

1 **MICHAEL T. FIFE (State Bar No: 203025)**
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5 **21 East Carrillo Street**
6 **Santa Barbara, California 93101**
7 **Telephone No: (805) 963-7000**
8 **Facsimile No: (805) 965-4333**

9 **Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri
10 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence
11 A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen
12 Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family
13 Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, Inc., Edgar C. Ritter Paula
14 E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Trust, Hines Family Trust , Malloy
15 Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as
16 Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas
17 Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E.
18 Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig,
19 Paul S. & Sharon R. Kindig, Jose Maritorena Living Trust, Richard H. Miner, Jeffrey L. & Nancee J.
20 Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Beverly Tobias, Leo L. Simi, White
21 Fence Farms Mutual Water Co. No. 3., William R. Barnes & Eldora M. Barnes Family Trust of 1989
22 collectively known as the Antelope Valley Ground Water Agreement Association ("AGWA")

23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
24 **FOR THE COUNTY OF SANTA CLARA**

25 **ANTELOPE VALLEY**)
26 **GROUNDWATER CASES**) Judicial Council Coordination Proceeding No.
27) 4408
28 Included Actions:)
29) **Santa Clara Case No. 1-05-CV-049053**
30) Assigned to The Honorable Jack Komar
31 Los Angeles County Waterworks District No.)
32 40 v. Diamond Farming Co. Superior Court of)
33 California County of Los Angeles, Case No. BC) **ANTELOPE VALLEY GROUND WATER**
34 325 201 Los Angeles County Waterworks) **AGREEMENT ASSOCIATION'S**
35 District No. 40 v. Diamond Farming) **RESPONSES TO FIRST SET OF**
36 Co. Superior Court of California, County of) **SPECIALLY PREPARED**
37 Kern, Case No. S-1500-CV-254-348 Wm.) **INTERROGATORIES**
38 Bolthouse Farms, Inc. v. City of Lancaster)
39 Diamond Farming Co. v. City of Lancaster)
40 Diamond Farming Co. v. Palmdale Water Dist.)
41 Superior Court of California, County of)
42 Riverside, consolidated actions, Case Nos. RIC)
43 353 840, RIC 344 436, RIC 344 668)

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PROPOUNDING PARTY: Public Water Suppliers (Parties listed on below)

City of Palmdale, City of Lancaster, Los Angeles County
Waterworks District No. 40, Palmdale Water District, Quartz
Hill Water District, Little Rock Creek Irrigation District, Palm
Ranch Irrigation District, Rosamond Community Services
District, California Water Service Company, successor in
interest to Antelope Valley Water Company

RESPONDING PARTY: Antelope Valley Ground Water Agreement Association

SET NO.: One

NOS.: 1-9

Pursuant to California Code of Civil Procedure section 2030.210, et seq., Antelope Valley
Ground Water Agreement Association ("AGWA") hereby provides responses to the First Set of
Specially Prepared Interrogatories propounded by Public Water Suppliers (Parties listed above) as
follows:

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

AGWA is composed of the individuals listed in the caption to this pleading. These responses
are made on behalf of each of these individuals.

These responses are made solely for the purpose of this action. Each interrogatory is subject
to all objections as to competence, relevance, propriety and any and all other objections and grounds
which would require the exclusion of any statement herein if the interrogatories were asked of a
witness present and testifying in court.

AGWA has not completed its investigation of the facts relating to this case and has not
completed its preparation for trial. AGWA will, during the course of this litigation, pursue extensive
formal discovery, as well as extensive investigation and informal discovery on its own. The answers
and responses contained herein are preliminary in nature because the full factual basis concerning
the issues has not been developed with complete precision. It is anticipated that further discovery,
independent investigation, legal research and analysis may supply additional facts, add meaning to

1 known facts, and/or establish entirely new factual conclusions and legal contentions, all of which
2 may lead to substantial additions to, changes in, and variations from the responses herein set forth.
3 Therefore, AGWA reserves the right to amend these responses in the future, as the circumstances
4 and facts then dictate, and AGWA reserves the right to utilize subsequently discovered facts.

5 Except for explicit facts admitted herein, no incidental or implied admissions are intended
6 hereby.

7 AGWA claims a general objection to all requests on the grounds of attorney-client and/or
8 work-product privileges, and/or privacy rights and does not intend to disclose any information
9 protected by these privileges or rights.

10 The Preliminary Statement and General Objections are incorporated into each of the
11 interrogatory responses set forth below.

12 **RESPONSES TO SPECIAL INTERROGATORIES**
13 **INTERROGATORY NO. 1:**

14 If you have asserted an affirmative defense in response to any complaint or cross-complaint
15 in these proceedings that alleges that the complaining party has failed to join an indispensable party,
16 please IDENTIFY any such indispensable party.

17 **RESPONSE TO INTERROGATORY NO. 1:**

18 Objection. The request is premature, burdensome and oppressive. This request seeks
19 information concerning class members and the court has not yet completed its class certification
20 process. No class representative has yet been approved by the court.

