOCUMENTS AND ELECTRONICALLY STORED INFORMATION

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

22 C. FILING AND E-SERVICE

23 Pursuant to rule 2.251 of the California Rules of Court and Code of Civil Procedure
24 sections 839 and 1010.6, the Parties request that the Court order that all service be made by
25 electronic service, subject to exception based on a proper showing that electronic service poses
26 an undue hardship on a party. Electronic service by 5:00 p.m. shall be deemed same-day
27 personal service. The Parties request that the Court provide or authorize the use of a web-based
28 electronic service system through which parties would register and through which the electronic

posting of documents automatically effectuates service on all parties. (Cal. Rules of Court, Rule 3.751; Code Civ. Proc., § 830(b)(2).) The Parties shall meet and confer on selecting such an electronic service system. The Parties further request that the Court order that all filings be made by electronic filing.

D. CODE OF CIVIL PROCEDURE SECTION 583.310

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

4. RECOMMENDED DATES AND TIMES

A. NEXT STATUS CONFERENCE

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

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.