

1 DOUGLAS J. EVERTZ, SBN 123066
MURPHY & EVERTZ LLP
2 650 Town Center Drive, Suite 550
Costa Mesa, California 92626
3 Telephone: (714) 277-1700
Fax: (714) 277-1777
4

5 Attorneys for City of Lancaster and
Rosamond Community Services District
6

Exempt from filing fee
Government Code § 6103

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 **ANTELOPE VALLEY GROUNDWATER**
11 **CASES**

12 Included Actions:

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

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

18 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
19 Lancaster, Diamond Farming Co. v. Palmdale
Water Dist., Superior Court of California
20 County of Riverside, consolidated actions; Case
Nos. RIC 353 840, RIC 344 436, RIC 344 668.
21

LASC Case No. BC 325201

Judicial Council Coordination
Proceeding No. 4408

CLASS ACTION

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

**PUBLIC WATER SUPPLIERS'
EVIDENTIARY OBJECTIONS TO THE
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ANTELOPE VALLEY-
EAST KERN WATER AGENCY'S
MOTION FOR SUMMARY
ADJUDICATION; [PROPOSED] ORDER**

Date: January 27, 2014
Time: 9:00 a.m.
Dept.: TBD

Trial Date: February 10, 2014 (Phase V)

EVIDENTIARY OBJECTIONS TO REQUEST FOR JUDICIAL NOTICE

The Public Water Suppliers¹ hereby submit their Objections to the Request for Judicial Notice (“RFJN”) submitted by Antelope Valley-East Kern Water Agency (“AVEK”) in support of its Motion for Summary Adjudication.

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
1.	Page 2, ¶ 1, lines 5-6: “Findings of Fact and Conclusions of Law in <i>City of Los Angeles v. City of San Fernando</i> , dated January 26, 1979, attached as Exhibit 1 hereto.”	<p><u>“Findings of Fact and Conclusions of Law in <i>City of Los Angeles v. City of San Fernando</i>, dated January 26, 1979” is not subject to judicial notice because it is irrelevant to the matter before the Court.</u></p> <p>“Findings of Fact and Conclusions of Law in <i>City of Los Angeles v. City of San Fernando</i>, dated January 26, 1979” is inadmissible because it is not relevant to the issues before the Court. The parties from that case are not parties in this action. Speculation as to what facts the court in that case did or did not consider, outside of those facts cited in the Opinion, is improper.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “Findings of Fact and</p>	

