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8 Attorneys for Cross-Defendant/Cross-Complainant,  
9 A.V. UNITED MUTUAL GROUP; and Cross-  
10 Defendants, ADAMS BENNETT INVESTMENTS,  
11 LLC; MIRACLE IMPROVEMENT CORPORATION  
12 dba GOLDEN SANDS MOBILE HOME PARK, aka  
13 GOLDEN SANDS TRAILER PARK, named as ROE  
14 1121; ST. ANDREW'S ABBEY, INC., named as ROE  
15 623; SERVICE ROCK PRODUCTS, L.P.; and  
16 SHEEP CREEK WATER COMPANY, INC.

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **IN AND FOR THE COUNTY OF LOS ANGELES**

19 Coordination Proceeding ) Judicial Council Coordination  
20 Special Title (Rule 1550(b)) ) Proceeding No. 4408  
21 ANTELOPE VALLEY )  
22 GROUNDWATER CASES ) Santa Clara Case No. 1-05-CV-049053  
23 Including Consolidated Actions: ) Assigned to the Honorable Jack Komar  
24 ) Department 17C  
25 **Los Angeles County Waterworks District ) NOTICE OF OPPOSITION AND**  
26 **No. 40 v. Diamond Farming Co. ) OPPOSITION OF SPECIALLY**  
27 Superior Court of California, County of Los ) **APPEARING CROSS-DEFENDANTS,**  
28 Angeles, Case No. BC 325 201 ) **ADAMS BENNETT INVESTMENTS, LLC;**  
29 ) **MIRACLE IMPROVEMENT**  
30 **Los Angeles County Waterworks District ) CORPORATION dba GOLDEN SANDS**  
31 **No. 40 v. Diamond Farming Co. ) MOBILE HOME PARK, aka GOLDEN**  
32 Superior Court of California, County of ) **SANDS TRAILER PARK [ROE 1121]; ST.**  
33 Kern, Case No. S-1500-CV-254-348 ) **ANDREW'S ABBEY, INC. [ROE 623];**  
34 ) **SERVICE ROCK PRODUCTS, L.P.; AND**  
35 ) **SHEEP CREEK WATER COMPANY, INC.**  
36 **Wm. Bolthouse Farms, Inc. v. City of ) TO PETITION BY LOS ANGELES**  
37 **Lancaster ) COUNTY WATERWORKS DISTRICT NO.**  
38 **Diamond Farming Co. v. City of ) 40 TO ADD-ON CASE FILED BY WOOD**  
39 **Lancaster ) CLASS; MEMORANDUM OF POINTS AND**  
40 **Diamond Farming Co. v. Palmdale ) AUTHORITIES IN SUPPORT THEREOF**  
41 **Water Dist. )**  
42 Superior Court of California, County of ) Hearing: July 29, 2013  
43 Riverside, consolidated actions, Case Nos. )  
44 RIC 353 840, RIC 344 436, RIC 344 668 ) For Court's Use Only:  
45 ) Santa Clara County  
46 ) Case No. 1-05-CV-049053  
47 AND RELATED ACTIONS. ) (For E-Posting/E-Service Purposes Only)  
48 )

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 Cross-Defendants, **ADAMS BENNETT INVESTMENTS, LLC; MIRACLE**  
3 **IMPROVEMENT CORPORATION dba Golden Sands Mobile Home Park, aka Golden**  
4 **Sands Trailer Park**, named as ROE 1121; **ST. ANDREW’S ABBEY, INC.**, named as ROE  
5 623; **SERVICE ROCK PRODUCTS, L.P.**; and, **SHEEP CREEK WATER COMPANY,**  
6 **INC.**, (“Opposing Parties”) by and through their attorneys of record, Gresham Savage Nolan &  
7 Tilden, PC, by Michael Duane Davis and Marlene L. Allen-Hammarlund, specially appear to  
8 submit this *Notice of Opposition and Opposition to Petition by Los Angeles County Waterworks*  
9 *District No. 40 to Add-On Case filed by Wood Class; Memorandum of Points and Authorities in*  
10 *Support Thereof* (“Opposition”) in connection with the Petition to Add-On Case filed by  
11 Attorney Jeffrey V. Dunn on July 11, 2013 (“Petition”).

