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6 Attorneys for Cross-Defendant/Cross-Complainant,
7 A.V. UNITED MUTUAL GROUP; and Cross-
8 Defendants, ADAMS BENNETT INVESTMENTS,
9 LLC; MIRACLE IMPROVEMENT CORPORATION
10 dba GOLDEN SANDS MOBILE HOME PARK, aka
11 GOLDEN SANDS TRAILER PARK, named as ROE
12 1121; ST. ANDREW'S ABBEY, INC., named as ROE
13 623; SERVICE ROCK PRODUCTS, L.P.; and
14 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
14 Special Title (Rule 1550(b))) Proceeding No. 4408
15 **ANTELOPE VALLEY GROUNDWATER**) Santa Clara Case No. 1-05-CV-049053
16 **CASES**) Assigned to the Honorable Jack Komar
17 Including Consolidated Actions:) Department 17C
18 **Los Angeles County Waterworks District**) **CROSS-DEFENDANT, SERVICE ROCK**
19 **No. 40 v. Diamond Farming Co.**) **PRODUCTS, L.P.'S TRIAL BRIEF FOR**
20 Superior Court of California, County of Los) **PHASE 4 TRIAL**
21 Angeles, Case No. BC 325 201) Phase 4 Trial Date: May 28, 2013
22 **Los Angeles County Waterworks District**) Time: 9:00 A.M.
23 **No. 40 v. Diamond Farming Co.**) Dept.: TBD
24 Superior Court of California, County of Kern,) Judge: Hon. Jack Komar
25 Case No. S-1500-CV-254-348)
26 **Wm. Bolthouse Farms, Inc. v. City of**)
27 **Lancaster**)
28 **Diamond Farming Co. v. City of Lancaster**)
Diamond Farming Co. v. Palmdale Water)
Dist.)
Superior Court of California, County of)
Riverside, consolidated actions, Case Nos. RIC)
353 840, RIC 344 436, RIC 344 668)
AND RELATED ACTIONS.)

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Cross-Defendant, **SERVICE ROCK PRODUCTS, L.P.** (“Service Rock”) by and
3 through its attorneys of record, Michael Duane Davis, Esq., Marlene L. Allen-Hammarlund, Esq.
4 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 Service Rock’s Witness List and Exhibit List will be submitted under separate cover.

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9 **1. Party:** SERVICE ROCK PRODUCTS, L.P.

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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:** 561 acre feet.

16 **b. 2012:** 445 acre feet.

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

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

20 **b. Overlyers’ Group** – Objections to production claim:

21 i. Lack of foundation, in that the referenced Discovery Responses do
22 not break down the percentages of water used for each separate use; and

23 ii. Lack of foundation, in that the pump tests and well tests from 2007
24 “cannot be verified” and “do not reflect accurate water use from 2000 – 2012 to the extent only
25 2007 records are produced.”

26 iii. According to the Court’s May 17th Pre-Trial Order, only claimed
27 production for the years 2011 and 2012 are at issue in the Phase 4 Trial. Use is not at issue.

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1 Therefore, there is no legitimate objection to Service Rock's 2011 and 2012 groundwater
2 production by the Overlyers' Group.

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

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

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

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10 **5. Offer of Proof / Proposed Order:** Service Rock will make an offer of proof at
11 the Phase 4 Trial, that its 2011 groundwater production was 561 acre feet, and that its 2012
12 groundwater production was 445 acre feet. Service Rock will also submit a proposed order for
13 the Court to make findings that White Fence Farms' claimed groundwater production for 2011
14 was 561 acre feet, and that its claimed groundwater production for 2012 was 445 acre feet.

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16 Respectfully submitted,

GRESHAM SAVAGE NOLAN & TILDEN, PC

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18 By: 

19 MICHAEL DUANE DAVIS, ESQ.
20 MARLENE L. ALLEN-HAMMARLUND, ESQ.
21 DEREK R. HOFFMAN, ESQ.
22 Attorneys for CROSS-DEFENDANT / CROSS-
23 COMPLAINANT, A. V. UNITED MUTUAL GROUP;
24 and CROSS-DEFENDANTS, ADAMS BENNETT
25 INVESTMENTS, LLC, MIRACLE IMPROVEMENT
26 CORPORATION dba GOLDEN SANDS MOBILE
27 HOME PARK, aka GOLDEN SANDS TRAILER PARK
28 [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, SERVICE ROCK PRODUCTS, L.P.'S TRIAL BRIEF FOR PHASE 4 TRIAL** on the interested parties in this action in the following manner:

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