¹ The Public Water Suppliers, for the purposes of these objections, consist of City of Lancaster, Rosamond Community Services District, Los Angeles County Waterworks District No. 40, Quartz Hill Water District, California Water Service Company, Palm Ranch Irrigation District, Palmdale Water District, North Edwards Water District and Desert Lakes Community Services District.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
		Conclusions of Law in <i>City of Los Angeles v. City of San Fernando</i> , dated January 26, 1979” is improper.	
2.	Page 2, ¶ 2, lines 7-8: “MWD’s ‘History and First Annual Report, Commemorative Edition,’ June 2011, pages 311-312, attached as Exhibit 2 hereto.”	<p>“MWS’s History and First Annual Report, Commemorative Edition, June 2011, pages 311-312” satisfies none of the categories permitting either mandatory or discretionary judicial notice. (Evid. Code, §§ 451, 452.)</p> <p>“MWD’s ‘History and First Annual Report, Commemorative Edition,’ June 2011, pages 311-312” is not subject to judicial notice because it is irrelevant to the matter before the Court.</p> <p>“MWD’s ‘History and First Annual Report, Commemorative Edition,’ June 2011, pages 311-312” is inadmissible because it is not relevant to the issues before the Court. MWD is not a party to this action.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “MWD’s History and First Annual Report, Commemorative Edition, June 2011” is not appropriate.</p>	<p>Sustained:</p> <p>_____</p> <p>Overruled:</p> <p>_____</p>
3.	Page 2, ¶ 3, lines 9-10: “Metropolitan Water District Act, Sections 133 and 135, copy attached	“Metropolitan Water District Act, Sections 133 and 135” satisfies none of the categories permitting mandatory judicial notice. (Evid. Code, § 451.)	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
	as Exhibit 3 hereto.”	<p>Although judicial notice <u>may</u> be taken at the Court’s discretion, it should not grant judicial notice where the document is provided solely to bolster a speculative opinion concerning the Court of Appeals’ analysis in <i>City of Los Angeles v. City of San Fernando, et al.</i> (1979) 14 Cal.3d 199. (Evid. Code, §§ 452; 803.)</p> <p><u>“Metropolitan Water District Act, Sections 133 and 135” is not subject to judicial notice because it is irrelevant to the matter before the Court.</u></p> <p>“Metropolitan Water District Act, Sections 133 and 135” is inadmissible because it is not relevant to the issues before the Court. MWD is not a party to this action.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “Metropolitan Water District Act, Sections 133 and 135” is not appropriate.</p>	
4.	Page 2, ¶4, lines 11-12: “January 26, 1979 Judgment in <i>City of Los Angeles v. City of San Fernando</i> , copy attached as Exhibit 4 hereto.”	<p><u>“January 26, 1979 Judgment in <i>City of Los Angeles v. City of San Fernando</i>” is not subject to judicial notice because it is irrelevant to the matter before the Court.</u></p> <p>“January 26, 1979 Judgment in <i>City of Los Angeles v. City of San Fernando</i>” is inadmissible because it is not relevant to the issues before the Court. The parties from that case are not parties in this action. Speculation as to what facts the</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
		<p>court in that case did or did not consider, outside of those facts cited in the Opinion, is improper.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivan</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “January 26, 1979 Judgment in <i>City of Los Angeles v. City of San Fernando</i>” is not appropriate.</p>	
5.	<p>Page 2, ¶ 5, line 13: “City of Santa Maria Resolution No. 820509, attached as Exhibit 5 hereto.”</p>	<p><u>“City of Santa Maria Resolution No. 820509” is not subject to judicial notice because it is irrelevant to the matter before the Court.</u></p> <p>“City of Santa Maria Resolution No. 820509” is inadmissible because it is not relevant to the issues before the Court. The City of Santa Maria is not a party in this action.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivan</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home</i></p>	

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
		<p><i>Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “City of Santa Maria Resolution No. 820509” is not appropriate.</p>	
6.	<p>Page 2, ¶ 6, lines 14-15: “City of Santa Maria’s Resolution No. 90-31, dated March 20, 1990, attached as Exhibit 6 hereto.”</p>	<p><u>“City of Santa Maria’s Resolution No. 90-31, dated March 20, 1990” is not subject to judicial notice because it is irrelevant to the matter before the Court.</u></p> <p>“City of Santa Maria’s Resolution No. 90-31, dated March 20, 1990” is inadmissible because it is not relevant to the issues before the Court. The City of Santa Maria is not a party in this action.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivan</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “City of Santa Maria’s Resolution No. 90-31, dated March 20, 1990” is not appropriate.</p>	
7.	<p>Page 2, ¶ 7, lines 16-17: “City of Santa Maria’s January 15, 1991, Resolution No. 91-12, attached as Exhibit 7 hereto.”</p>	<p><u>“City of Santa Maria’s January 15, 1991, Resolution No. 91-12” is not subject to judicial notice because it is irrelevant to the matter before the Court.</u></p> <p>“City of Santa Maria’s January 15, 1991, Resolution No. 91-12” is inadmissible because it is not relevant to the issues before the Court. The City of Santa Maria is not a party in this action.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is</p>	

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
		<p>admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “City of Santa Maria’s January 15, 1991, Resolution No. 91-12” is not appropriate.</p>	
8.	Page 2, ¶ 8, line 18: “Santa Maria’s September 3, 1991, Resolution No. 91-151, attached as Exhibit 8 hereto.”	<p><u>“Santa Maria’s September 3, 1991, Resolution No. 91-151” is not subject to judicial notice because it is irrelevant to the matter before the Court.</u></p> <p>“Santa Maria’s September 3, 1991, Resolution No. 91-151” is inadmissible because it is not relevant to the issues before the Court. The City of Santa Maria is not a party in this action.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice</p>	

