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SCOTT K. KUNEY, Esq., SBN 11115  
ERNEST A. CONANT, Esq., SBN 089111  
THE LAW OFFICES OF YOUNG WOOLDRIDGE, LLP  
1800 30<sup>th</sup> Street, Fourth Floor  
Bakersfield, CA 93301  
Telephone: (661) 327-9661  
Facsimile: (661) 327-0720

Attorneys for WDS California II, LLC

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

Coordination Proceeding  
Special Title (Rule 1550(b))

**ANTELOPE VALLEY  
GROUNDWATER CASES**

Included Actions:

Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.  
Superior Court of California  
County of Los Angeles, Case No. BC  
325201

Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.  
Superior Court of California, County of  
Kern, Case No. S-1500-CV 254348

Wm. Bolthouse Farms, Inc. v. City of  
Lancaster 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 353840, RIC 344436, RIC  
344668

Judicial Council Coordination Proceeding  
No. 4408

SC Case No. 105CV 049053  
Assigned to Hon. Jack Komar

**OBJECTIONS OF WDS CALIFORNIA II,  
LLC TO PUBLIC WATER SUPPLIER'S  
NOTICE OF TAKING DEPOSITION OF  
ANDREW WERNER WITH REQUESTS  
FOR PRODUCTION OF DOCUMENTS**

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that WDS CALIFORNIA II, LLC, (“WDS”) hereby objects  
3 to the Public Water Suppliers Notice of Deposition of Andrew Werner With Request For  
4 Production of Documents (“Notice”) filed on March 22, 2013 on the grounds that the Notice  
5 fails to comply with, the California Code of Civil Procedure, the December 12, 2012 Case  
6 Management Order For Phase 4 Trial (“Order”), as amended, and the requirements of statutory  
7 and Constitutional due process.

8 Specifically, WDS objects to the Notice on the following grounds:

9 1. The Requests for Production are unduly burdensome, oppressive and unreasonable  
10 in that the requests are not reasonably calculated to lead to discovery of admissible evidence to the  
11 extent the requests duplicate the information requested in the Court’s Order;

12 2. The documents and other related information sought in Request for Production 1-  
13 18 are overly broad, vague, ambiguous, and therefore is uncertain as to the scope of the request. In  
14 light of the extremely limited time constraints required by the Notice it is unreasonable and unduly  
15 oppressive to require WDS to complete the necessary investigation prior to the deposition;

16 3. The documents and other related information sought in Request for Production  
17 Numbers 3, 5, 7, 9, 11, 13, 14 and 18 is not relevant to the subject matter of the Phase 4 trial and is  
18 not reasonably calculated to lead to discovery of admissible evidence. The First Amendment to  
19 Case Management Order for Phase Four Trial provides in Paragraph 2 that, “The Phase 4 trial will  
20 address the issue of the current groundwater production (or alternative noncontributory waters in lieu  
21 thereof) of all parties, proof of claimed reasonable and beneficial use of the water for each parcel  
22 to be adjudicated, and the claimed return flows from imported water, for the calendar year 2011  
23 and January 1 through November 30, 2012. Parties that wish to produce evidence during the years  
24 of 2000 through 2012 may do so if they timely produce such evidence in discovery. Trial of  
25 parties’ claimed reasonable and beneficial uses of water will include the amount of water used by  
26 each party and the identification of the beneficial use to which that amount was applied, but will  
27 not include any determination as to the reasonableness of that type of use, of the manner in which  
28 the party applied water to that use, or any determination of a water right.” In the Requests

1 referenced above in the Public Water Suppliers Notice requires the production of documents and  
2 related information concerning groundwater production for years and subjects beyond the scope of  
3 the Order, and has failed to establish how such information is relevant to the issues to be litigated  
4 during the Phase 4 trial;

5 4. The documents and other related information sought in Request for Production  
6 Numbers 13 and 14 requests the production of documents existing in the public domain and which  
7 is equally and readily available and accessible to the Public Water Suppliers;

8 5. The documents and other related information sought in Request for Production  
9 Number 18 unreasonably requests the production of documents and related information which is  
10 not relevant and is not reasonably calculated to lead to discovery of admissible evidence insofar as  
11 it pertains to pumping of groundwater by unrelated parties that are not included in the claims of  
12 WDS.

14 Dated: April 11, 2013

LAW OFFICES OF YOUNG WOOLDRIDGE, LLP

17 By: \_\_\_\_\_

18 SCOTT K. KUNEY, Attorneys for  
19 WDS CALIFORNIA II, LLC  
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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF KERN

I, ERIN L. LINDSEY, declare: I am and was at the times of the service hereunder mentioned, over the age of eighteen (18) years, and not a party to the within cause. My business address is 1800 30th Street, Fourth Floor, Bakersfield, CA 93301.

On April 11, 2013, I caused the below listed document(s) entitled as: **OBJECTIONS OF WDS CALIFORNIA II, LLC TO PUBLIC WATER SUPPLIER'S NOTICE OF TAKING DEPOSITION OF ANDREW WERNER WITH REQUEST FOR PRODUCTION OF DOCUMENTS** to be served on the parties via the following service:

  X   (BY POSTING) I posted the document listed above to the Santa Clara Superior Court website regarding the Antelope Valley Groundwater matter pursuant to the Court's Clarification Order. Electronic service posting completed through [www.scefilng.org](http://www.scefilng.org).

  X   (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 11, 2013, at Bakersfield, California.

  
ERIN L. LINDSEY