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EXEMPT FROM FILING FEES  
[Gov. Code, § 6103]

8 ADDITIONAL PARTIES LISTED ON PAGE 2 HEREOF

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF LOS ANGELES

12  
13 **Coordination Proceeding  
Special Title (Rule 3.550(c))**

14 **ANTELOPE VALLEY GROUNDWATER  
15 CASES**

16 **Included Actions:**

17 **Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.  
Superior Court of California County of Los  
18 Angeles, Case No. BC 325 201**

19 **Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.  
20 Superior Court of California County of  
Kern, Case No. S-1500-CV-254-348**

21 **Wm. Bolthouse Farms, Inc. v. City of  
22 Lancaster, Diamond Farming Co. v. City of  
Lancaster, Diamond Farming Co. v.  
23 Palmdale Water Dist. Superior Court of  
California, County of Riverside,  
24 consolidated Actions, Case Nos. RIC 353  
840, RIC 344 436, RIC 344 668**  
25 -----

26 **AND RELATED ACTIONS.**  
27  
28

Judicial Council Coordination  
Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053

**JOINT PARTIAL OPPOSITION OF  
STATE OF CALIFORNIA, CITY OF LOS  
ANGELES, COUNTY SANITATION  
DISTRICTS OF LOS ANGELES COUNTY  
NOS. 14 & 20, AND ANTELOPE VALLEY-  
EAST KERN WATER AGENCY TO  
BLUM TRUST'S REQUEST FOR  
JUDICIAL NOTICE**

[Assigned for All Purposes to the Honorable  
Jack Komar]

Hearing: December 22, 2014

Time: 9:00 a.m.

Place: Los Angeles County Superior Court  
Department:

**Action Filed: October 26, 2005**

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23 AGENCY

1 **INTRODUCTION**

2 Cross-Defendants, State of California, State of California 50th District Agricultural  
3 Association (collectively, State of California), the City of Los Angeles, through its Department of  
4 Airports, Los Angeles World Airports (LAWA) and the County Sanitation Districts of Los  
5 Angeles County Nos. 14 and 20 (LA County Sanitation), and Cross-Complainant Antelope  
6 Valley-East Kern Water Agency (AVEK) (collectively, Public Overliers) submit the following  
7 Partial Objection to the Request of Blum Trust for Judicial Notice in this matter.

8 Blum Trust has requested that the Court take judicial notice of a variety of documents in  
9 connection with its Motion for Summary Judgment. Facts are judicially noticeable only if they  
10 are specifically described in Evidence Code section 451(a) through (e), Evidence Code section  
11 452 (a) through (g), are "[f]acts and propositions of generalized knowledge that are so universally  
12 known that they cannot reasonably be the subject of dispute" pursuant to Evidence Code section  
13 451(f), or are "[f]acts and propositions that are not reasonably subject to dispute and are capable  
14 of immediate and accurate determination by resort to sources of reasonably indisputable  
15 accuracy" under Evidence Code section 452(h). Many of the documents for which Blum Trust  
16 seeks judicial notice are irrelevant or are not judicially noticeable under the Evidence Code.

17 For the convenience of the Court, we list and describe the items to which the Public  
18 Overliers object, with our objections to judicial notice thereof.

19 **Exhibit B: Facsimile from DWR with Well Index Cards**

20 A facsimile allegedly from a State of California agency does not fit into any of the  
21 categories listed in Evidence Code sections 451 (a) through (e) or 452 (a) through (g). Further, as  
22 a document that is not authenticated, lacks foundation, lacks personal knowledge and is hearsay  
23 (Evid. Code sections 403, 702, 803, 1200), it does not fit into the catch-all categories of Evidence  
24 Code sections 451(f) or 452(h).

25 **Exhibit C: Leggio Declaration In Lieu of Deposition Regarding Bolthouse Farms' Water**  
26 **Use**

27 The California Rules of Civil Procedure and local court rules provide for how and when a  
28 deposition can be used as evidence in a case and how it is lodged. It is not the proper subject of a

1 request for Judicial Notice in the same way declarations are improper for Judicial Notice,  
2 especially when it is just a portion of the deposition.

3 **Exhibit D: Amended Leggio Declaration In Lieu of Deposition Regarding Bolthouse Farms'**  
4 **Water Use**

5 The California Rules of Civil Procedure and local court rules provide for how and when a  
6 deposition can be used as evidence in a case and how it is lodged. It is not the proper subject of a  
7 request for Judicial Notice in the same way declarations are improper for Judicial Notice,  
8 especially when it is just a portion of the deposition.