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
		only of relevant material].) Judicial Notice of “Santa Maria’s September 3, 1991, Resolution No. 91-151” is not appropriate.	
9.	Page 2, ¶ 9, lines 19-21: “Judgment After Trial entered on January 25, 2008, in <i>Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.</i> , Santa Clara Superior Court Lead Case No. 1-97-CV-770214, a copy of which is attached as Exhibit 9 hereto.”	<p>“<u>Judgment After Trial entered on January 25, 2008, in <i>Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.</i>, Santa Clara Superior Court Lead Case No. 1-97-CV-770214” is not subject to judicial notice because it is irrelevant to the matter before the Court.</u></p> <p>“Judgment After Trial entered on January 25, 2008, in <i>Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.</i>, Santa Clara Superior Court Lead Case No. 1-97-CV-770214” is inadmissible because it is not relevant to the issues before the Court. The parties in that case are not parties in this action. Speculation as to what facts the court in that case did or did not consider, outside of those facts cited in the Opinion, is improper.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “Judgment After Trial entered on January 25, 2008, in <i>Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.</i>, Santa Clara Superior Court Lead Case No. 1-97-CV-770214” is not appropriate.</p>	
10.	Page 2, ¶ 10, line 22: “ULARA	“ <u>ULARA Watermaster Report for Water Year 1978-1979” satisfies none of the categories</u>	Sustained:

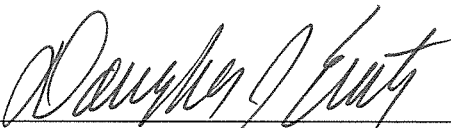
	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19</p>	<p>Watermaster Report for Water Year 1978-1979.”</p>	<p><u>permitting either mandatory or discretionary judicial notice.</u> (Evid. Code, §§ 451, 452.)</p> <p>“<u>ULARA Watermaster Report for Water Year 1978-1979</u>” is not subject to <u>judicial notice</u> because it is irrelevant to the matter before the Court.</p> <p>“ULARA Watermaster Report for Water Year 1978-1979” is inadmissible because it is not relevant to the issues before the Court.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “ULARA Watermaster Report for Water Year 1978-1979” is not appropriate.</p>	<p>_____</p> <p>Overruled:</p> <p>_____</p>
<p>20 21 22 23 24 25 26 27 28</p>	<p>11. Page 2, ¶ 11, line 23: “July, 1962, Report of Referee in <i>City of San Fernando</i>, Vol. I.”</p>	<p><u>“July, 1962, Report of Referee in <i>City of San Fernando</i>, Vol. I”</u> is not subject to <u>judicial notice</u> because it is irrelevant to the matter before the Court.</p> <p>“July, 1962, Report of Referee in <i>City of San Fernando</i>, Vol. I” is inadmissible because it is not relevant to the issues before the Court.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200]</p>	

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
		<p>[there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “July, 1962, Report of Referee in <i>City of San Fernando</i>, Vol. I” is not appropriate.</p>	
12.	Page 2, ¶ 12, line 24: “July, 1962, Report of Referee in <i>City of San Fernando</i> , Vol. II.”	<p><u>“July, 1962, Report of Referee in <i>City of San Fernando</i>, Vol. II” is not subject to judicial notice because it is irrelevant to the matter before the Court.</u></p> <p>“July, 1962, Report of Referee in <i>City of San Fernando</i>, Vol. II” is inadmissible because it is not relevant to the issues before the Court.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “July, 1962, Report of Referee in <i>City of San Fernando</i>, Vol. II” is not appropriate.</p>	
13.	Page 2, ¶ 13, lines 25-26: “DWR Bulletin No. 181-69, Watermaster Service in ULARA for October 1, 1968	<p><u>“DWR Bulletin No. 181-69, Watermaster Service in ULARA for October 1, 1968 through September 30, 1969” satisfies none of the categories permitting either mandatory or discretionary judicial notice.</u> (Evid. Code, §§ 451, 452.)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20</p>	<p>through September 30, 1969.”</p>	<p>“DWR Bulletin No. 181-69, Watermaster Service in ULARA for October 1, 1968 through September 30, 1969” is not subject to judicial notice because it is irrelevant to the matter before the Court.</p> <p>“DWR Bulletin No. 181-69, Watermaster Service in ULARA for October 1, 1968 through September 30, 1969” is inadmissible because it is not relevant to the issues before the Court.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of “DWR Bulletin No. 181-69, Watermaster Service in ULARA for October 1, 1968 through September 30, 1969” is not appropriate.</p>	
<p>21 22 23 24 25 26 27 28</p>	<p>14. Page 2, ¶ 14, line 27: “March 18, 1977, Remand Procedure Order No. 1 in <i>City of San Fernando.</i>”</p>	<p>“March 18, 1977, Remand Procedure Order No. 1 in <i>City of San Fernando</i>” is not subject to judicial notice because it is irrelevant to the matter before the Court.</p> <p>“March 18, 1977, Remand Procedure Order No. 1 in <i>City of San Fernando</i>” is inadmissible because it is not relevant to the issues before the Court.</p> <p>(Evid. Code, § 350 [“Only relevant evidence is admissible.”]; See <i>Freeman v. Sullivant</i> (2011) 192 Cal.App.4th 523 [120 Cal.Rptr.3d 693] [Court of Appeal would deny request for judicial notice of a minute order where it was for the most part irrelevant to the appeal, as it was outside the record on which the trial court’s judgment was</p>	

