

EXHIBIT G

**Court's Order Concerning Electronic Service of Pleadings
and Electronic Posting of Discovery Documents
dated June 27, 2000**

Santa Maria Valley Water Conservation District v. City of Santa Maria
Santa Clara County Superior Court Case No. CV 770214

1 the attorneys) and transcripts of Court proceedings (when they are brief) and
2 access to such transcripts by the parties.

3 B. The Website address is <http://www.sccomplex.org>. A dedicated link to the Santa Maria
4 Groundwater Litigation is contained on the home page of this site.

5 C. The Court's Website will be maintained, and the tasks required of the Website will be
6 conducted by, the Court's outside Website Vendor:

7 Andy Jamieson
8 Global Transactions, Inc.
9 519 17th St., Oakland, CA 94612
10 Telephone: 510-548-9050
11 Email: ajam@glotans.com

12 D. This Order supercedes and entirely replaces parts VII ("Document Repository") and
13 VIII ("Filing and Service of Papers") of the Court's Case Management Order No. 4. All
14 other parts of Case Management Order No. 4 remain unaffected.

15 E. The term "Document Repository" as used in Case Management Order No. 4 shall mean
16 the Court's Website.

17 II. SERVICE LISTS

18 A. The firm of Hatch & Parent shall compile an initial service list consisting of the service
19 addresses of all parties to the case.

20 B. On or before July 7, 2000, all parties shall submit to Hatch & Parent the address at
21 which they wish to receive service. Service addresses may be submitted electronically
22 to: GLane@HatchParent.com, or by facsimile to Gina Lane, Hatch & Parent, 805-965-
23 4333.

24 Parties must elect one of the following three service options. All parties who are able
25 must opt for email service.

1. Parties receiving service electronically shall provide a current electronic mail
address, and a backup facsimile number.

1 2. Parties without email who elect fax service shall provide a current facsimile
2 number.

3 3. Other parties receiving service by U.S. Mail shall provide a current U.S. Mail
4 address.

5 The court will notify email recipients that a document has been posted; parties must
6 serve other parties by fax and mail.

7 C. On or before July 10, 2000, Hatch & Parent shall transmit the initial electronic,
8 facsimile and U.S. Mail service lists to the Website Vendor, based on the addresses
9 submitted by the parties.

10 D. All parties are obligated to check their email addresses on the website and notify the
11 vendor immediately of any errors.

12 E. New parties, upon making their first appearance in this case, will be required to elect
13 their preferred method of service (i.e. electronic, facsimile, or U.S. Mail).

14 F. Parties making any additions, corrections or changes to the electronic, facsimile, or U.S.
15 Mail service lists after June 26, 2000, shall submit their changes directly to the Website
16 Vendor. The Website Vendor shall post and keep current the electronic, facsimile, and
17 U.S. Mail service lists on the Website.

18 G. Once a party posts a document, the court, through its website, will make email service.
19 The parties are under a continuing obligation to make fax and mail service of the notice
20 of posting in the normal manner.

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1 **III. PLEADING DOCUMENTS**

2 **A. POSTING OF PLEADING DOCUMENTS**

- 3 1. Commencing on July 11, 2000, all parties, including parties who elect service
4 options two (2) and three (3), will be required to serve all Pleading Documents¹
5 by posting them on the Website. Parties without Internet access will have to
6 seek it out at the public library or at copy stores.
- 7 2. Instructions for posting will be provided on the Website itself. Documents
8 posted shall be catalogued according to the instructions provided. The posting
9 party shall provide: its name, the complete title of the document, and the date of
10 posting. All Pleading Documents will be posted to the Website in xml text
11 format (with a copy in PDF format being optional). All Adobe Acrobat
12 resources can be obtained from www.abode.com.
- 13 3. Once a Pleading Document has been posted to the Website, no change shall be
14 made to that document by any party. No Pleading Document posted to the
15 Website shall be removed from the Website except upon further Order of the
16 Court.
- 17 4. Exhibits attached to Pleading Documents shall be submitted as image file
18 attachments in .GIF or .JPG form.
- 19 5. For all Pleading Documents in this case served prior to July 11, 2000, the
20 serving party shall post a copy of that document to the Website no later than
21 August 10, 2000.

