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6 Attorneys for Cross-Complainants/Cross-Defendants, Bolthouse
Properties, LLC and Wm. Bolthouse Farms, Inc.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

10 * * *

11 COORDINATION PROCEEDING) Judicial Council Coordination
SPECIAL TITLE (Rule 1550(b))) Proceeding No. 4408

12 ANTELOPE VALLEY GROUNDWATER)
13 CASES) Santa Clara Case No. 01-05-CV-049053
Assigned to the Honorable Jack Komar

14 INCLUDED ACTIONS:

15 LOS ANGELES COUNTY WATERWORKS)
DISTRICT NO. 40 v. DIAMOND)
16 FARMING COMPANY, et al.,)
Los Angeles Superior Court)
17 Case No. BC325201)
BOLTHOUSE PROPERTIES, LLC'S
RESPONSE TO REQUEST FOR
PRODUCTION OF DOCUMENTS
PROPOUNDED BY PHELAN PINON
HILLS COMMUNITY SERVICES
DISTRICT

18 LOS ANGELES COUNTY WATERWORKS)
DISTRICT NO. 40 v. DIAMOND)
19 FARMING COMPANY, et al.,)
Kern County Superior Court) [SET ONE]
20 Case No. S-1500-CV-254348)

21 DIAMOND FARMING COMPANY, and)
W.M. BOLTHOUSE FARMS, INC., v.)
22 CITY OF LANCASTER, et al.,)
Riverside Superior Court)
23 Case No. RIC 344436 [c/w case)
no. RIC 344668 and 353840]

24)
25)
26)

1 **PROPOUNDING PARTY:** PHELAN PINON HILLS COMMUNITY SERVICES
2 DISTRICT

3 **RESPONDING PARTY:** BOLTHOUSE PROPERTIES, LLC

4 **SET NUMBER:** ONE

5 COMES NOW cross-complainant/cross-defendant Bolthouse
6 Properties, LLC, and responds to cross-defendant/cross-
7 complainant Phelan Pinon Hills Community Services District's
8 Request for Production of Documents, Set One as follows:

9 PRELIMINARY STATEMENT

10 1. Cross-Complainant/Cross-Defendant has not yet fully
11 completed investigation of the circumstances and facts relating
12 to, has not yet completed discovery in, and has not completed
13 preparation for trial of this action. It is anticipated that
14 further discovery, independent investigation and analysis shall
15 supply additional documents, evidence, and information. Cross-
16 Complainant's/Cross-Defendant's responses to cross-
17 defendant's/cross-complainant's Request for Production of
18 Documents, Set One are based only on such documents, evidence,
19 and information which are presently available, and are given
20 without prejudice to cross-complainant's/cross-defendant's right
21 to produce subsequently discovered documents, evidence, or
22 information at the time of trial or at the hearing of a Motion.
23 Furthermore, cross-complainant/cross-defendant reserves the right
24 to produce documents, evidence, and information of any
25 subsequently discovered facts, which it may later recall or
26 discover.

1 2. Nothing set forth herein by cross-complainant/cross-
2 defendant is intended, or shall be construed, as a waiver of any
3 objection it may assert under the Code of Civil Procedure, which
4 would require the exclusion of any answer at the time of trial or
5 at the hearing of a Motion. Also, such objections are expressly
6 reserved and may be made at such later time.

7 3. Subject to the claims of attorney/client privilege, the
8 attorney work-product doctrine, or other privileges and the
9 objections set forth herein, cross-defendant responds to cross-
10 defendant's/cross-complainant's Request for Production of
11 Documents, Set One.

12 4. This "Preliminary Statement" is incorporated into each
13 of the following specific responses of cross-complainant/cross-
14 defendant to cross-defendant's/cross-complainant's Request for
15 Production of Documents, Set One.