12 This Opposition is being filed in the current Antelope Valley Water Adjudication action  
13 and is not being filed in the newly filed class action of *Wood v. A.V. Materials, Inc.*, Los Angeles  
14 County Superior Court Case No. BC509546 (the “newly filed Wood Class Action”); and,  
15 specifically, the filing of this Opposition is **not intended to be a general appearance in the**  
16 **newly filed Wood Class Action.**

17 Cross-Defendant Sheep Creek Water Company, a mutual water company, is included in  
18 this Opposition, even though that entity should be excluded as a named party to the newly filed  
19 Wood Class Action, pursuant to language on page 8, paragraph 17, lines 2-3, of that Complaint,

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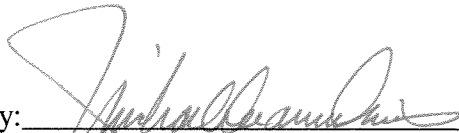
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1 which states ...“The Class also excludes all persons and entities to the extent their properties are  
2 connected to a municipal water system, public utility, or **mutual water company**....”

3 DATED: July 17, 2013.

Respectfully submitted,

4 GRESHAM SAVAGE NOLAN & TIDEN, PC

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6  
7 By: 

MICHAEL DUANE DAVIS, ESQ.  
MARLENE L. ALLEN-HAMMARLUND, ESQ.  
Attorneys for CROSS-DEFENDANTS, ADAMS  
8 BENNETT INVESTMENTS, LLC, MIRACLE  
9 IMPROVEMENT CORPORATION dba GOLDEN  
10 SANDS MOBILE HOME PARK, aka GOLDEN  
11 SANDS TRAILER PARK [ROE 1121], ST.  
ANDREW’S ABBEY, INC. [ROE 623], SERVICE  
12 ROCK PRODUCTS, L.P., and SHEEP CREEK WATER  
COMPANY, INC.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

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3 These Opposing Parties do not object to the Honorable Jack Komar hearing the motion  
4 regarding the Petition to Add-On Case filed on behalf of Los Angeles County Waterworks  
5 District No. 40 (“Petitioner”), and believe that it may be appropriate for that action to be  
6 included in the pending Antelope Valley Groundwater Adjudication action (“General  
7 Groundwater Adjudication”), **as long as the Complaint itself continues to be subject to all**  
8 **appropriate challenges** (e.g., demurrer, motion to strike, etc.). As stated in the Minute Order  
9 of July 12, 2013, the Court has made it very clear that “The parties’ ability to challenge the  
10 pleadings in Case No. BC509546 is not inhibited.” Accordingly, these Opposing Parties do not  
11 necessarily oppose the newly filed Wood Class Action being added on. However, before the  
12 Petition should be granted, there are certain procedural requirements that must be met as set forth  
13 below.

14 **A. Petitioner Has Not Complied with the Requirements of the California Rules**  
15 **of Court Regarding the Coordination of Actions.**

16 In order to petition the Court for coordination of an action pursuant to California *Rules of*  
17 *Court*, Rule 3.544, the petitioner must comply with the specific requirements found in Rules  
18 3.520 through 3.523<sup>1</sup>. Those Rules state that the petitioner must file a noticed motion supported  
19 by a memorandum of points and authorities and declarations and provide the information  
20 required in those Rules.

21 Petitioner has not complied with those requirements. Petitioner has not provided the  
22 names of the individual plaintiffs; has not provided the names of the parties to the included  
23 actions; has not provided the required information regarding other pending actions that share a  
24 common question of fact or law, or the reasons for not including any other actions in the petition  
25 for coordination or a statement that the petitioner knows of no other actions sharing a common  
26 question of fact or law; has not provided the status of each included action; and **has not**

27 \_\_\_\_\_  
<sup>1</sup> All references to “Rules” are to California *Rules of Court*.