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24 1 "Pleading Document" means: pleadings or any other documents produced in the course of this
25 action and required to be filed with the Court, including, but not limited to: (1) all
complaints, cross-complaints and answers, including amendments thereto; (2) all demurrers,
opposition to demurrers and replies; (3) all writ petitions and orders thereon; (4) all
motions, oppositions to motions and replies; (5) all proposed orders; (6) all expert
designations; and (7) all trial briefs.

1 6. Nothing in this Order modifies the manner of obtaining personal jurisdiction
2 (through service of process) over a party who has not appeared in these
3 consolidated actions. Service of process shall proceed in the regular manner
4 provided under California law.

5 B. ELECTRONIC SERVICE AND CONFIRMATION OF RECEIPT

- 6 1. The Website will be configured to transmit automatically an electronic "Notice
7 of Availability" to all parties on the electronic service list notifying them that a
8 Pleading Document has been served on them and is available for their review on
9 the Website.
- 10 2. Any party posting a Pleading Document on the Website who does not receive
11 electronic notice indicating that service of their document has been made shall,
12 within 12 hours of its posting, notify the Website Vendor of this problem.
- 13 3. All Parties electronically served shall confirm receipt of electronic service by
14 replying to the electronic mail "Notice of Availability" message received by no
15 later than 5:00 p.m. on the next business day following posting of the document
16 served, not including weekends and holidays. (For instance, an electronic
17 "Notice of Availability" transmitted at 4:59 p.m. on a Thursday must be
18 confirmed by 5:00 p.m. on Friday. Electronic Notice of Availability transmitted
19 at 5:01 p.m. on a Thursday must be confirmed by 5:00 p.m. on the following
20 Monday.) To confirm receipt, simply select "Reply" and then "Send."
- 21 4. Parties who fail to confirm receipt of electronic service within the time period
22 specified above will automatically receive a "Notice of Availability" by
23 facsimile from the Court's Website Vendor. A party's repeated failure to timely
24 confirm receipt of electronic service will be reported to the Court, and the court
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1 will require the party to personally appear to explain his failure to comply with
2 the court's electronic service requirements.

3 C. FACSIMILE AND U.S. MAIL SERVICE

4 1. Commencing on July 11, 2000, in addition to posting all Pleading Documents on
5 the Website, all parties shall serve, by facsimile and U.S. Mail as applicable, a
6 "Notice of Availability" on all parties electing to receive service by facsimile or
7 U.S. Mail shall be sufficient to constitute service of the Pleading Document
8 itself.

9 2. The "Notice of Availability" shall contain; (1) the serving party's name and
10 contact information; (2) the title of the document posted on the Website; and (3)
11 the date of posting; and shall indicate that the document served is available for
12 viewing on the Website.

13 D. PROOF OF SERVICE

14 3. All Pleading Documents posted to the Website shall contain a Proof of
15 Service. The Proof of Service shall be sufficient if it indicates: (1) the
16 title of the Pleading Document posted; (2) the date and time of posting;
17 (3) that a "Notice of Availability" has been faxed to all parties on the
18 Website's current facsimile service list; and (4) that a "Notice of
19 Availability" has been mailed to all parties on the Website's current U.S.
20 Mail service list.

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1 IV. DISCOVERY DOCUMENTS

2 A. POSTING OF DISCOVERY DOCUMENTS

3 1. Commencing on July 11, 2000, Discovery Documents² that are written requests
4 for discovery or written responses to those requests shall be posted to the
5 Website and served in the same manner as Pleading Documents. For all
6 Discovery Documents that are written requests for discovery or written
7 responses to those requests that are produced prior to July 11, 2000, the
8 producing party shall post a copy of that document to the Website no later than
9 August 10, 2000.

10 2. Commencing on July 11, 2000, Discovery Documents that are deposition
11 transcripts (including exhibits), whether party or non-party, shall be posted to the
12 Website and served by the noticing party in the same manner as Pleading
13 Documents. Deposition transcripts shall be posted promptly after receipt of the
14 transcript. For all Discovery Documents that are deposition transcripts
15 (including exhibits) that are produced prior to July 11, 2000, the noticing party
16 shall post a copy of that document to the Website no later than August 10, 2000.