9 **Exhibit E: Scalmanini Water Duty Exhibit 58**

10 The California Rules of Civil Procedure and local court rules provide for how and when an  
11 expert report can be used as evidence in a case and how it is lodged or filed. It is not the proper  
12 subject of a request for Judicial Notice, especially when it is just a portion of the report.

13 **Exhibit H: Stipulation of Public Water Suppliers and Blum Trust**

14 The California Rules of Civil Procedure and local court rules provide for how and when a  
15 stipulation can be used as evidence in a case and how it is lodged or filed. Stipulations are not the  
16 proper subject of requests for Judicial Notice.

17 **Exhibit I: Sakai Declaration in Lieu of Deposition**

18 The California Rules of Civil Procedure and local court rules provide for how and when a  
19 declaration can be used as evidence in a case and how it is lodged or filed. It is not the proper  
20 subject of a request for Judicial Notice.

21 **Exhibit J: Public Water Suppliers' Case Management Statement**

22 The California Rules of Civil Procedure and local court rules provide for how and when  
23 case management statements can be used as evidence in a case and how they are lodged or filed.  
24 They are not the proper subject of requests for Judicial Notice.

25 **Exhibit K: LAWA Statement Regarding Proposed Discovery**

26 The California Rules of Civil Procedure and local court rules provide for how and when a  
27 statement presented to the Court can be used as evidence in a case and how it is lodged or filed.  
28 It is not the proper subject of a request for Judicial Notice.

1 **Exhibit L: Wood Class Case Management Statement**

2 The California Rules of Civil Procedure and local court rules provide for how and when  
3 case management statements can be used as evidence in a case and how they are lodged or filed.  
4 They are not the proper subject of requests for Judicial Notice.

5 **Exhibit M: Partial Unsigned "Stipulation" for Settlement**

6 A partial unsigned stipulation and settlement of other parties in confidential settlement  
7 discussions does not fit into any of the categories listed in Evidence Code sections 451 (a) though  
8 (e) or 452 (a) through (g). Further as a document that is not relevant, lacks foundation, lacks  
9 personal knowledge, is hearsay, and is a confidential settlement discussion, (Evid. Code sections  
10 350, 403, 702, 803, 1152, 1200), it does not fit into the catch-all categories of Evidence Code  
11 sections 451(f) or 452(h). Finally, filing settlement documents to the Court and offering them for  
12 proof in a summary judgment motion is a sanctionable act and undermines a years long settlement  
13 process.


14 **CONCLUSION**

15 The Public Overliers object to judicial notice being taken of Exhibits B through E and H  
16 through M offered by Blum Trust, noting however, that many of the other exhibits are not  
17 competent evidence of facts material to resolution of this motion for summary judgment.

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1 Dated: December 8, 2014

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STATE OF CALIFORNIA

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4 By:   
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8 Dated: December \_\_, 2014

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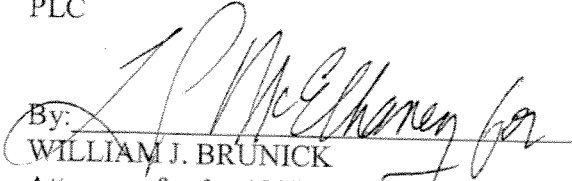
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EAST KERN WATER AGENCY

## CERTIFICATE OF SERVICE

Case Name: Antelope Valley Groundwater No. JCCP 4408  
Cases

I hereby certify that on December 8, 2014, I electronically filed the following document(s) with the Clerk of the Court by using the CM/ECF system:

**JOINT PARTIAL OPPOSITION OF STATE OF CALIFORNIA, CITY OF LOS ANGELES, COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY NOS. 14 & 20, AND ANTELOPE VALLEY-EAST KERN WATER AGENCY TO BLUM TRUST'S REQUEST FOR JUDICIAL NOTICE**

on the interested parties in this action, by posting the document(s) listed above to the Santa Clara County Superior Court e-filing website (<http://www.scefiling.org>) under the Antelope Valley Groundwater matter pursuant to the Court's Order dated October 27, 2005.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 8, 2014, at Los Angeles, California.

Gwen Blanchard  
Declarant

Gwen Blanchard  
Signature