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8 Attorneys for Cross-Defendant MAX WEBB,
9 TRUSTEE OF THE SURVIVOR'S TRUST
10 UNDER THE WEBB TRUST OF 1978, DATED AUGUST 9, 1978
11 (erroneously sued as MAX WEBB, TRUSTEE OF THE WEBB TRUST OF 1978)

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

14 COORDINATION PROCEEDING
15 SPECIAL TITLE (Rule 1550(b))

16 ANTELOPE VALLEY GROUNDWATER CASES

17 Included Actions:

18 LOS ANGELES COUNTY WATERWORKS
19 DISTRICT NO. 40 v. DIAMOND FARMING
20 COMPANY, et al.,
21 Los Angeles County Superior Court
22 Case No. BC325201

23 LOS ANGELES COUNTY WATERWORKS
24 DISTRICT NO. 40 v. DIAMOND FARMING
25 COMPANY, et al.,
26 Kern County Superior Court
27 Case No. S-1500-CV-254348

28 DIAMOND FARMING COMPANY, and WM
BOLTHOUSE FARMS, INC. v. CITY OF
LANCASTER, et al.,
Riverside County Superior Court
Consolidated actions
Case Nos. RIC344436 [c/w Case Nos. RIC344668 and
RIC353840]

Judicial Council Coordination No. 4408

For filing purposes only:
Santa Clara County
Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**DECLARATION OF FAWN A.
SCHANZ IN RESPONSE TO QUARTZ
HILL WATER DISTRICT'S MOTION
TO COMPEL ANSWERS FROM
CROSS-DEFENDANT MAX WEBB,
TRUSTEE OF THE SURVIVOR'S
TRUST UNDER THE WEBB TRUST
OF 1978, DATED AUGUST 9, 1978
(ERRONEOUSLY SUED AS MAX
WEBB, TRUSTEE OF THE WEBB
TRUST OF 1978) TO SPECIAL
INTERROGATORIES, FORM
INTERROGATORIES, REQUESTS
FOR ADMISSION, AND DEMAND
FOR PRODUCTION OF
DOCUMENTS, AND REQUEST FOR
MONETARY SANCTIONS**

Date: February 14, 2012
Time: 9:00 a.m.
Dept.: Room 1515

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DECLARATION OF FAWN A. SCHANZ

I, Fawn A. Schanz, declare as follows:

1. I am an attorney at law duly admitted to practice before all courts of the State of California, and am an associate with the firm Dickstein Shapiro LLP (“Dickstein”), attorneys of record herein for cross-defendant Max Webb, Trustee of the Survivor’s Trust Under the Webb Trust of 1978, Dated August 9, 1978 (erroneously sued as Max Webb, Trustee of the Webb Trust of 1978) (“Cross-Defendant Webb”). I am familiar with the pleadings and proceedings in this action and I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify thereto.

2. As a supervising attorney handling this litigation, I have possession, custody, supervision and control of Dickstein’s records and documents relating to Cross-Defendant Webb in this action. I state that the records and documents referred to in this Declaration constitute writings taken, made or received, in the ordinary course of business of Dickstein at or near the time of the act, condition or event to which they relate, by persons employed by Dickstein who have a business duty to Dickstein to accurately and completely take, make, receive and maintain such records and documents.

3. I make this declaration in response to Quartz Hill Water District’s Motion, as against Cross-Defendant Webb, to (1) Compel Answers to Special Interrogatories, (2) to Compel Answers to Form Interrogatories, (3) Deem the Truth of Matters Admitted and Conclusively Established, (4) Compel Responses to Demand for Production of Documents, and (5) for an Order Reserving an Award of Monetary Sanctions (the “Motion to Compel”).

4. On or about October 21, 2008, Cross-Defendant Webb filed a model Answer in this action wherein he advised the Court and all parties that he does not intend to participate at trial or at other proceedings in this case, unless he elects to do so upon written notice to all parties or is ordered by the Court to participate.

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1 5. On or about January 10, 2012, I received electronic service of Quartz Hill Water
2 District's Motion to Compel. I was surprised by the inclusion of Cross-Defendant Webb in the
3 Motion to Compel as Cross-Defendant Webb is a non-active party in this litigation and I was
4 unaware of any discovery propounded to him by Quartz Hill Water District. I immediately checked
5 the Court docket for such discovery. According to the Court docket, the discovery was served
6 electronically on all parties registered for electronic service (including Cross-Defendant Webb) on or
7 about November 11, 2011. I never received an email notifying me of service of said discovery, nor
8 does Dickstein have any record of such electronic service, despite the fact that I, and James Turken
9 of Dickstein, are registered to receive electronic notification of anything served or filed in this
10 action.

