

1 RICHARD G. ZIMMER - SBN 107263
T. MARK SMITH - SBN 162370
2 CLIFFORD & BROWN
A Professional Corporation
3 Attorneys at Law
Bank of America Building
4 1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301-5230
5 (661) 322-6023

6 Attorneys for Cross-Defendants, Bolthouse Properties, LLC and Wm.
Bolthouse Farms, Inc.
7

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SANTA CLARA

10 * * *

11 COORDINATION PROCEEDING) Judicial Council Coordination
SPECIAL TITLE (Rule 1550(b))) Proceeding No. 4408
12)
13 ANTELOPE VALLEY GROUNDWATER) CASE NO. 1-05-CV-409053
CASES)
14 INCLUDED ACTIONS:)
15 LOS ANGELES COUNTY WATERWORKS) EX PARTE APPLICATION FOR A
DISTRICT NO. 40 v. DIAMOND) COURT ORDER FOR A COURT
16 FARMING COMPANY, et al.,) SUPERVISED MEET AND CONFER
Los Angeles Superior Court) REGARDING PRE-TRIAL WRITTEN
17 Case No. BC325201) DISCOVERY AND THE RESPONDING
PARTY'S OBJECTIONS TO SAME TO
18 LOS ANGELES COUNTY WATERWORKS) BE HELD ON OCTOBER 16, 2007, AS
DISTRICT NO. 40 v. DIAMOND) REQUIRED BY THE GUIDELINES FOR
19 FARMING COMPANY, et al.,) COMPLEX LITIGATION
Kern County Superior Court)
20 Case No. S-1500-CV-254348)
21 DIAMOND FARMING COMPANY, and) DATE: October 10, 2007
W.M. BOLTHOUSE FARMS, INC., v.) TIME: 8:15 a.m.
22 CITY OF LANCASTER, et al.,) DEPT: 17c
Riverside Superior Court)
23 Case No. RIC 344436 [c/w case) [TELEPHONIC APPEARANCE]
no. RIC 344668 and 353840)
24)
25)
26)

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD, AND TO THE
2 HONORABLE JACK KOMAR, PRESIDING JUDGE:

3 BOLTHOUSE PROPERTIES, LLC, a Cross-Defendant, hereby makes
4 this Ex Parte Application for a Court Order directing that the
5 attorneys of records for the Cross-Complaining parties, LOS
6 ANGELES COUNTY WATER WORKS DISTRICT NO. 40 and ROSAMOND COMMUNITY
7 SERVICES DISTRICT, to appear in person on October 16, 2007, along
8 with counsel for the Cross-Defendant, BOLTHOUSE PROPERTIES, LLC,
9 to participate in a court supervised meet and confer session
10 regarding discovery disputes surrounding and arising out of that
11 written discovery propounded by BOLTHOUSE PROPERTIES, LLC upon
12 each of the Cross-Complaining Public Water Suppliers on August
13 15, 2007.

14 The requested Order is necessitated in order to ensure
15 compliance with the Guidelines for Complex Litigation, and a
16 court supervised meet and confer process is a predicate to the
17 right of the Propounding Party, BOLTHOUSE PROPERTIES, LLC, to
18 formally move, by motion, for a court order to compel responses
19 to the written discovery in issue. This Ex Parte Application is
20 accompanied by and supported by the Declaration of Richard G.
21 Zimmer, attorney of record for the Propounding Party and Cross-
22 Defendant, BOLTHOUSE PROPERTIES, LLC.

23 \\

24 \\

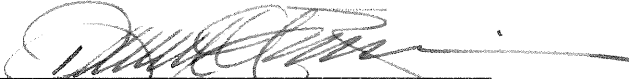
25 \\

26 \\

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

It is hereby submitted and requested that the Order sought be issued so as to facilitate the court supervised meet and confer to coincide with the presently scheduled Case Management Conference, calendared for October 16, 2007.

DATED: October 1, 2007 CLIFFORD & BROWN

By: 
RICHARD G. ZIMMER, ESQ.
T. MARK SMITH, ESQ.
Attorneys for plaintiff/defendant,
W. M. BOLTHOUSE FARMS, INC.