1 provided the facts relied on to show that each included action meets the coordination  
2 standards specified in *Code of Civil Procedure 404.1* (discussed below). Additional  
3 requirements are found in Rule 3.522 regarding the notice, which requirements have also not  
4 been met.

5 Although this Court is not now determining whether the class should be certified or not,  
6 or whether the Complaint has been filed for a proper purpose, or whether the Complaint should  
7 be maintained, it is mandated that the Petitioner comply with the *Rules of Court* and provide the  
8 requisite information.. Without that information, it is impossible to determine whether the newly  
9 filed Wood Class Action should be added on to the already complex coordinated/consolidated  
10 General Groundwater Adjudication presently before this Court.

11 **B. Petitioner Has Not Complied with Code of Civil Procedure Section 404.1.**

12 *Rule of Court 3.521* requires, in subsection (a)(7), that Petitioner comply with *Code of*  
13 *Civil Procedure* Section 404.1. That section provides:

14 Coordination of civil actions sharing a common question of fact or law is  
15 appropriate if one judge hearing all of the actions for all purposes in a selected  
16 site or sites will promote the ends of justice taking into account whether the  
17 common question of fact or law is predominating and significant to the litigation;  
18 the convenience of parties, witnesses, and counsel; the relative development of  
19 the actions and the work product of counsel; the efficient utilization of judicial  
20 facilities and manpower; the calendar of the courts; the disadvantages of  
21 duplicative and inconsistent rulings, orders, or judgments; and, the likelihood of  
22 settlement of the actions without further litigation should coordination be denied.

23 With the limited information that has been provided, one can only speculate whether the  
24 newly filed Wood Class Action shares common questions of fact or law; whether coordination  
25 will promote the ends of justice; whether coordination will result in an efficient utilization of  
26 judicial facilities and manpower; or whether duplicative or inconsistent rulings, orders or  
27 judgments might result.

28 The parties to this coordinated, consolidated and complex case have already completed  
four phases of trial. It is not known whether the rulings already made in this action will be  
binding on the newly filed Wood Class Action or what other effects adding this case on will have  
on the already filed actions and parties.


1 Under the present circumstances, there are way too many unknowns for anyone to be able  
2 to properly evaluate the Petition and determine whether this newly filed Wood Class Action  
3 should be added on to the existing General Groundwater Adjudication. Unless and until  
4 Petitioner provides the information required, the parties cannot properly evaluate Petitioner's  
5 request, and neither can this Court.

6 **C. Conclusion.**

7 For the reasons stated herein, Petitioner should be required to comply with the applicable  
8 California *Rules of Court* and the *Code of Civil Procedure* sections discussed herein before the  
9 Petition to Add-On Case can be properly considered by this Court.

10  
11 DATED: July 17, 2013

Respectfully submitted,  
GRESHAM SAVAGE NOLAN & TIDEN, PC

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14  
15 By:   
MICHAEL DUANE DAVIS, ESQ.  
MARLENE L. ALLEN-HAMMARLUND, ESQ.  
Attorneys for CROSS-DEFENDANTS, ADAMS  
16 BENNETT INVESTMENTS, LLC, MIRACLE  
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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 July 17, 2013, I served the foregoing document(s) described as

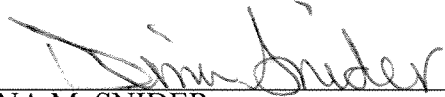
**NOTICE OF OPPOSITION AND OPPOSITION OF SPECIALLY APPEARING CROSS-DEFENDANTS, ADAMS BENNETT INVESTMENTS, LLC; MIRACLE IMPROVEMENT CORPORATION dba GOLDEN SANDS MOBILE HOME PARK, aka GOLDEN SANDS TRAILER PARK [ROE 1121]; ST. ANDREW'S ABBEY, INC. [ROE 623]; SERVICE ROCK PRODUCTS, L.P.; AND SHEEP CREEK WATER COMPANY, INC. TO PETITION BY LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 TO ADD-ON CASE FILED BY WOOD CLASS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF**

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.scefilings.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 July 17, 2013, at Riverside, California.

  
\_\_\_\_\_  
DINA M. SNIDER