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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., Plaintiffs,

17 v.

18 INDIAN WELLS VALLEY WATER
19 DISTRICT; et al., Defendants.

20 INDIAN WELLS VALLEY WATER
DISTRICT, Cross-Complainant,

21 v.

22 ALL PERSONS WHO CLAIM A RIGHT TO
23 EXTRACT GROUNDWATER, et al., Cross-
Defendants.

24 SEARLES VALLEY MINERALS INC., Cross-
25 Complainant,

26 v.

27 ALL PERSONS WHO CLAIM A RIGHT TO
28 EXTRACT GROUNDWATER, et al., Cross-
Defendants.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

JAN 08 2025

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

Case No. 30-2021-01187275-CU-OR-CJC
*Related to: 30-2021-01187589-CU-WM-CXC;
30-2021-01188089-CU-WM-CXC*

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

**~~PROPOSED~~ CASE MANAGEMENT
ORDER RE: PHASE 2 TRIAL**

Action Filed: November 19, 2019
Phase 2 Trial Date: March 30, 2026

1 **CASE MANAGEMENT ORDER**

2 **RE: PHASE 2 TRIAL**

3 At the October 2, 2024 Status Conference, this Court reviewed schedule proposals for a
4 Phase 2 trial. After discussion with the parties, the Court ordered that it will adopt the United
5 States' proposed schedule and directed the United States to confer with the parties and submit a
6 proposed order to the Court no later than October 18, 2024.

7 The deadlines and scheduled dates for the Phase 2 Trial shall be as follows:

8

	<u>Event</u>	<u>Deadline/ Scheduled Date</u>
11 (1)	<u>Notice of Intention to Participate</u> : The deadline for all parties intending to participate in the Phase 2 Trial to file and e-serve a Notice of Intention to Participate in Phase 2 Trial so as to provide notice of that intention. The Notice of Intention to Participate in Phase 2 Trial should, to the greatest extent possible, indicate the scope of the party's intended participation in the Phase 2 Trial.	January 17, 2025
19 (2)	<u>Model Disclosure</u> : The deadline for all parties to disclose any models that the party intends to use to present evidence at the Phase 2 Trial.	February 20, 2025
22 (3)	<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). The disclosure shall include a	May 30, 2025

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	summary of the subject matter on which the expert witness is expected to present evidence.	
(4)	<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).	June 13, 2025
(5)	<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.	June 13 – June 17, 2025
(6)	<u>Discovery Opens</u>	June 27, 2025
(7)	<u>Responsive Reports</u> : The deadline for all parties to electronically exchange all expert reports done in response to another parties' expert report.	September 5, 2025
(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.	September 15 – December 12, 2025
(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	December 12, 2025

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	does not preclude any party from bringing any discovery motions, as needed.	
(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.	December 19, 2025
(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.	January 12, 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.	January 26, 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.	January 28, 2026
(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.	February 4, 2026

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(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 motions in limine for the Phase 2 Trial.	February 4, 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).	March 6, 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.	March 6, 2026
(18)	<u>Trial Briefs</u> : The deadline for all parties to file and e-serve any trial briefs for the Phase 2 Trial.	March 20, 2026
(19)	<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.	March 23, 2026
(20)	<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	March 23, 2026

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	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.	
(21)	<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.	March 30, 2026
(22)	<u>Phase 2 Trial</u> : A phase two bench trial with a fifteen court-day estimate to determine safe yield.	March 30, 2026

IT IS SO ORDERED.

Dated: 1-8-25



The Honorable William Claster

JUDGE OF THE SUPERIOR COURT

1 PROOF OF SERVICE

2
3 I, Symone Hetzel, declare I am over the age of eighteen years and not a party to the within
4 action. I am a resident of or employed in the county where the service described below occurred.
5 My business address is 999 18th St., South Terrace, Ste. 370, Denver, Colorado 80202.

6 On October 18, 2024, I served **[PROPOSED] CASE MANAGEMENT ORDER RE:**
7 **PHASE 2 TRIAL** on all interested parties in this action by uploading to the Case Anywhere
8 website pursuant to the Court Order Authorizing Electronic Service, dated December 2, 2022.

9
10 SEE ATTACHED CASE ANYWHERE SERVICE LIST

11
12 I declare under penalty of perjury under the laws of the State of California that the above
13 is true and correct. Executed on October 18, 2024, at Denver, CO.

14
15 */s/ Symone S. Hetzel*
16 Symone Hetzel

Case Anywhere Electronic Service List

Case Name: Mojave Pistachios, LLC, et al. v. Indian Wells Valley Water District, et al.

Case Info: 30-2021-01187275 and Related Cases, Orange County Superior Court

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John Thomas Conaway Trust
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Nugent Family Trust
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Only attorneys are listed. Other authorized users may also receive case notifications by email.

EFS-020

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange, Civil Complex Center STREET ADDRESS: 751 West Santa Ana Blvd MAILING ADDRESS: P.O. Box 22028, Santa Ana, CA 92702-2028 CITY AND ZIP CODE: Santa Ana 92701 BRANCH NAME: Civil Complex Center	CITY: D. ZIP CODE: 20044-7611 FAX NO.: 202-305-0275	
PLAINTIFF/PETITIONER: Mojave Pistachios, LLC; et al. DEFENDANT/RESPONDENT: Indian Wells Valley Water District, et al. OTHER:	PROPOSED ORDER (COVER SHEET)	CASE NUMBER: 30-2021-01187275-CU-OR-CJC JUDICIAL OFFICER: The Honorable William D. Claster DEPT: CX101

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

- Name of the party submitting the proposed order:
United States of America
- Title of the proposed order:
Proposed Case Management Order re: Phase 2 Trial
- The proceeding to which the proposed order relates is:
 - Description of proceeding: Status Conference
 - Date and time: October 2, 2024
 - Place: Superior Court of California, County of Orange, Civil Complex Center
751 West Santa Ana Boulevard
Santa Ana, CA 92701
Department CX101
- The proposed order was served on the other parties in the case.

Alexa Penalosa

(TYPE OR PRINT NAME)

Alexa Penalosa

(SIGNATURE OF PARTY OR ATTORNEY)

Page 1 of 2