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6 Attorneys for Cross-Defendant/Cross-Complainant,
 A.V. UNITED MUTUAL GROUP; and Cross-
 7 Defendants, ADAMS BENNETT INVESTMENTS,
 LLC; MIRACLE IMPROVEMENT CORPORATION
 8 dba GOLDEN SANDS MOBILE HOME PARK, aka
 GOLDEN SANDS TRAILER PARK, named as ROE
 9 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	)	Judicial Council Coordination
	Special Title (Rule 1550(b))	)	Proceeding No. 4408
14	ANTELOPE VALLEY GROUNDWATER	)	Santa Clara Case No. 1-05-CV-049053
15	CASES	)	Assigned to the Honorable Jack Komar
		)	Department 17C
16	Including <u>Consolidated</u> Actions:)	
17	Los Angeles County Waterworks District	)	CROSS-DEFENDANT, ELDERADO
	No. 40 v. Diamond Farming Co.	)	MUTUAL WATER COMPANY, A
18	Superior Court of California, County of Los	)	MEMBER OF THE ANTELOPE
	Angeles, Case No. BC 325 201	)	VALLEY UNITED MUTUAL GROUP'S
19		)	TRIAL BRIEF FOR PHASE 4 TRIAL
20	Los Angeles County Waterworks District	)	Phase 4 Trial Date: May 28, 2013
	No. 40 v. Diamond Farming Co.	)	Time: 9:00 A.M.
21	Superior Court of California, County of Kern,	)	Dept.: TBD
	Case No. S-1500-CV-254-348	)	Judge: Hon. Jack Komar
22	Wm. Bolthouse Farms, Inc. v. City of)	
	Lancaster)	
23	Diamond Farming Co. v. City of Lancaster)	
	Diamond Farming Co. v. Palmdale Water)	
24	Dist.)	
25	Superior Court of California, County of)	
	Riverside, consolidated actions, Case Nos. RIC)	
26	353 840, RIC 344 436, RIC 344 668)	
27	AND RELATED ACTIONS.)	

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

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

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

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10 **1. Party:** ELDORADO MUTUAL WATER COMPANY, a California mutual
11 benefit 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:** 272.0 acre feet; and
- 18 **b. Jan. – Nov. 2012:** 280.1 acre feet.

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

- 21 **a. Public Water Supplier** – Stipulation pending.
- 22 **b. Overlyers’ Group** – There is no objection to Eldorado’s 2011 and 2012
23 groundwater production by the Overlyers’ Group.

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

- 26 **a.** Responses to December 12, 2012 Discovery Order for Phase 4 Trial,
27 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: Eldorado will make an offer of proof at the Phase 4 Trial, that its 2011 groundwater production was 272.0 acre feet, and that its 2012 groundwater production was 280.1 acre feet. Eldorado will also submit a proposed order for the Court to make findings that Eldorado's claimed groundwater production for 2011 was 272.0 acre feet, and that its claimed groundwater production for 2012 was 280.1 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, ELDORADO 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