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 October 2, 2007, I served the foregoing document(s) entitled:

8 **EX PARTE APPLICATION FOR A COURT ORDER FOR A COURT SUPERVISED**
9 **MEET AND CONFER REGARDING PRE-TRIAL WRITTEN DISCOVERY AND THE**
10 **RESPONDING PARTY'S OBJECTIONS TO SAME TO BE HELD ON OCTOBER 16,**
11 **2007, AS REQUIRED BY THE GUIDELINES FOR COMPLEX LITIGATION**

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

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

16 Jeffrey Dunn, Esq.
17 Best, Best & Krieger
18 5 Park Plaza, Suite 1500
19 Irvine, CA 92614
20 949-263-2600
21 949-260-0972

22 X **BY MAIL**

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

25 X I am "readily familiar" with this firm's practice of collection and processing
26 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.

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

— **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 October 2, 2007, 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 October 2, 2007, I served the foregoing document(s) entitled:

8 **EX PARTE APPLICATION FOR A COURT ORDER FOR A COURT SUPERVISED
9 MEET AND CONFER REGARDING PRE-TRIAL WRITTEN DISCOVERY AND THE
10 RESPONDING PARTY'S OBJECTIONS TO SAME TO BE HELD ON OCTOBER 16,
11 2007, AS REQUIRED BY THE GUIDELINES FOR COMPLEX LITIGATION**

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

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

16 X **BY SANTA CLARA SUPERIOR COURT E-FILING IN COMPLEX
17 LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER
18 27, 2005.**

19 Executed on October 2, 2007, at Bakersfield, California.

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

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

24 
25 NANETTE MAXEY
26 2455-2

1 RICHARD G. ZIMMER - SBN 107263
T. MARK SMITH - SBN 162370
2 CLIFFORD & BROWN
A Professional Corporation
3 Attorneys at Law
Bank of America Building
4 1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301-5230
5 (661) 322-6023

6 Attorneys for Cross-Defendants, Bolthouse Properties, LLC and Wm.
Bolthouse Farms, Inc.
7

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

10 * * *

11 COORDINATION PROCEEDING) Judicial Council Coordination
SPECIAL TITLE (Rule 1550(b))) Proceeding No. 4408
12)
13 ANTELOPE VALLEY GROUNDWATER) CASE NO. 1-05-CV-409053
CASES)
14 INCLUDED ACTIONS:)
15 LOS ANGELES COUNTY WATERWORKS) REQUEST FOR JUDICIAL NOTICE IN
DISTRICT NO. 40 v. DIAMOND) SUPPORT OF EX PARTE APPLICATION
16 FARMING COMPANY, et al.,) FOR ORDER SETTING COURT
Los Angeles Superior Court) SUPERVISED MEET AND CONFER
17 Case No. BC325201) REGARDING DISCOVERY
18 LOS ANGELES COUNTY WATERWORKS)
DISTRICT NO. 40 v. DIAMOND)
19 FARMING COMPANY, et al.,) DATE: October 10, 2007
Kern County Superior Court) TIME: 8:15 a.m.
20 Case No. S-1500-CV-254348) DEPT: 17c
21 DIAMOND FARMING COMPANY, and) [TELEPHONIC APPEARANCE]
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 BOLTHOUSE PROPERTIES, LLC hereby requests that this Court
2 take judicial notice pursuant to *Evidence Code, Section 452(d)* of
3 the following documents which have been previously posted and
4 served electronically and have been assigned a Document #.

