

Exhibit A

1 **RICHARD G. ZIMMER - SBN 107263**

2 **T. MARK SMITH - SBN 162370**

3 **CLIFFORD & BROWN**

4 **A Professional Corporation**

5 **Attorneys at Law**

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11 and Wm. Bolthouse Farms, Inc.

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21 a limited liability company, Grimmway Enterprises, Inc.,
22 and LAPIS Land Company, LLC

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1 Attorneys for: Gene T. Bahlman, William Barnes, William R. Barnes & Eldora M. Barnes Family
 2 Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of
 3 the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie
 4 L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven
 5 Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and
 6 Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms,
 7 Healy Enterprises, Inc., John Javadi and Sahara Nursery, Juniper Hills Water Group, Gailen Kyle,
 8 Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle
 9 Family Trust, Julia Kyle, Wanda E. Kyle, Maritorena Living Trust, Jose and Marie Maritorena,
 10 Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R
 11 and M Ranch, Inc., Richard and Michael Nelson, Robert Jones, John and Adrienne Reza, Mabel
 12 Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel Kremen and Tierra Bonita Ranch Company,
 13 Beverly Tobias, Triple M Property FKA and 3M Property Investment Co., Vulcan Materials Co.
 14 and Vulcan Lands Inc., Willow Springs Company, Donna Wilson, collectively known as the
 15 Antelope Valley Groundwater Agreement Association ("AGWA")

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF SANTA CLARA

12 COORDINATION PROCEEDING
 13 SPECIAL TITLE (Rule 1550(b))

) Judicial Council Coordination Proceeding No.
 4408

14 ANTELOPE VALLEY GROUNDWATER
 15 CASES

) CASE NO. 1-05-CV-049053

16 INCLUDED ACTIONS:

) **OBJECTIONS TO FOURTH
 AMENDMENT TO CASE
 MANAGEMENT ORDER FOR
 PHASE 4 TRIAL,
 DECLARATIONS AND
 STIPULATIONS**

17 LOS ANGELES COUNTY
 18 WATERWORKS DISTRICT NO. 40 v.
 DIAMOND FARMING COMPANY, et al.,
 Los Angeles Superior Court Case No.
 BC325201

19 LOS ANGELES COUNTY
 20 WATERWORKS DISTRICT NO. 40 v.
 DIAMOND FARMING COMPANY, et al.,
 Kern County Superior Court Case No. S-
 21 1500-CV-254348

22 DIAMOND FARMING COMPANY, and
 23 W.M. BOLTHOUSE FARMS, INC., v.
 CITY OF LANCASTER, et al.,
 Riverside Superior Court
 24 Case No. RIC 344436 [c/w case no. RIC
 344668 and 353840]

) Trial Date: May 28, 2013
 Action Filed: October 26, 2005

25 _____
 26 AND RELATED ACTIONS
 27 _____
 28 _____

1 Paragraphs 2-7: The declaration lacks foundation as to property ownership. The
2 records produced are incomplete and do not fully account for the claimed 5,349.32 acres, none
3 of which were acquired by federal reservation. Refer to the depositions of General Cummins
4 and Jared Scott.

5 Paragraphs 8-9: The declaration lacks foundation as to groundwater production. The
6 United States did not produce a complete set of water meter records and did not produce
7 Southern California Edison pump efficiency tests apparently used to calibrate its meters. Refer
8 to the depositions of General Cummins and Jared Scott.

9 Paragraphs 14-20: The declaration lacks foundation regarding the amount of
10 groundwater allegedly produced for the reasons stated above. The declarant's claim that the
11 water was used for "military purposes" and to "support the military mission" lacks foundation
12 and is not consistent with the deposition testimony of General Cummins and Jared Scott who
13 testified that most, if not all, of Plant 42 has been historically leased to private contractors who
14 used the water.

15
16 **CALIFORNIA WATER SERVICE COMPANY:**

17 **John R. Forth**

18 Paragraphs 2-6: The declaration lacks foundation as to property ownership. Neither
19 Cal Water nor the declarant have produced records proving property ownership.

20
21 **PHELAN PINION HILLS COMMUNITY SERVICES DISTRICT:**

22 **Don Bartz 1/31/2013 Declaration**

23 Entire declaration is based on declarant's "belief" (See paragraphs 18, 19) and is
24 therefore irrelevant, inadmissible hearsay, and improper opinion. (See e.g., Tri-State Mfg. Co.
25 v. Superior Court (1964) 224 Cal.App.2d 442, 445; Jeffers v. Screen Extra's Guild, Inc. (1955)
26 135 Cal.App.2d 622, 623.) Document also contains statements that are irrelevant to the Phase
27 4 trial.

