

MICHAEL T. FIFE (State Bar No. 203025)
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Attorneys for: B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, Inc., Edgar C. Ritter Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Trust, Hines Family Trust , Malloy Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E. Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig, Paul S. & Sharon R. Kindig, Jose Maritoren Living Trust, Richard H. Miner, Jeffrey L. & Nancee J. Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Beverly Tobias, Leo L. Simi, White Fence Farms Mutual Water Co. No. 3., William R. Barnes & Eldora M. Barnes Family Trust of 1989, Del Sur Ranch, LLC, Healy Enterprises, Inc., John and Adrienne Reca, Sahara Nursery, Sal and Connie L. Cardile, Gene T. Bahlman, **collectively known as the Antelope Valley Ground Water Agreement Association ("AGWA")**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

ANTELOPE VALLEY
GROUNDWATER CASES

Judicial Council Coordination Proceeding
No. 4408

Included Actions:

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

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201 Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern, Case No. S-1500-CV-254-348Wm. Bolthouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside, consolidated actions, Case No. RIC 353 840, RIC 344 436, RIC 344 668

DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF AGWA'S EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR HEARING ON AGWA'S MOTION TO DECERTIFY THE SMALL PUMPERS CLASS

Date: May 6, 2009
Time: 9:00 AM
Department: Santa Clara Superior Court, Dept. 17C

1 I, Michael T. Fife, do hereby declare and state as follows:

2 1. I am an attorney duly licensed before all of the Courts of the State of California and
3 am a member of the law firm of Brownstein Hyatt Farber Schreck, counsel for AGWA in this
4 action.

5 2. I have personal knowledge of all facts stated in this declaration and if called as a
6 witness, could and would testify competently to them under oath.

7 3. In order to have a motion to decertify the Small Pumpers Class to be heard prior to
8 the expected mailing of the Class Notice on or before May 15, 2009, an ex parte order shortening
9 time must be granted.

10 4. At the time of class certification, AGWA was unaware that Counsel for the Small
11 Pumpers Class saw class representative Richard Wood's interests as adverse to agricultural
12 interests. At this time, AGWA sees that there is no community of interest among the members of
13 the Small Pumpers Class.

14 5. If AGWA's Ex Parte Application is not granted, and the class notice is sent out, all
15 the parties to the case may suffer irreparable injury. Once the class notice is sent out, it would be
16 practically very difficult to go back and change the class structure for being improperly defined
17 without great expenditures of money and time. AGWA's Ex Parte Application is necessary to
18 avoid the inevitable confusion that would result if the class notice is sent out and the class is then
19 decertified or redefined. I believe it is in the interests of economy for the Court to hear AGWA's
20 Motion to Decertify the Small Pumpers Class before the Small Pumpers Class notice is sent out.

21 6. My office gave all parties to this action notice of this ex parte proceeding via posting
22 on the Court's website on April 30, 2009.

23 7. Immediately after being notified by this Court that this Ex Parte Application had
24 been placed on calendar, this office gave notice to the Small Pumper Class Counsel's office of this
25 Ex Parte Application via telephone conference on April 30, 2009.

1 I declare under penalty of perjury of the laws of the State of California that the foregoing is
2 true and correct and that this declaration was executed on this 30th day of April, 2009, at Santa
3 Barbara, California.

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6 MICHAEL T. FIFE
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PROOF OF SERVICE

**STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On April 30, 2009, I served the foregoing document described as:

DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF EX PARTE APPLICATION

on the interested parties in this action.

By posting it on the website at 4:00 p.m. on April 30, 2009.
This posting was reported as complete and without error.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed in Santa Barbara, California, on April 30, 2009.

MARIA KLACHKO-BLAIR
TYPE OR PRINT NAME


SIGNATURE