- 5 1. The written discovery that is in issue, as follows:
6 Document #6426, Form Interrogatories [Set One];
7 Document #6427, Special Interrogatories [Set One];
8 Document #6428, Request for Admissions [Set One]; and
9 Document #6429, Request for Production of Documents
10 [Set One].
- 11 2. The posted Responses by way of Objection to that
12 discovery, as follows:

DOCUMENT NUMBER	PARTY	RESPONSE TO DISCOVERY REQUETS (SET ONE)
7084	Los Angeles County Waterworks District No. 40	Form Interrogatories
7085	Los Angeles County Waterworks District No. 40	Special Interrogatories
7086	Los Angeles County Waterworks District No. 40	Request for Admissions
7087	Los Angeles County Waterworks District No. 40	Request for Production of Documents
7088	Rosamond Community Services District	Form Interrogatories
7089	Rosamond Community Services District	Special Interrogatories
7090	Rosamond Community Services District	Request for Admissions
7091	Rosamond Community Services District	Request for Production of Documents

13
14
15
16
17
18
19
20
21
22
23
24 3. Pleadings relative to BOLTHOUSE PROPERTIES, LLC's
25 Objection to the [Proposed] Order Certifying Plaintiff Class
26 Hearing Presently Scheduled for October 16, 2007, as follows:

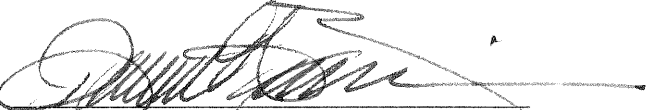
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Document #7252, Objection to [Proposed] Order Certifying Plaintiff Class.

DATED: October 1, 2007

CLIFFORD & BROWN

By:



RICHARD G. ZIMMER, ESQ.
T. MARK SMITH, ESQ.
Attorneys for plaintiff/defendant,
W. M. BOLTHOUSE FARMS, INC.

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 October 2, 2007, I served the foregoing document(s) entitled:

8 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF EX PARTE APPLICATION**
9 **FOR ORDER SETTING COURT SUPERVISED MEET AND CONFER REGARDING**
10 **DISCOVERY**

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 Jeffrey Dunn, Esq.
16 Best, Best & Krieger
17 5 Park Plaza, Suite 1500
18 Irvine, CA 92614
19 949-263-2600
20 949-260-0972

21 X **BY MAIL**

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

24 X I am "readily familiar" with this firm's practice of collection and processing
25 correspondence for mailing. Under that practice it would be deposited with
26 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.

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

— **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 October 2, 2007, 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
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

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 October 2, 2007, I served the foregoing document(s) entitled:

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF EX PARTE APPLICATION FOR ORDER SETTING COURT SUPERVISED MEET AND CONFER REGARDING DISCOVERY

XX 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 October 2, 2007, 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 RICHARD G. ZIMMER - SBN 107263
2 T. MARK SMITH - SBN 162370
3 CLIFFORD & BROWN
4 A Professional Corporation
5 Attorneys at Law
6 Bank of America Building
7 1430 Truxtun Avenue, Suite 900
8 Bakersfield, CA 93301-5230
9 (661) 322-6023

10 Attorneys for Cross-Defendants, Bolthouse Properties, LLC and Wm.
11 Bolthouse Farms, Inc.

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SANTA CLARA

14 * * *

15 COORDINATION PROCEEDING) Judicial Council Coordination
16 SPECIAL TITLE (Rule 1550(b))) Proceeding No. 4408
17 ANTELOPE VALLEY GROUNDWATER)
18 CASES) CASE NO. 1-05-CV-409053
19 INCLUDED ACTIONS:)
20 LOS ANGELES COUNTY WATERWORKS)
21 DISTRICT NO. 40 v. DIAMOND)
22 FARMING COMPANY, et al.,)
23 Los Angeles Superior Court)
24 Case No. BC325201)
25 LOS ANGELES COUNTY WATERWORKS)
26 DISTRICT NO. 40 v. DIAMOND)
27 FARMING COMPANY, et al.,)
28 Kern County Superior Court)
29 Case No. S-1500-CV-254348)
30 DIAMOND FARMING COMPANY, and)
31 W.M. BOLTHOUSE FARMS, INC., v.)
32 CITY OF LANCASTER, et al.,)
33 Riverside Superior Court)
34 Case No. RIC 344436 [c/w case)
35 no. RIC 344668 and 353840])
36)
37)
38)
39)
40)
41)
42)
43)
44)
45)
46)
47)
48)
49)
50)
51)
52)
53)
54)
55)
56)
57)
58)
59)
60)
61)
62)
63)
64)
65)
66)
67)
68)
69)
70)
71)
72)
73)
74)
75)
76)
77)
78)
79)
80)
81)
82)
83)
84)
85)
86)
87)
88)
89)
90)
91)
92)
93)
94)
95)
96)
97)
98)
99)
100)