	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
		<p>based]; <i>People ex rel. Lockyer v. Shamrock Foods Co.</i> (2000) 24 Cal.4th 415 [101 Cal.Rptr.2d 200] [there is a precondition to the taking of judicial notice in either its mandatory or permissive form that the matter be relevant to the material issue]; <i>Aquila, Inc. v. Superior Court</i> (2007) 148 Cal.App.4th 556 [55 Cal.Rptr.3d 803] [only relevant material may be judicially noticed]; <i>American Cernwood Corp. v. American Home Assurance Co.</i> (2001) 87 Cal.App.4th 431 [104 Cal.Rptr.2d 670] [court may take judicial notice only of relevant material].)</p> <p>Judicial Notice of "March 18, 1977, Remand Procedure Order No. 1 in <i>City of San Fernando</i>" is not appropriate.</p>	

DATED: December 27, 2013 MURPHY & EVERTZ LLP

By: 
 Douglas J. Evertz, Attorney for City of Lancaster
 and Rosamond Community Services District

ORDER

IT IS SO ORDERED.

Dated: _____

 JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE**

2 **ANTELOPE VALLEY GROUNDWATER CASES**
3 Judicial Council Coordination, Proceeding No. 4408

4 Santa Clara Case No. 1-05-CV 049053
5 Assigned to the Honorable Jack Komar
6 Los Angeles County Superior Court, Central, Dept. 1

7 I am a resident of the State of California, over 18 years of age and not a party to this action. I
8 am employed in the County of Orange, State of California. My business address is 650 Town Center
9 Drive, Suite 550, Costa Mesa, California 92626.

10 On December 21, 2013, I served the within document(s):

11 **PUBLIC WATER SUPPLIERS' EVIDENTIARY OBJECTIONS TO THE REQUEST FOR**
12 **JUDICIAL NOTICE IN SUPPORT OF ANTELOPE VALLEY-EAST KERN WATER**
13 **AGENCY'S MOTION FOR SUMMARY ADJUDICATION; [PROPOSED] ORDER**

14 by posting the document(s) listed above to the website <http://www.scefiling.org>, a
15 dedicated link to the Antelope Valley Groundwater Cases; Santa Clara Case
16 No. 1-05-CV 049053, Assigned to the Honorable Jack Komar, said document(s) is
17 electronically served/distributed therewith.

18 By transmitting via e-mail the document(s) listed above to the e-mail address(es) and/or
19 fax number(s) set forth below on this date.

20 by placing the document(s) listed above in a sealed Overnight Express envelope/package for
21 overnight delivery at Costa Mesa, California addressed as set forth below.

22 by causing personal delivery by Nationwide Legal of the document(s) listed above, to the
23 person(s) at the address(es) set forth below.

24 I am readily familiar with Murphy & Evertz, LLP's practice for collecting and processing
25 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service
26 on the same day that the correspondence is placed for collection and mailing, it is deposited in the
27 ordinary course of business with the United States Postal Service, in a sealed envelope with postage
28 fully prepaid.

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

Executed on December 21, 2013, at Costa Mesa, California.


Stephanie Pattis