28 **Don Bartz 4/18/2013 Declaration**

1 Exhibits lack foundation. Declarant's "belief" (see paragraph 5) that documents are
2 true, accurate and complete copies of the original is irrelevant, inadmissible hearsay, and
3 improper opinion. (See e.g., Tri-State Mfg. Co. v. Superior Court (1964) 224 Cal.App.2d 442,
4 445; Jeffers v. Screen Extra's Guild, Inc. (1955) 135 Cal.App.2d 622, 623.)

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6 **PHELAN PINION HILLS COMMUNITY SERVICES DISTRICT**
7 **PROPOSED STIPULATION FOR PHASE 4 TRIAL:**

8 Paragraphs 1-4, 10: Lack foundation and irrelevant to Phase 4 trial.

9 Paragraphs 7-9: Lack foundation, contains irrelevant matter not supported by
10 admissible evidence.

11 **THE CITY OF LOS ANGELES, BY AND THROUGH ITS DEPARTMENT OF**
12 **AIRPORTS, LOS ANGELES WORLD AIRPORTS (LAWA):**

13 The parties object to the Joint Stipulation of LAWA to the entirety of paragraph 66
14 appearing on page 14 of the Joint Stipulation is objected to on the basis that:

- 15 1. The same is based upon inadmissible hearsay, as explained hereinafter.
- 16 2. Is dependent upon the expert opinion of Robert C. Wagner, which is in
17 turn itself based upon inadmissible hearsay, and hearsay of a type which the law does not
18 permit an expert to rely upon and circumvent the predicate admission of as independent
19 evidence. Mr. Wagner concedes on page 2, lines 15 and 16 of his declaration that his ultimate
20 opinion and calculations concerning the aggregate groundwater pumped is based upon hearsay
21 information provided by unidentified third persons. Because the calculation resulting in the
22 claimed aggregate pumping for the year 2011 of 14,009.4 acre feet of groundwater and
23 recycled water is believed to have been overstated. By way of an example, and evaluation of
24 Exhibits "I" and "J," suggests that the calculation presupposes that at least one of the wells in
25 issue was operated consistently for at a minimum 13 hours per day for 365 days. Mr. Wagner
26 likewise concedes in paragraph 26 of his declaration that relevant source materials for
27 verification of his calculations was not available. Finally, Mr. Wagner, in his declaration
28

1 irrigated acreage based on the information produced. Further, it is unclear why the declarant
2 calculated water use as a function of crop duty if meter records were available. Further, the
3 declarant is unable to identify which parcel was used to irrigate onion crops.

4 The parties further reserve the right to object to any stipulation or objection at trial to
5 the extent any factual inaccuracies contained in any of the declarations or stipulations in this
6 matter were not apparent on their face without review of deposition transcripts that are not
7 presently available as of the time of this Objection.

8
9 DATED: May 3, 2013

Respectfully submitted.

10 CLIFFORD & BROWN

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12
13 By: 

RICHARD G. ZIMMER, ESQ.
Attorneys for
BOLTHOUSE PROPERTIES, LLC and
WM. BOLTHOUSE FARMS, INC.

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15
16
17 DATED: May 3, 2013

LAW OFFICES OF LEBEAU THELEN

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19
20 By: _____

BOB H. JOYCE, ESQ.
Attorneys for Diamond Farming Company, a
California corporation, Crystal Organic Farms, a
limited liability company, Grimmway Enterprises,
Inc., and LAPIS Land Company, LLC

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1 DATED: May 3, 2013

KUHS & PARKER

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By: _____

ROBERT G. KUHS
BERNARD C. BARMANN, JR.
Attorneys for Tejon Ranchcorp, Tejon Ranch
Company and Granite Construction Company

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8 DATED: May 3, 2013

MORRISON & FOERSTER, LLP

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11

By: _____

WILLIAM M. SLOAN
ALEJANDRO L. BRAS

12

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14

Attorneys for U.S. Borax, Inc.

15 DATED: May 3, 2013

BROWNSTEIN HYATT FARBER SCHRECK,
LLP

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By: _____

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Agreement Association ("AGWA")

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