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12 INDIAN WELLS VALLEY WATER DISTRICT

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

16 MOJAVE PISTACHIOS, LLC; et al.,

17 Plaintiffs,

18 v.

19 INDIAN WELLS VALLEY WATER  
20 DISTRICT; et al.,

21 Defendants.

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

*[Related to: Case No. 30-2021-01187589-CU-  
WM-CXC; Case No. 30-2021-01188089-CU-  
WM-CXC; Case No. 30-2022-01239479-CU-  
MC-CJC; Case No. 30-2022-01239487-CU-  
MC-CJC; Case No. 30-2022-01249146-CU-  
MC-CJC]*

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

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23 **STIPULATION TO [PROPOSED] CASE**  
24 **MANAGEMENT ORDER RE: PHASE 1**  
25 **TRIAL**

26 **RELATED TO ROA 1257**

**Phase 1 Trial:**

**Date: April 28, 2025**

**Time: 9:00 a.m.**

**Dept.: CX101**

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.

28 AND RELATED CASES.

Complaint Filed: November 19, 2019  
Phase 1 Trial Date: April 28, 2025









1 **CASE MANAGEMENT ORDER**

2 **RE: PHASE 1 TRIAL**

3 At the March 22, 2024 Status Conference and Hearing on Motion for Order to Divide  
4 Trial into Phases, Issue an Order to Show Cause re: Basin Boundary, Set a Phase 1 Trial re:  
5 Groundwater in Storage and United States’ Federal Reserved Water Right Claim, and Partially  
6 Lift Discovery Stay, this Court set a phase one bench trial with a ten-court-day estimate  
7 (“Phase 1 Trial”) to adjudicate the federal reserved water right claim of Cross-Defendant United  
8 States of America for **April 28, 2025, at 9:00 a.m., in Department CX101**. This Court ordered  
9 the parties to meet and confer to develop a pre-trial schedule for the Phase 1 Trial and to submit  
10 a [Proposed] Case Management Order Re: Phase 1 Trial.

11 Upon stipulation of the parties, through their respective counsel of record, and for good  
12 cause shown, this Court enters the following Case Management Order Re: Phase 1 Trial and  
13 hereby orders as follows:

14 A. The deadlines and scheduled dates for the Phase 1 Trial shall be as follows:

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	<b><u>Event</u></b>	<b><u>Deadline / Scheduled Date</u></b>
18 (1)	<b><u>Exchange of Initial Disclosures</u></b> : The deadline for all parties to serve an initial disclosure, pursuant to Code of Civil Procedure section 842.	Friday, May 17, 2024 <sup>1</sup> or Within 60 days of the party’s first appearance <sup>2</sup>
24 (2)	<b><u>Status Conference</u></b> : The date set for a Further Status Conference.	Friday, June 14, 2024 1:30 p.m.

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28 <sup>1</sup> For all parties who had already appeared in the case as of March 22, 2024.

<sup>2</sup> For any party making its first appearance in the case after March 22, 2024.

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	<u>Event</u>	<u>Deadline / Scheduled Date</u>
(3)	<p><u>Notice of Intention to Participate</u>: The deadline for all parties intending to participate in the Phase 1 Trial to file and e-serve a Notice of Intention to Participate in Phase 1 Trial so as to provide notice of that intention.</p> <p>The Notice of Intention to Participate in Phase 1 Trial should, to the greatest extent possible, indicate the scope of the party's intended participation in the Phase 1 Trial.</p>	Friday, August 2, 2024 5:00 p.m.
(4)	<p><u>Non-Expert Witness Disclosures</u>: The deadline for all parties to e-serve written disclosures of the identity of non-expert witnesses that may be used to present evidence at the Phase 1 Trial; provided, however, that this deadline does not preclude any party from e-serving on the date provided for the disclosure of expert witnesses (identified below), written disclosures of the identity of non-expert witnesses that may be used to present evidence at the Phase 1 Trial, where a party is unable to make a disclosure of a non-expert witness despite that party's reasonable and good faith efforts.</p> <p>Notwithstanding this allowance for later disclosure of non-expert witnesses, each party shall use its reasonable and good faith efforts to disclose at this time the identity of all non-expert witnesses that the party may use to present evidence at the Phase 1 Trial. The disclosure of non-expert witnesses, whether made at the time for the disclosure of non-expert witnesses or at the time for the disclosure of expert witnesses, shall include a summary of the subject matter on which the non-expert witness is expected to present evidence.</p>	Friday, August 2, 2024 5:00 p.m.

	<u>Event</u>	<u>Deadline / Scheduled Date</u>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p>	<p>(5) <u>Non-Expert Depositions</u>: The targeted period for all parties to complete depositions of disclosed non-expert witnesses for the Phase 1 Trial, except for non-expert witnesses subsequently disclosed at the time for the disclosure of expert witnesses.</p>	<p>Monday, August 12, 2024 to Friday, September 13, 2024</p>
<p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p>	<p>(6) <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 1 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), as well as the identity of any non-expert witness that may be used to present evidence at the Phase 1 Trial who the party could not reasonably and in good faith have disclosed at the time for the disclosure of non-expert witnesses (identified above).<sup>3</sup></p> <p>The disclosure shall include a summary of the subject matter on which the expert witness is expected to present evidence.</p>	<p>Friday, September 20, 2024 5:00 p.m.</p>
<p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p>	<p>(7) <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 1 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>	<p>Monday, September 30, 2024 5:00 p.m.</p>

<sup>3</sup> The parties continue to meet and confer concerning the timing for expert disclosures (i.e., whether the disclosures should be simultaneous or staggered).

