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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)	
15	ANTELOPE VALLEY GROUNDWATER	)	Santa Clara Case No. 1-05-CV-049053
	CASES	)	Assigned to the Honorable Jack Komar
		)	Department 17C
16	Including <u>Consolidated</u> Actions:)	
17	Los Angeles County Waterworks District	)	CROSS-DEFENDANT, ADAMS
	No. 40 v. Diamond Farming Co.	)	BENNETT INVESTMENTS, LLC'S
18	Superior Court of California, County of Los	)	TRIAL BRIEF FOR PHASE 4 TRIAL
	Angeles, Case No. BC 325 201)	
19		)	Phase 4 Trial Date: May 28, 2013
	Los Angeles County Waterworks District	)	Time: 10:00 A.M.
20	No. 40 v. Diamond Farming Co.	)	Dept.: TBD
	Superior Court of California, County of Kern,	)	Judge: Hon. Jack Komar
21	Case No. S-1500-CV-254-348)	
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.)	
	Superior Court of California, County of)	
25	Riverside, consolidated actions, Case Nos. RIC)	
	353 840, RIC 344 436, RIC 344 668)	
26)	
27	AND RELATED ACTIONS.)	
28)	

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Cross-Defendant, **ADAMS BENNETT INVESTMENTS, LLC** (“Adams Bennett”) by
3 and through its attorneys of record, Michael Duane Davis, Esq., Marlene L. Allen-Hammarlund,
4 Esq. and Derek R. Hoffman, Esq. of Gresham Savage Nolan & Tilden, PC, hereby submits the
5 following Trial Brief for the Phase 4 Trial proceedings, in accordance with the Court’s Minute
6 Order for the May 17, 2013 Pre-Trial Conference.

7 Adams Bennett’s Witness List and Exhibit List will be submitted under separate cover.

8

9 **1. Party:** ADAMS BENNETT INVESTMENTS, LLC

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

15 **a. 2011:** 0

16 **b. 2012:** 0

17

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

19 **a. Public Water Supplier** – Stipulation posted May 15, 2013.

20 **b. Overlyers’ Group** –There is no objection to Adams Bennett’s 2011 and
21 2012 groundwater production by the Overlyers’ Group.

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

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

26 **b.** First Supplemental Responses to December 12, 2012 Discovery Order for
27 Phase 4 Trial, submitted under penalty of perjury, and filed by posting on January 15, 2013.

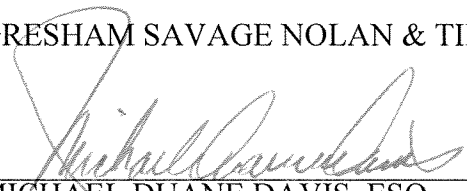
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5. Offer of Proof / Proposed Order: Adams Bennett will make an offer of proof at the Phase 4 Trial, that its 2011 groundwater production was 0 acre feet, and that its 2012 groundwater production was 0 acre feet. Adams Bennett will also submit a proposed order for the Court to make findings that Adams Bennett’s claimed groundwater production for 2011 was 0 acre feet, and that its claimed groundwater production for 2012 was 0 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, ADAMS BENNETT INVESTMENTS, LLC'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