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Exempt From Fees Per  
Govt. Code § 6103

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  
[*Indian Wells Valley Groundwater  
Adjudication*]

Assigned For All Purposes To:  
The Honorable William Claster, Dept. CX101

**[PROPOSED] THIRD AMENDED CASE  
MANAGEMENT ORDER RE: PHASE 2  
TRIAL**

**RELATED TO ROA 1959**

**Phase 2 Trial:**  
**Date: June 8, 2026**  
**Time: 9:00 a.m.**  
**Dept.: CX101**

INDIAN WELLS VALLEY WATER  
DISTRICT,  
Cross-Complainant,

v.

Complaint Filed: November 19, 2019  
Phase 1 Trial Date: April 28, 2025  
Phase 2 Trial Date: June 8, 2026

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

Cross-Defendants.

10 SEARLES VALLEY MINERALS INC.,

Cross-Complainant,

v.

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

Cross-Defendants.

1 **THIRD AMENDED CASE MANAGEMENT ORDER**

2 **RE: PHASE 2 TRIAL**

3 The Court enters the following *Third Amended* Case Management Order Re: Phase 2  
4 Trial and hereby orders as follows:

5 A. This *Third Amended* Case Management Order Re: Phase 2 Trial supersedes the  
6 *Second Amended* Case Management Order Re: Phase 2 Trial entered on November 24, 2025,  
7 which had previously superseded the *First Amended* Case Management Order Re: Phase 2 Trial  
8 entered on March 18, 2025, and the Case Management Order Re: Phase 2 Trial entered on  
9 January 8, 2025.

10 B. The deadlines and scheduled dates for the Phase 2 Trial shall be as follows:

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	<b><u>Event</u></b>	<b><u>Deadline / Scheduled Date</u></b>
14 (1)	<u>Notice of Intention to Participate</u> : The deadline for all parties 15 intending to participate in the Phase 2 Trial to file and e-serve a 16 Notice of Intention to Participate in Phase 2 Trial so as to 17 provide notice of that intention. 18 The Notice of Intention to Participate in Phase 2 Trial should, 19 to the greatest extent possible, indicate the scope of the party's 20 intended participation in the Phase 2 Trial.	January 17, 2025
21 (2)	<u>Model Disclosure</u> : The deadline for all parties to disclose any 22 models that the party intends to use to present evidence at the 23 Phase 2 Trial.	April 21, 2025

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	<b><u>Event</u></b>	<b><u>Deadline / Scheduled Date</u></b>
(3)	<p><u>Expert Disclosures</u>: The deadline for all parties to e-serve written disclosures of the identity of all experts that may be used to present evidence at the Phase 2 Trial, except for any expert intended to be used solely for purposes of impeachment or rebuttal, pursuant to Code of Civil Procedure section 843, subdivisions (a) and (d).</p> <p>The disclosure shall include a summary of the subject matter on which the expert witness is expected to present evidence.</p>	July 29, 2025
(4)	<p><u>Exchange of Expert Reports</u>: The deadline for all parties to electronically exchange all expert reports and other documents and information for the Phase 2 Trial, except for any expert intended to be used solely for purposes of impeachment or rebuttal, pursuant to Code of Civil Procedure section 843, subdivision (b).</p>	August 12, 2025
(5)	<p><u>Meet and Confer re: Non-Expert Witnesses</u>: Following receipt of the expert reports, the parties shall meet and confer to see if stipulations can be reached regarding the necessity of and scope of non-expert testimony. Should the parties agree that non-expert testimony is needed, a deadline for disclosure of non-experts will be set by agreement.</p>	August 12, 2025 to August 19, 2025
(6)	<p><u>Discovery Opens</u></p>	August 26, 2025
(7)	<p><u>Responsive Reports</u>: The deadline for all parties to electronically exchange all expert reports done in response to another parties' expert report.</p>	December 5, 2025

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	<b><u>Event</u></b>	<b><u>Deadline / Scheduled Date</u></b>
(8)	<u>Depositions</u> : The targeted period for all parties to complete depositions of all disclosed experts and non-expert witnesses for the Phase 2 Trial.	December 15, 2025 to February 27, 2026
(9)	<u>Discovery Closes</u> : The deadline for all parties to complete discovery for the Phase 2 Trial.  The lack of a deadline for motions relating to non-expert and expert discovery herein does not preclude any party from bringing any discovery motions, as needed.	February 27, 2026
(10)	<u>Dispositive Motions and Motions in Limine</u> : The deadline for all parties to file and e-serve any dispositive motions or motions in limine for the Phase 2 Trial.	February 17, 2026
(11)	<u>Oppositions to Motions</u> : The deadline to file and e-serve any oppositions to any dispositive motions and motions in limine for the Phase 2 Trial.	March 13, 2026
(12)	<u>Replies ISO Dispositive Motions and Motions in Limine</u> : The deadline to file and e-serve any reply briefs in support of any dispositive motions or motions in limine for the Phase 2 Trial.	March 27, 2026
(13)	<u>Motions in Limine Notebook</u> : The deadline to deliver to the Clerk in Department CX101 a Motions in Limine Notebook for all opposed motions in limine for the Phase 2 Trial, pursuant to Orange County Superior Court Local Rules, Rule 317.C.  A thumb drive containing the contents of the Motions in Limine Notebook may be submitted in lieu of a hard copy.  Defendant, Cross-Complainant, and Cross-Defendant Indian Wells Valley Water District (“District”) to take the lead on submittal of the Motions in Limine Notebook.	March 30, 2026