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	<b><u>Event</u></b>	<b><u>Deadline / Scheduled Date</u></b>
(8)	<u>Expert Depositions</u> : The targeted period for all parties to complete depositions of disclosed experts for the Phase 1 Trial, as well as the depositions of any non-expert witnesses disclosed at the time for the disclosure of expert witnesses.	Thursday, October 10, 2024 to Friday, December 6, 2024
(9)	<u>Rebuttal Disclosure</u> : The deadline for all parties to e-serve written disclosures of the identity of all experts to be used in rebuttal at the Phase 1 Trial.  The disclosure shall include a summary of the subject matter on which the rebuttal expert is expected to present evidence.	Friday, December 13, 2024 5:00 p.m.
(10)	<u>Dispositive Motions</u> : The deadline for all parties to file and e-serve any dispositive motions relating to the Phase 1 Trial.	Thursday, December 19, 2024 5:00 p.m.
(11)	<u>Exchange of Rebuttal Reports</u> : The deadline for all parties to electronically exchange all rebuttal expert reports and other documents and information for the Phase 1 Trial, pursuant to Code of Civil Procedure section 843, subdivision (b).	Monday, January 13, 2025 5:00 p.m.
(12)	<u>Rebuttal Depositions</u> : The targeted period for all parties to complete depositions of disclosed experts intending to offer rebuttal testimony at the Phase 1 Trial.	Thursday, January 23, 2025 to Thursday, February 20, 2025

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	<b><u>Event</u></b>	<b><u>Deadline / Scheduled Date</u></b>
(13)	<p><u>Discovery Cutoff</u>: The deadline for all parties to complete discovery for the Phase 1 Trial.</p> <p>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.</p>	Thursday, February 20, 2025
(14)	<p><u>Motions in Limine</u>: The deadline for all parties to file and e-serve any motions in limine for the Phase 1 Trial.</p>	Friday, February 28, 2025 5:00 p.m.
(15)	<p><u>Oppositions to Motions in Limine</u>: The deadline to file and e-serve any oppositions to any motions in limine for the Phase 1 Trial.</p>	Friday, March 14, 2025 5:00 p.m.
(16)	<p><u>Replies ISO Motions in Limine</u>: The deadline to file and e-serve any reply briefs in support of any motions in limine for the Phase 1 Trial.</p>	Friday, March 21, 2025
(17)	<p><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 1 Trial, pursuant to Orange County Superior Court Local Rules, Rule 317.C.</p> <p>A thumb drive containing the contents of the Motions in Limine Notebook may be submitted in lieu of a hard copy.</p> <p>Defendant, Cross-Complainant, and Cross-Defendant Indian Wells Valley Water District (“District”) to take the lead on submittal of the Motions in Limine Notebook.</p>	Monday, March 24, 2025
(18)	<p><u>Date Reserved for Hearing on Motions in Limine</u>: The date reserved for hearing any motions in limine for the Phase 1 Trial.</p>	Friday, April 4, 2025 1:30 p.m.

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	<b><u>Event</u></b>	<b><u>Deadline / Scheduled Date</u></b>
(19)	<u>Pre-Trial Conference</u> : The date set for the Pre-Trial Conference with the Court to check in for the Phase 1 Trial. To be heard at the same time as the hearing on any motions in limine for the Phase 1 Trial.	Friday, April 4, 2025 1:30 p.m.
(20)	<u>Exchange Trial Documents</u> : The deadline for all parties to electronically exchange before the Issue Conference all trial documents for the Phase 1 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).	Friday, April 4, 2025 5:00 p.m.
(21)	<u>Issue Conference</u> : The deadline for the parties to hold an Issue Conference for the Phase 1 Trial, pursuant to Orange County Superior Court Local Rules, Rule 317.A.	Monday, April 14, 2025
(22)	<u>Trial Briefs</u> : The deadline for all parties to file and e-serve any trial briefs for the Phase 1 Trial.	Wednesday, April 16, 2025
(23)	<u>Statement of Compliance</u> : The deadline to file a Statement of Compliance for the Phase 1 Trial, pursuant to Orange County Superior Court Local Rules, Rule 317.A.	Wednesday, April 23, 2025 12:00 p.m.

	<u>Event</u>	<u>Deadline / Scheduled Date</u>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13</p>	<p>(24) <u>Joint Trial Notebook</u>: The deadline to deliver to the Clerk in Department CX101 a Joint Trial Notebook for the Phase 1 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.</p>	<p>Wednesday, April 23, 2025 12:00 p.m.</p>
<p>14 15 16 17 18 19</p>	<p>(25) <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 1 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.</p>	<p>Monday, April 28, 2025 9:00 a.m.</p>
<p>20 21 22</p>	<p>(26) <u>Phase 1 Trial</u>: A phase one bench trial with a ten-court-day estimate to adjudicate the United States' federal reserved water right claim.</p>	<p>Monday, April 28, 2025 9:00 a.m.</p>

B. The District to give notice of this Order.

IT IS SO ORDERED.

Dated: 06/11/2024

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The Honorable William Claster

JUDGE OF THE SUPERIOR COURT