1 I, RICHARD G. ZIMMER, declare:

2 1. I am an attorney at law duly licensed to practice
3 before all the Courts of the State of California, and am a
4 partner with the law firm of Clifford & Brown, attorneys of
5 record for Cross-Defendant, BOLTHOUSE PROPERTIES, LLC.

6 2. I make this Declaration in support of BOLTHOUSE
7 PROPERTIES, LLC'S Ex Parte Application for a Court Order
8 directing that counsel for the Cross-Complaining parties, LOS
9 ANGELES COUNTY WATER WORKS DISTRICT NO. 40 and ROSAMOND COMMUNITY
10 SERVICES DISTRICT, the Responding Parties, appear in person along
11 with counsel for the Cross-Defendant, BOLTHOUSE PROPERTIES, LLC
12 and Propounding Party, for a court supervised meet and confer
13 regarding pre-trial written discovery and the Responding Parties'
14 Objections to same to be held on October 16, 2007, concurrently
15 with the then scheduled Case Management Conference as required by
16 the Guidelines for Complex Litigation.

17 3. On August 15, 2007, this Declarant, as an attorney for
18 the Cross-Defendant, BOLTHOUSE PROPERTIES, LLC, prepared and
19 served on each Cross-Complainant parties, LOS ANGELES COUNTY
20 WATER WORKS DISTRICT NO. 40 and ROSAMOND COMMUNITY SERVICES
21 DISTRICT, the following discovery:

22 a. Form Interrogatories [Set One], posted as Document
23 #6426;

24 b. Special Interrogatories [Set One], posted as
25 Document #6427;

26

- 1 c. Request for Admissions [Set One], posted as
 2 Document #6428; and
 3 d. Request for Production of Documents [Set One],
 4 posted as Document #6429.

5 4. On September 14, 2007, each and every responding party,
 6 LOS ANGELES COUNTY WATER WORKS DISTRICT NO. 40 and ROSAMOND
 7 COMMUNITY SERVICES DISTRICT, and Cross-Complainants, served the
 8 same identical Objection to each and every separate
 9 Interrogatory, Request for Admission and Request for Production
 10 of Documents as follows:

11 "Objection. The request is premature,
 12 burdensome and oppressive. This request
 13 seeks information concerning defendant class
 members and the court has not yet completed
 its defendant class certification process."

14 Responses posted by Cross-Complainants, LOS ANGELES COUNTY
 15 WATER WORKS DISTRICT NO. 40 and ROSAMOND COMMUNITY SERVICES
 16 DISTRICT, are as follows:

DOCUMENT NUMBER	PARTY	RESPONSE TO DISCOVERY REQUETS (SET ONE)
7084	Los Angeles County Waterworks District No. 40	Form Interrogatories
7085	Los Angeles County Waterworks District No. 40	Special Interrogatories
7086	Los Angeles County Waterworks District No. 40	Request for Admissions
7087	Los Angeles County Waterworks District No. 40	Request for Production of Documents
7088	Rosamond Community Services District	Form Interrogatories
7089	Rosamond Community Services District	Special Interrogatories
7090	Rosamond Community Services District	Request for Admissions

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

DOCUMENT NUMBER	PARTY	RESPONSE TO DISCOVERY REQUESTS (SET ONE)
7091	Rosamond Community Services District	Request for Production of Documents

5. No effort was made by any responding Cross-Complainant to respond to any substantive request. The Objections with no "good faith" effort to respond to any of the discovery is "bad faith." (See *Michael Cembrook v. Superior Court of the City and County of San Francisco* (1961) 56 Cal.2d 423. Given said Objections, this Declarant must first engage in the meet and confer process, and will then have to likely file a Motion to Compel Responses to the Written Discovery, secure a hearing date and secure a Court Order compelling responses, all of which cannot be accomplished within the limited time remaining before the presently scheduled hearing for Class and/or Subclass Certification on October 16, 2007.