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	<b><u>Event</u></b>	<b><u>Deadline / Scheduled Date</u></b>
(14)	<u>Date Reserved for Hearing on Motions</u> : The date reserved for hearing any dispositive motions or motions in limine for the Phase 2 Trial.	April 6, 2026
(15)	<u>Pre-Trial Conference</u> : The date set for the Pre-Trial Conference with the Court to check in for the Phase 2 Trial. To be heard at the same time as the hearing on any dispositive motions or motions in limine for the Phase 2 Trial.	April 6, 2026
(16)	<u>Exchange Trial Documents</u> : The deadline for all parties to electronically exchange before the Issue Conference all trial documents for the Phase 2 Trial, including exhibits, exhibit lists, and witness lists, but not including any trial briefs (to be exchanged subsequently) or motions in limine (to be exchanged previously).	May 26, 2026
(17)	<u>Issue Conference</u> : The deadline for the parties to hold an Issue Conference for the Phase 2 Trial, pursuant to Orange County Superior Court Local Rules, Rule 317.A.	May 29, 2026
(18)	<u>Trial Briefs</u> : The deadline for all parties to file and e-serve any trial briefs for the Phase 2 Trial.	May 29, 2026
(19)	<u>Joint Witness List</u> : The deadline for the parties to file and e-serve the Joint Witness List for the Phase 2 Trial. The District to take the lead on filing and serving the list.	May 29, 2026
(20)	<u>Joint Exhibit List</u> : The deadline for the parties to file and e-serve the Joint Exhibit List for the Phase 2 Trial. The District to take the lead on filing and serving the list.	May 29, 2026

	<u>Event</u>	<u>Deadline / Scheduled Date</u>
1 2 3 4 5	(21) <u>Statement of Compliance</u> : The deadline to file a Statement of Compliance for the Phase 2 Trial, pursuant to Orange County Superior Court Local Rules, Rule 317.A.	June 3, 2026
6 7 8 9 10 11 12 13 14 15 16	(22) <u>Joint Trial Notebook</u> : The deadline to deliver to the Clerk in Department CX101 a Joint Trial Notebook for the Phase 2 Trial, including copies of operative pleadings, joint witness list, joint exhibit list, and trial briefs, but not including any motions in limine (to be filed, delivered, and heard previously), pursuant to Orange County Superior Court Local Rules, Rule 317.B.  A thumb drive containing the contents of the Joint Trial Notebook may be submitted in lieu of a hard copy.  The District to take the lead on submittal of the Joint Trial Notebook and the electronic filing of all joint trial documents pursuant to Rule 317.B.	June 3, 2026
17 18 19 20 21 22	(23) <u>Joint Exhibit Notebooks</u> : The deadline to deliver to the Clerk in Department CX101 two complete sets of Joint Exhibit Notebooks for the Phase 2 Trial, pursuant to Orange County Superior Court Local Rules, Rule 317.C.  A thumb drive containing the contents of the Joint Exhibit Notebooks may be submitted in lieu of a hard copy.	June 8, 2026
23 24 25	(24) <u>Phase 2 Trial</u> : A phase two bench trial with a fifteen court-day estimate to determine safe yield.	June 8, 2026

26 C. Public Trust Issues: All parties agree that (1) claims regarding public trust issues,  
27 such as the needs and health of groundwater dependent ecosystems, riparian habitat, endangered  
28 and threatened species, and other public trust resources, will not be tried during the Phase 2 Trial

1 on safe yield; (2) by not raising the public trust issues during the Phase 2 Trial, the State (i.e.,  
2 Cross-Defendants California Department of Fish and Wildlife; California Department of Parks  
3 and Recreation; and California 53rd District Agricultural Association [collectively, the “State”])  
4 does not waive its right to assert claims regarding public trust issues; and (3) the State reserves  
5 the right to assert claims regarding public trust issues in a later phase of trial. The State agrees  
6 that the public trust claims (1) will not change the Basin safe yield as determined in Phase 2; and  
7 (2) will focus primarily on localized production in areas near groundwater dependent ecosystems  
8 involving issues such as local time, place, and manner of production, particularly in times of  
9 drought.

10 D. The District to give notice of this Order.

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IT IS SO ORDERED.

Dated: 05/20/2026



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The Honorable William Claster  
JUDGE OF THE SUPERIOR COURT