17 3. Commencing on July 11, 2000, documents produced in response to a demand for
18 inspection and copying of documents shall be produced by the
19 producing/responding party as follows:

- 20 a. All parties are required to produce documents electronically.
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22 b. To ensure quality control and uniformity of imaging and indexing, all
23 parties are required to utilize the Document Services Vendor approved
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25 ²"Discovery Documents" means: non-pleading, discovery documents, including, but limited to: (1) all written discovery requests; (2) all written responses to discovery requests; (3) documents produced in response to requests or demands for production of documents; (4) all deposition transcripts; (5) all privilege logs; and (6) all trial exhibits.

1 by the Court: APS, 3485 Sacramento Drive, Suite H, San Luis Obispo,
2 California 93401, (805) 545-9100. All parties shall contact APS directly
3 to establish their individual accounts with the Document Services
4 Vendor.

5 c. Documents produced by a party shall be provided to the Document
6 Services Vendor not later than 15 days after the date of service of the
7 written response (unless another time is set by agreement of the parties
8 or by Order of Court).

9 d. Upon production of document(s) to the Document Services Vendor, the
10 producing/responding party shall post on the Website a "Notice of
11 Submission of Discovery Documents to the Document Services Vendor"
12 indicating: (1) the name of the producing/responding party; (2) the name
13 of the propounding party; (3) the title of the document requesting the
14 production; and (4) the date of the production.

15 e. The Document Services Vendor will apply a standard indexing protocol
16 (including electronic "Bates" stamping and bibliographic fields).

17 f. The Document Services Vendor will transmit electronic images of the
18 documents produced directly to the Website Vendor. The Website
19 Vendor will then post those documents to the Website on behalf of the
20 producing/responding party, and will notify the producing/responding
21 party of this fact.

22 g. Documents previously produced shall be submitted to the Document
23 Services Vendor on or before July 17, 2000.

24 B. COSTS

25 1. Each party producing Discovery Documents shall be responsible for the
scanning/imaging and indexing costs charged by the Document Services Vendor

1 for those services, and any and all costs associated with transmitting these
2 documents to the Website Vendor, as described below.

- 3 2. A party utilizing the Document Services Vendor for any other services (e.g.,
4 obtaining electronic images of produced documents on CD Rom) shall be
5 responsible for all costs associated with those other services.
- 6 3. For non-party document productions, the requesting party shall be responsible
7 for posting the documents and for the costs charged by the Document Services
8 Vendor to scan/image and index the documents.

9 **C. PROTECTIVE ORDERS**

- 10 1. The Court's standard procedures shall apply to any party seeking to protect or
11 limit disclosure of information in a Discovery Document. In lieu of posting of
12 electronic images for documents subject to Court-ordered protection or
13 limitations on disclosure, the Website shall contain a listing of the document and
14 identifying information (including at least the title and description of the
15 document), information on the nature of the protection or limitation ordered by
16 the Court, and information on how to obtain the document.

17 **V. FILING OF DOCUMENTS WITH THE COURT AND EFFECTIVE DATE OF**
18 **SERVICE**

- 19 A. Notwithstanding the procedures for posting Pleading Documents on the Website
20 provide by this Order, no party is relieved of its responsibility to file any and all
21 documents required by law with this Court.
- 22 B. All Pleading Documents and any other documents required to be filed with the Court
23 may be filed with the Court by facsimile.
- 24 C. For purposes of a party's obligation to produce and/or serve upon another party a
25 document, that party shall be deemed to have produced/served the document on the date
on which the document was posted to the Website or submitted to the Document

1 Services Vendor (as applicable). Documents posted to the Website or submitted to the
2 Document Services Vendor after the close of a business day (5:00 p.m.) shall be
3 deemed to have been produced/served on the next business day.

4 D. For purposes of a party's obligation to respond to any document served on him, service
5 by electronic posting, facsimile and U.S. Mail in accordance with this Order shall be
6 deemed to be service by facsimile transmission in accordance with Code of Civil
7 Procedure section 1013(e), and the time obligations and duties of the parties shall be
8 governed as if such service had been made by facsimile transmission.

9 E. All parties are under a continuing obligation to post all Pleading Documents and
10 Discovery Documents to the Website, in the manner described in this Order.

11 VI. STAY

12 A. The stay on responsive pleadings imposed by the court at the May 12, 2000 hearing is
13 lifted. Responsive pleadings are due July 17, 2000 and shall be posted in accordance
14 with section III.A.2. of this order.

