

1 **MICHAEL T. FIFE (State Bar No. 203025)**
2 **BRADLEY J. HERREMA (State Bar No. 228976)**
3 **BROWNSTEIN HYATT FARBER SCHRECK, LLP**
4 **1020 State Street**
5 **Santa Barbara, California 93101**
6 **Telephone No: (805) 963-7000**

7 **Attorneys for:** Gene T. Bahlman, Mark W. and Nancy L. Benz, Thomas and Julie Bookman 2007 Trust,
8 James and Elizabeth Bridwell, Brittner Trust, Glen Brittner, Trustee, John A. Calandri, Calandri Water
9 Company, LLC; John A. Calandri and Shannon C. Calandri as co-trustees of the John and Shannon Calandri
10 1992 Trust"; Katherine J. Calandri Nelson, Trustee of "The Katherine J. Calandri Nelson 2008 Trust, Sal and
11 Connie L. Cardile, Irma Ann Carle Trust, Irma-Anne Carle, Trustee, Effren Chavez, C. Louise R. Close
12 Living Trust, Del Sur Ranch LLC, Randall and Billie Dickey, Lawrence Dean Evans, Jr. and Susan Evans,
13 Ruth C. Findley, Leah Frankenberg, Denise Godde, Steven F. Godde, Pamela M. Godde and Gary M. Godde;
14 Denise Godde and Steven Godde as Trustees of the D & S Godde Trust, Gorrindo Resourceful LLC, Laura
15 Griffin, trustee of the Family Bypass Trust created under the Leonard W. Griffin And Laura Griffin Trust,
16 dated July 9, 1993, Jane Healy and Healy Enterprises Inc., Gailen W. Kyle and Julie Kyle, Trustees of The
17 Kyle Revocable Living Trust, James M. Leer, III and Diana Leer, Jose M. Maritorena and Marie P.
18 Maritorena, Trustees of the Maritorena Living Trust Dated March 16, 1993, Dennis M. and Diane K.
19 McWilliams, Richard Miner, Barry and Sharon Munz 2014 Revocable Trust, Terry A. & Kathleen M. Munz,
20 Eugene B. Nebeker, Richard Nelson, Willow Springs Co., R and M Ranch, Inc., John and Adrienne Reca,
21 Suzanne J. Richter, Sahara Nursery and Farm, Lawrence J. Schilling and Mary P. Schilling, Trustees of the
22 L&M Schilling 1992 Family Trust, Lilia Mabel Selak, TTEE; Barbara Aznarez Decd Trust and Selak, Mabel
23 Trust, Jeffrey and Nancee Siebert, Tierra Bonita Ranch, Triple M Property Co., Turk Trust dated December
24 16, 1998, Marie A. Unini and Robert J. LeClair, Vulcan Materials Co., Vulcan Lands Inc., Consolidated Rock
25 Products Co., Calmat Land Co., and allied Concrete & Materials, Michael and Dolores A. Weatherbie, Donna
26 & Lee Wilson, collectively known as the Antelope Valley Groundwater Agreement Association
27 ("AGWA")

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES**

18 **ANTELOPE VALLEY**)
19 **GROUNDWATER CASES**)
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Included Actions:)
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-254-348 Wm. 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)

Judicial Council Coordination Proceeding
No. 4408
Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar
Date: September 4, 2015
Time: 1:30 P.M.

OPPOSITION TO EX PARTE
APPLICATION TO CONTINUE THE PHASE
IV TRIAL, AT LEAST AS TO CROSS-
DEFENDANTS HI-GRADE, ROBAR AND
CJR; DECLARATION OF MICHAEL T.
FIFE

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The Antelope Valley Groundwater Agreement Association (“AGWA”) opposes the Ex Parte Application filed by Hi-Grade/Robar/CJR on August 31, 2015.

In April and May of 2009, a representative of Hi-Grade, et al. consulted with AGWA legal counsel Michael Fife about joining AGWA and being represented by the Brownstein firm in the adjudication. Hi-Grade ultimately made the decision not to join AGWA. However, there is no question that Hi-Grade had actual knowledge of the adjudication more than six years ago.

This opposition is supported by the accompanying declaration of Michael Fife.

Dated: September 3, 2015

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 
MICHAEL T. FIFE
BRADLEY J. HERREMA
ATTORNEYS FOR AGWA

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DECLARATION OF MICHAEL T. FIFE

I, Michael Fife, declare:

1. I am an attorney licensed to practice law in the State of California and am with the law firm of Brownstein, Hyatt, Farber, Schreck as attorneys of record for the collection of landowner parties known as the Antelope Valley Groundwater Agreement Association (“AGWA”).

2. In April and May of 2009 I had verbal and email communications with Lori Clifton about joining AGWA for the purpose of being represented in the adjudication. Ms. Clifton was a representative of the moving parties here: Hi-Grade Materials, Robar Enterprises, and CJR.

3. Hi-Grade, et al. eventually decided not to join AGWA and I have had no communications with this party since that time.

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

Executed this 3rd day of September 2015, at Santa Barbara, California.



Michael T. Fife

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PROOF OF SERVICE

I, Olga Rittershaus, 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: Brownstein Hyatt Farber Schreck, LLP, 1020 State Street, Santa Barbara, California 93101.

On September 3, 2015, I served the foregoing document described as:

**OPPOSITION TO EX PARTE APPLICATION TO CONTINUE THE PHASE IV TRIAL,
AT LEAST AS TO CROSS-DEFENDANTS HI-GRADE, ROBAR AND CJR;
DECLARATION OF MICHAEL T. FIFE**

on the interested parties in this action.

By posting the document listed above to the Santa Clara Superior Court website: www.sceffiling.org by 5:00 p.m. on September 3, 2015.

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 September 3, 2015.



OLGA RITTERSHAUS