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Attorneys for Gertrude J. Van Dam, Delmar D. Van Dam,
Craig Van Dam, and Gary Van Dam

**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 GERTRUDE J. VAN
DAM, DELMAR D. VAN DAM, CRAIG
VAN DAM AND GARY VAN DAM TO
PUBLIC WATER SUPPLIER'S NOTICE
OF TAKING DEPOSITION OF GARY
VAN DAM WITH REQUESTS FOR
PRODUCTION OF DOCUMENTS**

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TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that GERTRUDE J. VAN DAM, DELMAR D. VAN DAM, CRAIG VAN DAM and GARY VAN DAM (collectively "VAN DAMS"), hereby object to the Public Water Suppliers Notice of Deposition of Gary Van Dam With Request For Production of Documents ("Notice") filed on March 22, 2013 on the grounds that the Notice fails to comply with, the California Code of Civil Procedure, the December 12, 2012 Case Management Order For Phase 4 Trial ("Order"), as amended, and the requirements of statutory and Constitutional due process.

Specifically, VAN DAMS object to the Notice on the following grounds:


1. The Requests for Production are unduly burdensome, oppressive and unreasonable in that the requests are not reasonably calculated to lead to discovery of admissible evidence to the extent the requests duplicate the information requested in the Court's Order;
2. The documents and other related information sought in Request for Production 1-18 are overly broad, vague, ambiguous, and therefore is uncertain as to the scope of the request. In light of the extremely limited time constraints required by the Notice it is unreasonable and unduly oppressive to require VAN DAMS to complete the necessary investigation prior to the deposition;
3. The documents and other related information sought in Request for Production Numbers 3, 5, 7, 9, 11, 13, 14 and 18 is not relevant to the subject matter of the Phase 4 trial and is not reasonably calculated to lead to discovery of admissible evidence. The First Amendment to Case Management Order for Phase Four Trial provides in Paragraph 2 that, "The Phase 4 trial will address the issue of the current groundwater production (or alternative nontributary waters in lieu thereof) of all parties, proof of claimed reasonable and beneficial use of the water for each parcel to be adjudicated, and the claimed return flows from imported water, for the calendar year 2011 and January 1 through November 30, 2012. Parties that wish to produce evidence during the years of 2000 through 2012 may do so if they timely produce such evidence in discovery. Trial of parties' claimed reasonable and beneficial uses of water will include the amount of water used by each party and the identification of the beneficial use to which that amount was applied, but will

1 not include any determination as to the reasonableness of that type of use, of the manner in which
2 the party applied water to that use, or any determination of a water right.” In the Requests
3 referenced above in the Public Water Suppliers Notice requires the production of documents and
4 related information concerning groundwater production for years and subjects beyond the scope of
5 the Order, and has failed to establish how such information is relevant to the issues to be litigated
6 during the Phase 4 trial;

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

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

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16 Dated: April 12, 2013 LAW OFFICES OF YOUNG WOOLDRIDGE, LLP

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19 By: 
20 SCOTT K. KUNEY, Attorneys for
21 GERTRUDE J. VAN DAM, DELMAR D. VAN DAM,
22 CRAIG VAN DAM, GARY VAN DAM
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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 17, 2013, I caused the below listed document(s) entitled as: **OBJECTIONS OF GERTRUDE J. VAN DAM, DELMAR D. VAN DAM, CRAIG VAN DAM AND GARY VAN DAM TO PUBLIC WATER SUPPLIER'S NOTICE OF TAKING DEPOSITION OF GARY VAN DAM 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.scefilings.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 17, 2013, at Bakersfield, California.


ERIN L. LINDSEY