21
22 AGWA further objects to this interrogatory to the extent that it seeks information contained
23 in public records such as property tax records which are equally available to the Propounding
24 Parties. An interrogating party cannot force the answering party to search public records to ascertain
25 answers to interrogatories. If information is as readily available to one party as to its opponents, "no
26 perceivable purpose consonant with the discovery laws is served by compelling one party to search
27 public records, compile the results and furnish them to his opponent."
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AGWA further objects to this interrogatory because identifying and joining indispensable parties is the responsibility of Plaintiffs. The Complaint seeks a judicial determination of all rights to groundwater within the Antelope Valley groundwater basin. Adjudicating those water rights requires all the owners of lands within the watershed in the action. Under Code of Civil Procedure section 389(c), a complaint or cross-complaint shall state the names, if known to the pleader, of any persons who are not joined and the reasons why they are not joined. Plaintiffs have neither named necessary or indispensable parties in their cross-complaint nor provided the reasoning why such necessary or indispensable parties are not joined. They instead seek to transfer this task of identifying such parties to AGWA and other defendants, with apparent indifference to the disruption this will cause to relationships between long-time friends and neighbors.

However, in the interest of cooperation, and without waiving any of the forgoing objections, AGWA reiterates its offer to work informally with the Public Water Suppliers in order to educate them about methods to identify additional landowners who are required to be named and served. The Public Water Suppliers have remained adamant in their refusal to describe the methods and procedures they used to identify those landowners that have currently been named and served. (See Report on Service of Process, filed with the Court on July 2, 2007.) For example, the Public Water Suppliers have given no indication as to whether they have consulted with the Los Angeles County Agricultural Commissioner's office, which, in addition to the Assessor's office, has all of the information sought through the interrogatories. Again, if the Public Water Suppliers would be forthright about their methods and procedures, then perhaps AGWA could be of assistance.

INTERROGATORY NO. 2:

If you have asserted an affirmative defense in response to any complaint or cross-complaint in these proceedings that alleges that the complaining party has failed to join a necessary party, please IDENTIFY any such necessary party.

1 **RESPONSE TO INTERROGATORY NO. 2:**

2 See Response to Special Interrogatory No. 1, above.

3 **INTERROGATORY NO.: 3**

4 Are you aware of any PROPERTY within the BASIN for which the PROPERTY OWNER
5 has not been named as a party to these proceedings?

6 **RESPONSE TO INTERROGATORY NO.: 3**

7 See Response to Special Interrogatory No. 1, above.

8 **INTERROGATORY NO.: 4**

9 If your response to Interrogatory No. 3 is affirmative, please IDENTIFY the PROPERTY.

10 **RESPONSE TO INTERROGATORY NO.: 4**

11 Not applicable.

12 **INTERROGATORY NO.: 5**

13 If your response to Interrogatory No.: 3 is affirmative, please IDENTIFY the PROPERTY
14 OWNER.

15 **RESPONSE TO INTERROGATORY NO.: 5**

16 Not applicable.

17 **INTERROGATORY NO.: 6**

18 If your response to Interrogatory No. 3 is affirmative, please state whether you believe that
19 groundwater has been pumped from that PROPERTY.

20 **RESPONSE TO INTERROGATORY NO.: 6**

21 Not applicable.

22 **INTERROGATORY NO.: 7**

23 If your response to Interrogatory No. 3 is affirmative, please state whether you believe that
24 groundwater is currently being pumped from that PROPERTY.

25 **RESPONSE TO INTERROGATORY NO.: 7**

26 Not applicable.

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1 **INTERROGATORY NO.: 8**

2 Please state the name of any other person or entity you believe is an indispensable party to
3 these proceedings.

4 **RESPONSE TO INTERROGATORY NO.: 8**

5 Objection. The request is premature, burdensome and oppressive. This request seeks
6 information concerning class members and the court has not yet completed its class certification
7 process. No class representative has yet been approved by the court.

8 **INTERROGATORY NO.: 9**

9 Please state the name of any other person or entity you believe is a necessary party to these
10 proceedings.

11 **RESPONSE TO INTERROGATORY NO.: 9**

12 Objection. The request is premature, burdensome and oppressive. This request seeks
13 information concerning class members and the court has not yet completed its class certification
14 process. No class representative has yet been approved by the court.

15
16 Dated: July 5, 2007

HATCH & PARENT, A LAW CORPORATION

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19 By: 

MICHAEL T. FIFE
BRADLEY J. HERREMA
ATTORNEYS FOR AGWA

HATCH AND PARENT
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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 East Carrillo Street, Santa Barbara, California 93101.

On July 5, 2007, I served the foregoing document described as:

ANTELOPE VALLEY GROUND WATER RESPONSES TO FIRST SET OF SPECIALLY PREPARED INTERROGATORIES

on the interested parties in this action.

X By sending an electronic copy to the court to be filed. The filing will be posted to the courts website. All parties will receive an electronic copy via e-mail from the court. The electronic filing was transmitted at _____ p.m./a.m. on July 5, 2007. The electronic transmission was reported as complete and without error.

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

Executed at Santa Barbara, California, on July 5, 2007.

Rachel Lobato

TYPE OR PRINT NAME

Rachel Lobato

SIGNATURE