

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
MALISSA HATHAWAY McKEITH, SB# 112917
2 E-Mail: mckeith@lbbslaw.com
JOSEPH SALAZAR, JR., SB# 169551
3 E-Mail : salazar@lbbslaw.com
JACQUELINE MITTELSTADT, SB#172188
4 E-Mail: mittelstadt@lbbslaw.com
KIMBERLY A. HUANGFU, SB# 252241
5 E-mail: huangfu@lbbslaw.com
221 North Figueroa Street, Suite 1200
6 Los Angeles, California 90012
Telephone: 213.250.1800
7 Facsimile: 213.250.7900

8 Attorneys for ANAVERDE LLC

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF SANTA CLARA**

11 **ANTELOPE VALLEY GROUNDWATER**
12 **CASES:**

13 Included Actions:

14 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
15 County of Los Angeles, Case No. BC325201

16 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
17 Superior Court of California
County of Kern, Case No. S-1500-CV-254-
18 348

19 Wm. Bolthouse Farms, Inc. v. City of
Lancaster

20 Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
21 Superior Court of California
County of Riverside, consolidated actions
22 Case Nos. RIC 353840, RIC 344436,
RIC 344668

Judicial Council Coordination
Proceeding No. 4408

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

**DECLARATION OF KIMBERLY A.
HUANGFU IN SUPPORT OF CROSS-
DEFENDANT ANAVERDE LLC'S
EX PARTE MOTION FOR TRIAL
CONTINUANCE**

Date: October 23, 2008
Time: 8:15 a.m.
Dept.: 17C

Telephonic call-in number: (866) 844-4955
Passcode: 9554462#

Phase 2 Trial: November 3, 2008
Time: 9 a.m.
Location: LASC, Dept. 1

*[Filed concurrently herewith Ex Parte
Motion, Declaration of Joseph Salazar, Jr. in
Support Thereof, and [Proposed] Order]*

1 I, Kimberly A. Huangfu, declare and state as follows:

2 1. I am an attorney at law, duly licensed to practice before the courts of the State of
3 California. I am a member of the law firm of Lewis Brisbois Bisgaard & Smith, LLP, attorneys
4 for Anaverde LLC (“Anaverde”). I am an associate responsible for the handling this matter, and I
5 present this declaration in support of Anaverde’s ex parte motion to continue the November 3,
6 2008 trial date to November 17, 2008. I have personal knowledge of the matters set forth below,
7 and if called upon to do so, I could and would competently testify to the following:
8

9 2. I appeared telephonically at the September 23, 2008 ex parte hearing to (1) compel
10 responses to outstanding discovery requests against Los Angeles County Waterworks District No.
11 40, (2) request continuance of deposition of John Lambie, and (3) request date certain for
12 Anaverde trial briefing and presentation.
13

14 3. In light of the discussions regarding scheduling issues during that hearing, it was my
15 understanding that the Court would be starting the Phase 2 trial on October 6, 2008 and continue
16 into the week of October 13, 2008, if necessary.

17 4. During this hearing, no mention of a one or two-week continuance – after completion of
18 the first full week starting October 6, 2008 – was raised.

19 5. Anaverde was under the impression that the Phase 2 trial would commence on October 6,
20 2008 and end on October 17, 2008, if such extra time was necessary.

21 6. On September 30, 2008, an e-mail was sent to all counsel from the Court and provided, as
22 follows:
23

24 The Court has received many inquiries about the time estimate for the October 6, 2008
25 Trial. Please be advised that the Court expects to proceed with the trial, day to day from
26 Monday, October 6, 2008 through Friday, October 10, 2008. If the trial needs to proceed
27 beyond October 10, 2008, the Court will issue the return dates at that time. It is not likely
28 that the Court will hold session the following week, due to other obligations in Santa Clara
County.

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(Exhibit B, E-mail correspondence from Ms. Rowena Walker to all counsel, Sept. 30, 2008 sent at 2:38 p.m.)

7. On October 9, 2008, counsel was informed that the Court intends to proceed, after a three-week recess, on November 3, 2008.

8. On October 21, 2008, Ms. Malissa McKeith called and left a voicemail for Mr. Dunn to discuss scheduling issues. A follow-up e-mail was also sent. (Exhibit H, E-mail correspondence dated Oct. 21, 2008 sent at 9:03 a.m.)

9. Messrs. Robert and William Kuhs are available to recommence trial on November 17th, 2008.

10. On October 21, 2008, Mr. Robert Kuhs and I contacted Mr. Zimmer to clarify the scheduling of Bolthouse Properties LLC's ("Bolthouse") expert witness, Mr. Thomas Sheahan. During this telephone conversation, Mr. Zimmer indicated that Mr. Sheahan will be out of the state, and therefore unavailable to testify at trial, from October 30, 2008 through the second week of November. Consequently, Mr. Zimmer is agreeable to moving the November 3rd trial date, as well.

11. On October 21, 2008, I also contacted several counsel to discuss their availability during the week of November 17th, 2008. Mr. Bunn, counsel for Palmdale Water District, is available the week of November 17th, 2008. Janet Goldsmith, counsel for the City of Los Angeles, is available for trial on November 17, 18, 20, and 21. Mr. Dubois, counsel for the United States Department of Justice is also available and indicated that he would check with other counsel as to their availability. Mr. Bradley Weeks for Quartz Hill Water District is also available the week of November 17, 2008.

I declare under penalty of perjury that the foregoing is true and correct. I make this Declaration on the 21st day of October 2008 in Los Angeles, California.

/s/

Kimberly A. Huangfu

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PROOF OF SERVICE

I declare that:

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 within action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

On October 21, 2008, I served the **DECLARATION OF KIMBERLY A. HUANGFU IN SUPPORT OF CROSS-DEFENDANT ANAVERDE LLC'S EX PARTE MOTION FOR TRIAL CONTINUANCE** by posting the document(s) to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, executed on October 21, 2008.

/s/ _____
Maritza Estrada