

1 Joseph D. Hughes, State Bar No. 169375
2 KLEIN, DENATALE, GOLDNER,
3 COOPER, ROSENLIB & KIMBALL, LLP
4 4550 California Avenue, Second Floor
5 Bakersfield, California 93309
6 P.O. Box 11172
7 Bakersfield, California 93389-1172
8 Telephone: (661) 395-1000
9 Facsimile: (661) 326-0418
10 Email: jhughes@kleinlaw.com

11 Attorneys for H&N DEVELOPMENT CO. WEST, INC.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF LOS ANGELES

14 **ANTELOPE VALLEY**
15 **GROUNDWATER CASES**

16 Included Actions:

17 Los Angeles County Waterworks District No.
18 40 v. Diamond Farming Co., Superior Court of
19 California, County of Los Angeles, Case No.
20 BC 325201;

21 Los Angeles County Waterworks District No.
22 40 v. Diamond Farming Co., Superior Court of
23 California, County of Kern, Case No. S-1500-
24 CV-254-348;

25 Wm. Bolthouse Farms, Inc. v. City of
26 Lancaster, Diamond Farming Co. v. City of
27 Lancaster, Diamond Farming Co. v. Palmdale
28 Water Dist., Superior Court of California,
County of Riverside, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

TRIAL BRIEF OF
H&N
DEVELOPMENT CO. WEST, INC.
FOR PHASE 4 TRIAL

Phase 4 Trial Date: May 28, 2013
Time: 9:00 a.m.
Dept: 322
Judge: Hon. Jack Komar

29 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

30 Cross-Defendant H&N DEVELOPMENT CO. WEST, INC. ("H&N
31 DEVELOPMENT") by and through its attorney of record, Joseph D. Hughes, of Klein,
32 DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP, hereby submits the following Trial
33 Brief for the Phase 4 Trial proceedings, in accordance with the Court's Minute Order of May
34 23, 2013.

35 ///

1 H&N DEVELOPMENT's Exhibit List is being filed concurrently with this
2 Trial Brief.

3 1. **Party:** H&N DEVELOPMENT CO. WEST, INC., a California
4 corporation.

5 2. **Claims to Current Ground Water Production:**

6 a. **2011:** 1,695.25 acre feet; and

7 b. **Jan. – Nov. 2012:** 1,904.25 acre feet.

8 3. **Objections Filed to January 31, 2013 Declarations:**

9 a. **Public Water Suppliers**

10 i. Filed on April 15, 2013 (p. 3:8-13)

11 ii. Filed on May 3, 2013 (p. 2:13-18)

12 4. **Status of Stipulation with Objecting Party:**

13 a. **Public Water Suppliers**

14 i. Filed on May 25, 2013.

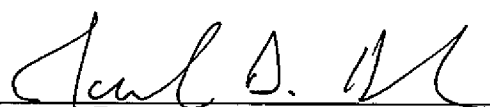
15 5. **Supporting Information and Data:**

16 a. Stipulation with H&N Development Co. West, Inc., in Lieu of
17 Testimony for Phase 4 Trial; and

18 b. Declarations of Norik Naraghi and Rod Stiefvater in Lieu of
19 Deposition Testimony for Phase 4 Trial.

20 Date: May 25, 2013

KLEIN, DENATALE, GOLDNER,
COOPER, ROSENLIB & KIMBALL, LLP

21 By: 
22 _____
23 Joseph D. Hughes
24 Attorneys for
25 H&N DEVELOPMENT CO. WEST, INC.

1 Case No. JCCP4408

2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA, COUNTY OF KERN

4 I am employed in the County of Kern, State of California. I am over the age of eighteen
5 years and not a party to the within action; my business address is 4550 California Ave., Second
6 Floor, Bakersfield, CA 93309. My email address is shildebrand@kleinlaw.com.

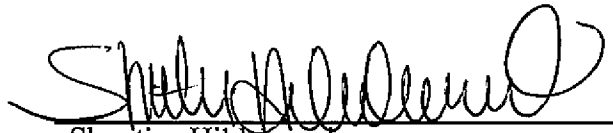
7 On May 25, 2013, I served the following document(s) described as

8 **TRIAL BRIEF OF H&N DEVELOPMENT CO. WEST, INC., FOR PHASE 4 TRIAL**
9 on the interested parties in this action by placing a copy thereof enclosed in sealed envelopes
10 addressed as follows:

11 **BY ELECTRONIC MAIL** Pursuant to California Rules of Court, rule 2.251, I posted
12 the document listed above to the Santa Clara Court website regarding the Antelope Valley
13 Groundwater matter.

14 Executed on May 25, 2013, at Bakersfield, California.

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

17 
18 Shontice Hildebrand

19
20
21
22
23
24
25
26
27
28