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16 Dated this 27th day of June, 2000

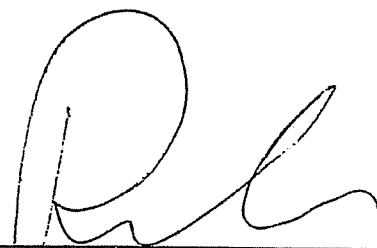
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19 _____
20 CONRAD L. RUSHING
21 Judge of the Superior Court
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EXHIBIT H

Form of Memorandum of Agreement to be Recorded

Santa Maria Valley Water Conservation District v. City of Santa Maria
Santa Clara County Superior Court Case No. CV 770214

Attached are two draft forms of Exhibit H. One form is intended to be used for recordation of notice of the Stipulation for properties located within Santa Barbara County, and the other form for properties located within San Luis Obispo County.

RECORDING REQUESTED BY:

XYZ CORPORATION

WHEN RECORDED MAIL TO:

**CITY OF SANTA MARIA
A California municipal corporation
110 E. Cook Street
Santa Maria, CA 903454**

**THIS SPACE RESERVED FOR RECORDER ONL
(Gov. Code 27361.6)**

NOTICE OF AGREEMENT BY STIPULATION

THIS NOTICE (“Notice”) is authorized and required to be recorded in Santa Barbara County by order of the Superior Court of the County of Santa Clara and Government Code Section 27201.

Effective _____, 2005 the Clerk of the Court for Santa Clara County has entered a written stipulation in the matter of *Santa Maria Valley Water Conservation District v. City of Santa Maria*, Santa Clara County Superior Court, Lead Case No. CV 770214 (hereinafter “Stipulation”) affecting the use of water rights in the Santa Maria Groundwater Basin as more particularly described in the Stipulation. A copy of the Stipulation is on file with and may be viewed at the Santa Clara County Superior Court, City of Santa Maria, City of Guadalupe, and County of Santa Barbara. The below stated Stipulating Party and its real property located in Santa Barbara County bound by the terms of the Stipulation is identified in Exhibit “A” attached hereto and incorporated herein.

XYZ CORPORATION
A California corporation

By:
Name:
Title:

EXHIBIT "A"

STIPULATING PARTY AND PROPERTY DESCRIPTION (Santa Barbara County)

<u>Stipulating Party</u>	<u>Property Description</u>
XYZ Corporation	(APN 101-040-014) NW ¼ of SW ¼, Section 1, R 29E, T 30S, MDB&M (APN 101-040-019) As described in that certain recorded instrument No. 123, Recorded June 29, 2001, Book 123, Page 111, Santa Barbara County Recorder.

RECORDING REQUESTED BY:

XYZ CORPORATION

WHEN RECORDED MAIL TO:

**NIPOMO COMMUNITY SERVICES
DISTRICT
A California CSD
148 South Wilson Street
Nipomo, CA 93444**

**THIS SPACE RESERVED FOR RECORDER ONL
(Gov. Code 27361.6)**

NOTICE OF AGREEMENT BY STIPULATION

THIS NOTICE (“Notice”) is authorized and required to be recorded in San Luis Obispo County by order of the Superior Court of the County of Santa Clara and Government Code Section 27201.

Effective _____, 2005 the Clerk of the Court for Santa Clara County has entered a written stipulation in the matter of *Santa Maria Valley Water Conservation District v. City of Santa Maria*, Santa Clara County Superior Court, Lead Case No. CV 770214 (hereinafter “Stipulation”) affecting the use of water rights in the Santa Maria Groundwater Basin as more particularly described in the Stipulation. A copy of the Stipulation is on file with and may be viewed at the Santa Clara County Superior Court, Nipomo Community Services District, Oceano Community Services District, City of Arroyo Grande, City of Grover Beach, City of Pismo Beach, and County of San Luis Obispo. The below stated Stipulating Party and its real property located in San Luis Obispo County bound by the terms of the Stipulation are identified in Exhibit “A” attached hereto and incorporated herein.

XYZ CORPORATION
A California corporation

By:
Name:
Title:

EXHIBIT "A"

STIPULATING PARTY AND PROPERTY DESCRIPTION (San Luis Obispo County)

<u>Stipulating Party</u>	<u>Assessors Parcel Number</u>
XYZ Corporation	(APN 101-040-014) NW ¼ of SW ¼, Section 1, R 29E, T 30S, MDB&M (APN 101-040-019) As described in that certain recorded instrument No. 123, Recorded June 29, 2001, Book 123, Page 111, San Luis Obispo County Recorder.