16 **RESPONSES**

17 **DEMAND FOR PRODUCTION NO. 1:**

18 Objection. Attorney-client privilege, attorney-expert
19 privilege, burdensome and oppressive since the Request is
20 directed to Bolthouse Properties, LLC given the fact that
21 Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc. are
22 separate entities and Bolthouse Properties, LLC does not itself
23 farm on the properties. Without waiving the objections,
24 Bolthouse Properties, LLC responds as follows:

25 Without waiving said objections, Bolthouse Properties, LLC
26 has not identified any documents responsive to Propounding

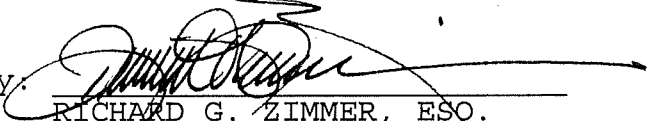
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Party's Special Interrogatories (Set One).

DATED: December 7, 2010

CLIFFORD & BROWN

By:


RICHARD G. ZIMMER, ESQ.
T. MARK SMITH, ESQ.
Attorneys for cross-
complainants/cross-defendants,
BOLTHOUSE PROPERTIES, LLC and
WM. BOLTHOUSE FARMS, INC.

**VERIFICATION
TO FOLLOW**

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PROOF OF SERVICE (C.C.P. §1013a, 2015.5)
Antelope Valley Groundwater Cases
Judicial Counsel Coordination Proceeding No. 4408
Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On December 7, 2010, I served the foregoing document(s) entitled:

BOLTHOUSE PROPERTIES, LLC'S RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT

— by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

— by placing _ the original, _ a true copy thereof, enclosed in a sealed enveloped addressed as follows:

X BY SANTA CLARA SUPERIOR COURT E-FILING IN COMPLEX LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.

Executed on December 7, 2010, at Bakersfield, California.

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

— (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


NANETTE MAXEY
2455-2

1 **PROOF OF SERVICE (C.C.P. §1013a, 2015.5)**

2 *Antelope Valley Groundwater Cases*

3 *Judicial Counsel Coordination Proceeding No. 4408*

4 *Santa Clara County Superior Court Case No. 1-05-CV-049053*

5 I am employed in the County of Kern, State of California. I am over the age of 18 and not a
6 party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

7 On December 7, 2010, I served the foregoing document(s) entitled:

8 **BOLTHOUSE PROPERTIES, LLC'S RESPONSE TO REQUEST FOR PRODUCTION
9 OF DOCUMENTS PROPOUNDED BY PHELAN PINON HILLS COMMUNITY
10 SERVICES DISTRICT**

11 XX by placing the true copies thereof enclosed in sealed envelopes
12 addressed as stated on the attached mailing list.

13 — by placing _ the original, _ a true copy thereof, enclosed in a sealed
14 enveloped addressed as follows:

15 SUSAN M. TRAGER, ESQ.
16 Smith Trager, LLP
17 19712 MacArthur Boulevard, Suite 120
18 Irvine, CA 92612
19 (949) 752-8971
20 (949) 863-9804 (fax)

21 WESLEY A. MILIBAND, ESQ.
22 Aleshire & Wynder, LLP
23 18881 Von Karman Avenue, Suite 400
24 Irvine, CA 92612
25 (949) 223-1170
26 (949) 223-1180 (fax)

27 X **BY MAIL**

28 — I deposited such envelope in the mail at Bakersfield, California, with postage
29 thereon fully prepaid.

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I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California in the ordinary course of business. The above sealed envelopes were placed for collection and mailing on the above date following ordinary business practice.

BY EXPRESS MAIL

I deposited such envelopes in a facility regularly maintained by the U.S. Postal Service for receipt of Express Mail, as specified in C.C.P. §1013(c), with Express Mail postage prepaid.

BY OVERNIGHT DELIVERY (other than Express Mail)

I deposited such envelopes in an envelope or package designated by the express service carrier with delivery fees paid or provided;

— and deposited such envelope or package in a facility regularly maintained by the express service carrier.

— delivered such envelope or package to an authorized courier or driver authorized by the express service carrier to receive documents.

BY PERSONAL SERVICE

I caused such envelope to be hand delivered to the offices of the addressee(s).

BY FACSIMILE

I transmitted the above-referenced documents by facsimile to the interested parties as listed below.

Executed on December 7, 2010, at Bakersfield, California.

X

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

—

(Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


NANETTE MAXEY
2455-2