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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

15 ANTELOPE VALLEY GROUNDWATER
16 CASES

Included Actions:

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

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

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

24 *Rebecca Lee Willis v. Los Angeles County*
25 *Waterworks District No. 40, et al.*, Superior Court
of California, County of Los Angeles, Case No.
BC364533

26 *Richard Wood v. Los Angeles County Waterworks*
27 *District No. 40, et al.*, Superior Court of
California, County of Los Angeles, Case No.
BC391869

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

Judicial Council Coordination
Proceeding No. 4408

CLASS ACTION

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

**OBJECTIONS TO THE
DECLARATIONS FILED IN
SUPPORT OF REPLY TO PUBLIC
WATER SUPPLIERS' OPPOSITION
TO MOTION BY PRIVATE AND
PUBLIC LANDOWNERS FOR
ORDER APPROVING RULES &
PROCEDURES FOR
APPOINTMENT AND ELECTION
OF WATER MASTER BOARD
MEMBERS**

1 Los Angeles County Waterworks District No. 40 (“District No. 40”) hereby objects to the
2 declarations of William J. Brunick, Robert G. Kuhs, Michael D. McLachlan, William M. Sloan,
3 and Richard G. Zimmer (“Declarations”) submitted in support of the Reply to Public Water
4 Suppliers’ Opposition to Motion by Private and Public Landowners for Order Approving Rules &
5 Procedures for Appointment and Election of Watermaster Board Members (“Reply”).

6 District No. 40 objects to the Declarations because they:

- 7 • Are inadmissible extrinsic, parol evidence introduced to contradict the language of
8 the stipulated physical solution (Code Civ. Proc. § 1856, subd. (a) [“Terms set
9 forth in a writing intended by the parties as a final expression of their agreement
10 with respect to the terms included therein may not be contradicted by evidence of a
11 prior agreement or of a contemporaneous oral agreement.”].)
- 12 • Contain inadmissible hearsay (Evid. Code § 1200)
- 13 • Contain inadmissible statements allegedly made during mediation (Evid. Code §
14 1119, subd. (c).)
- 15 • Contain inadmissible statements allegedly made during settlement (Evid. Code §§
16 1152 & 1154)
- 17 • Are untimely and improper new evidence submitted with reply (*Jay v. Mahaffey*
18 (2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations “should not have
19 addressed the substantive issues in the first instance but only filled gaps in the
20 evidence created by the . . . opposition”].)
- 21 • Contain irrelevant statements (Evid. Code §§ 210 & 350-351.)
- 22 • Contain legal arguments disguised as facts.

23 For the reasons stated above, District No. 40 respectfully requests that the Court strike the
24 Declarations in their entirety.

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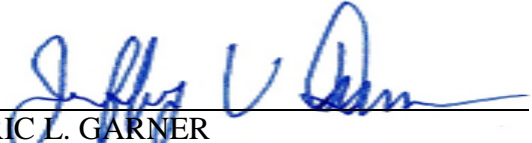
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Dated: September 7, 2016

BEST BEST & KRIEGER LLP

By 
ERIC L. GARNER
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WENDY Y. WANG
Attorneys for
LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

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PROOF OF SERVICE

I, Rosanna R. Pérez, declare:

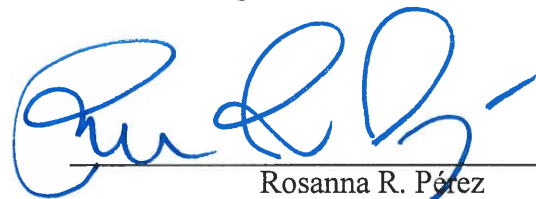
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On September 7, 2016, I served the following document(s):

OBJECTIONS TO THE DECLARATIONS FILED IN SUPPORT OF REPLY TO PUBLIC WATER SUPPLIERS' OPPOSITION TO MOTION BY PRIVATE AND PUBLIC LANDOWNERS FOR ORDER APPROVING RULES & PROCEDURES FOR APPOINTMENT AND ELECTION OF WATER MASTER BOARD MEMBERS



BY ELECTRONIC TRANSMISSION. I caused such document(s) to be electronically served, via One Legal, to all parties appearing on the www.scefilings.org electronic service list for the Antelope Valley Groundwater Cases; proof of electronic-filing through One Legal is then printed and maintained with the original documents in our office. Electronic service is complete at the time of transmission. My electronic notification email address is Rosanna.perez@bbklaw.com.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 7, 2016, at Los Angeles, California.



Rosanna R. Pérez

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