11 6. In any event, I contacted counsel for Quartz Hill Water District, Bradley Weeks,
12 within days of receiving the Motion to Compel to discuss it and the subject written discovery.
13 During my initial telephone discussion with Mr. Weeks, I advised him I had been unaware of the
14 discovery propounded to Cross-Defendant Webb, that Cross-Defendant Webb is not actively
15 participating in the lawsuit, and that Cross-Defendant Webb does not pump any groundwater from
16 his property in the Antelope Valley. Mr. Weeks offered to withdraw the Motion to Compel and
17 corresponding discovery requests, except for the Requests for Admission and the Motion seeking to
18 deem them admitted, and agreed not to seek sanctions against Cross-Defendant Webb. I offered to
19 confer with Cross-Defendant Webb and agreed to follow up with Mr. Weeks in the near future.

20 7. On January 30, 2012, I again contacted Mr. Weeks to discuss the discovery and
21 Motion to Compel pending against Cross-Defendant Webb. During this conversation, Mr. Weeks
22 and I agreed that Quartz Hill Water District would withdraw all of the written discovery propounded
23 to Cross-Defendant Webb, except for Requests for Admission, Sets One and Two, and the Motion to
24 Compel (including the request for sanctions), provided Mr. Webb responded to both sets of Requests
25 for Admission. I confirmed this agreement in an email later that day. A true and correct copy of my
26 January 30, 2012 email to Mr. Weeks is attached hereto as Exhibit A and incorporated by reference
27

1 herein as though fully set forth.

2 8. I intend to serve Quartz Hill Water District with Cross-Defendant Webb's Responses
3 to Requests for Admissions, Sets One and Two, by February 3, 2012. Pursuant to my agreement
4 with Mr. Weeks, the remaining written discovery to Cross-Defendant Webb and the Motion to
5 Compel as against Mr. Webb, including the request for monetary sanctions, should be withdrawn by
6 Quartz Hill at that time.

7 9. The fact that Cross-Defendant Webb will respond to the Requests for Admission, Sets
8 One and Two, propounded by Quartz Hill Water District does not indicate, and should not be
9 construed as, any intent by Cross-Defendant Webb to actively participate in this action, or at trial.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing
11 is true and correct and is executed on this 31st day of January, 2012, at Los Angeles, California.

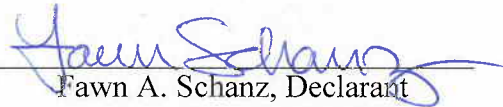
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13 
14 Fawn A. Schanz, Declarant

EXHIBIT A

Schanz, Fawn

From: Schanz, Fawn
Sent: Monday, January 30, 2012 4:34 PM
To: 'brad@charltonweeks.com'
Cc: Turken, James; Cerna, Silvia
Subject: Antelope Valley Groundwater Cases: Max Webb

Brad,

This email will confirm our telephone conversation from this morning, during which you agreed to withdraw all of Quartz Hill's discovery pending against cross-defendant Max Webb (with the exception of Quartz Hill's Requests for Admission, Sets One and Two), as well as the Motion to Compel Responses to Same and Request for Sanctions (as against Mr. Webb) that is scheduled to be heard by the Court on February 14, 2012, if Mr. Webb responds to Quartz Hill's Requests for Admission, Sets One and Two.

Based on this agreement, I anticipate serving Mr. Webb's responses to the Requests for Admissions, Sets One and Two, this week.

Please contact me if you have any questions.

Regards,

Fawn A. Schanz

Associate

Dickstein Shapiro LLP

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schanzf@dicksteinshapiro.com

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PROOF OF SERVICE

Santa Clara County Case No. I-050-CV-049053

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the action. My business address is, 2049 Century Park East, Suite 700, Los Angeles, CA 90067-3109. On January 31, 2012, I served the document(s) on the interested parties in this action as follows:

DECLARATION OF FAWN A. SCHANZ IN RESPONSE TO QUARTZ HILL WATER DISTRICT'S MOTION TO COMPEL ANSWERS FROM CROSS-DEFENDANT MAX WEBB, TRUSTEE OF THE SURVIVOR'S TRUST UNDER THE WEBB TRUST OF 1978, DATED AUGUST 9, 1978 (ERRONEOUSLY SUED AS MAX WEBB, TRUSTEE OF THE WEBB TRUST OF 1978) TO SPECIAL INTERROGATORIES, FORM INTERROGATORIES, REQUESTS FOR ADMISSION, AND DEMAND FOR PRODUCTION OF DOCUMENTS, AND REQUEST FOR MONETARY SANCTIONS

BY ELECTRONIC MAIL: By posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Water matter.

BY OVERNIGHT DELIVERY: By causing such envelope to be deposited or delivered in a box or other facility regularly maintained by Federal Express authorized to receive documents, or delivering to a courier or driver authorized by said express service carrier to receive documents, the copy of the foregoing document in a sealed envelope designated by the express service carrier, addressed as stated above, with fees for overnight (next business day) delivery paid or provided for and causing such envelope to be delivered by said express service carrier on [Insert Date] .

BY FACSIMILE MACHINE: The foregoing document was transmitted to the above-named persons by facsimile transmission from (310) 441-8470 before 5:00 p.m. on said date and the transmission was reported as complete and without error.

BY PERSONAL SERVICE: I caused to be delivered the foregoing document(s) to the addressee(s) specified.

[State] I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 31, 2012, at Los Angeles, California.



Vaneta D. BIRTHA