

1 Michael Duane Davis, SBN 093678
 2 Marlene L. Allen-Hammarlund, SBN 126418
 3 Derek R. Hoffman, SBN 285784
GRESHAM SAVAGE NOLAN & TILDEN,
A Professional Corporation
 4 3750 University Avenue, Suite 250
 Riverside, CA 92501-3335
 Telephone: (951) 684-2171
 5 Facsimile: (951) 684-2150

6 Attorneys for Cross-Defendant/Cross-Complainant,
 7 A.V. UNITED MUTUAL GROUP; and Cross-
 Defendants, ADAMS BENNETT INVESTMENTS,
 8 LLC; MIRACLE IMPROVEMENT CORPORATION
 dba GOLDEN SANDS MOBILE HOME PARK, aka
 9 GOLDEN SANDS TRAILER PARK, named as ROE
 1121; ST. ANDREW'S ABBEY, INC., named as ROE
 623; SERVICE ROCK PRODUCTS, L.P.; and
 10 SHEEP CREEK WATER COMPANY, INC.

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 12 **IN AND FOR THE COUNTY OF LOS ANGELES**

13	Coordination Proceeding Special Title (Rule 1550(b)))	Judicial Council Coordination Proceeding No. 4408
14	ANTELOPE VALLEY GROUNDWATER CASES)	Santa Clara Case No. 1-05-CV-049053
15)	Assigned to the Honorable Jack Komar
16	Including <u>Consolidated</u> Actions:)	Department 17C
17	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.)	CROSS-DEFENDANT, BAXTER MUTUAL WATER COMPANY, A MEMBER OF THE ANTELOPE VALLEY UNITED MUTUAL GROUP'S TRIAL BRIEF FOR PHASE 4 TRIAL
18	Superior Court of California, County of Los Angeles, Case No. BC 325 201)	
19	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.)	Phase 4 Trial Date: May 28, 2013
20	Superior Court of California, County of Kern, Case No. S-1500-CV-254-348)	Time: 9:00 A.M.
21)	Dept.: TBD
22	Wm. Bolthouse Farms, Inc. v. City of Lancaster)	Judge: Hon. Jack Komar
23	Diamond Farming Co. v. City of Lancaster)	
24	Diamond Farming Co. v. Palmdale Water Dist.)	
25	Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668)	
26	<hr/>)	
27	AND RELATED ACTIONS.)	
28	<hr/>)	

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Cross-Defendant, **BAXTER MUTUAL WATER COMPANY, A MEMBER OF THE**
3 **ANTELOPE VALLEY UNITED MUTUAL GROUP** (“Baxter”) by and through its attorneys
4 of record, Michael Duane Davis, Esq., Marlene L. Allen-Hammarlund, Esq. and Derek R.
5 Hoffman, Esq. of Gresham Savage Nolan & Tilden, PC, hereby submits the following Trial Brief
6 for the Phase 4 Trial proceedings, in accordance with the Court’s Minute Order for the May 17,
7 2013 Pre-Trial Conference.

8 Baxter’s Witness List and Exhibit List will be submitted under separate cover.

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10 **1. Party:** BAXTER MUTUAL WATER COMPANY, a California mutual benefit
11 non-profit corporation, which is a member of the Antelope Valley United Mutual Group.

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13 **2. Claims to Current Groundwater Production** [The following figures do not
14 account for any in-lieu water, any claimed return flows from imported water, any water from
15 natural springs, any water produced outside the Area of Adjudication, or any water other than the
16 groundwater produced within the Area of Adjudication during 2011 and 2012]:

- 17 **a. 2011:** 44.9 acre feet; and
18 **b. Jan. – Nov. 2012:** 44.6 acre feet.

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20 **3. Status of Stipulation to Claims:**

- 21 **a. Public Water Supplier** – Stipulation pending.
22 **b. Overlyers’ Group** – Objection to production claim is that the data “lacks
23 proper foundation, as the water production reports prepared by Larry Gordon, Vice President,
24 lack corroboration. The Edison bills provided do not clearly correlate with the amount of water
25 claimed.

26 **4. Supporting Information and Data:**

- 27 **a.** Responses to December 12, 2012 Discovery Order for Phase 4 Trial,
28 submitted under penalty of perjury, and filed by posting on December 21, 2012; and

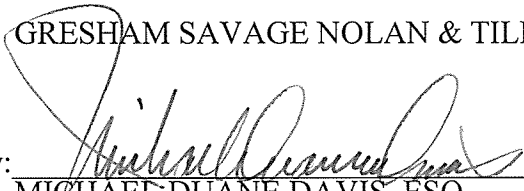
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b. First Supplemental Responses to December 12, 2012 Discovery Order for Phase 4 Trial, submitted under penalty of perjury, and filed by posting on January 30, 2013.

5. Offer of Proof / Proposed Order: Baxter will make an offer of proof at the Phase 4 Trial, that its 2011 groundwater production was 44.9 acre feet, and that its 2012 groundwater production was 44.6 acre feet. Baxter will also submit a proposed order for the Court to make findings that Baxter's claimed groundwater production for 2011 was 44.9 acre feet, and that its claimed groundwater production for 2012 was 44.6 acre feet.

Respectfully submitted,

GRESHAM SAVAGE NOLAN & TILDEN, PC

By: 

MICHAEL DUANE DAVIS, ESQ.
MARLENE L. ALLEN-HAMMARLUND, ESQ.
DEREK R. HOFFMAN, ESQ.
Attorneys for CROSS-DEFENDANT / CROSS-COMPLAINANT, A. V. UNITED MUTUAL GROUP; and CROSS-DEFENDANTS, ADAMS BENNETT INVESTMENTS, LLC, MIRACLE IMPROVEMENT CORPORATION dba GOLDEN SANDS MOBILE HOME PARK, aka GOLDEN SANDS TRAILER PARK [ROE 1121], ST. ANDREW'S ABBEY, INC. [ROE 623], SERVICE ROCK PRODUCTS, L.P., and SHEEP CREEK WATER COMPANY, INC.

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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

Re: *ANTELOPE VALLEY GROUNDWATER CASES*
Los Angeles County Superior Court Judicial Council Coordinated
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 3750 University Avenue, Suite 250, Riverside, CA 92501-3335.

On May 23, 2013, I served the foregoing document(s) described as **CROSS-DEFENDANT, BAXTER MUTUAL WATER COMPANY, A MEMBER OF THE ANTELOPE VALLEY UNITED MUTUAL GROUP'S TRIAL BRIEF FOR PHASE 4 TRIAL** on the interested parties in this action in the following manner:

(X) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases,

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 23, 2013, at Riverside, California.



DINA M. SNIDER