6. As was made clear by the Appellate Court in *Louis E. Carabini, et al. v. Superior Court of Orange County* (1994) 26 Cal.App.4th 239, discovery directed at Class Certification is both appropriate and permitted in order to ensure a fair hearing.

"Appellate courts have recognized the importance of such orders by creating an exception to the rule denying appellate review. 'Whether the order is directly appealable or we treat this as a petition for writ of mandate, the issue of the class certification order is and should be before us.' (*Miller v. Woods* (1983) 148 Cal.App.3d 862, 871, f. 9 [196 Cal.Rptr.69]; see also 9 Witkin, Cal. Procedure (3d ed. 1985) Appeal, § 85, p. 106.) Due process requires an order

1 with such significant impact on the viability
2 of a case not be made without a full
3 opportunity to brief the issues and present
4 evidence. This is true whether the issue is
5 presented in a motion or by way of an order
6 show cause issued by the court. In addition,
each party should have an opportunity to
conduct discovery on class action issues
before its documents in support of or in
opposition to the motion must be filed."
Carabini, supra, pp. 243-244.

7 7. In response to said Objections, and on September 19,
8 2007, this Declarant invited the Cross-Complaining parties, LOS
9 ANGELES COUNTY WATER WORKS DISTRICT NO. 40 and ROSAMOND COMMUNITY
10 SERVICES DISTRICT, through their counsel, to contact this
11 Declarant and arrange for an informal meet and confer regarding
12 the Objections to the written discovery as required by law.
13 Posted as Document #7192 and attached hereto as Exhibit "A" is a
14 true and correct copy of that correspondence dated September 19,
15 2007.

16 8. After receiving no response from counsel for Cross-
17 Complaining parties, LOS ANGELES COUNTY WATER WORKS DISTRICT NO.
18 40 and ROSAMOND COMMUNITY SERVICES DISTRICT, this Declarant filed
19 the instant Ex Parte Application for Order Setting Court
20 Supervised Meet and Confer Regarding Discovery.

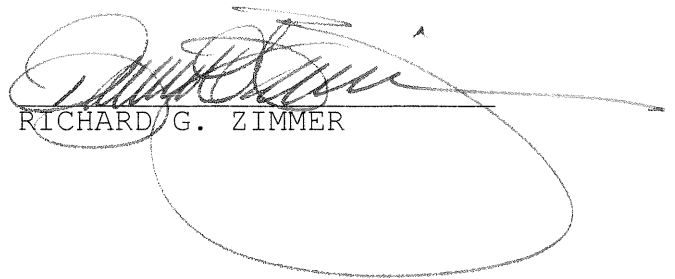
21 9. Given the imminency of the presently scheduled hearing
22 for Class Certification, and the apparent reluctance of the
23 Cross-Complaining parties, LOS ANGELES COUNTY WATER WORKS
24 DISTRICT NO. 40 and ROSAMOND COMMUNITY SERVICES DISTRICT, to
25 engage in a meaningful meet and confer process, it is the opinion
26 of this Declarant that a court ordered and court supervised meet

1 and confer process. It is therefore respectfully requested that
2 this Court issue an Order directing the attorneys of record for
3 the Cross-Complaining parties, LOS ANGELES COUNTY WATER WORKS
4 DISTRICT NO. 40 and ROSAMOND COMMUNITY SERVICES DISTRICT, to
5 appear in person and before this Court on October 16, 2007, at
6 the hour of 9:00 a.m., in Department 1, at 111 North Hill Street,
7 Los Angeles, California, as well as an Order to BOLTHOUSE
8 PROPERTIES, LLC's counsel of record to likewise appear on the
9 same date and at the same time and place, and that all counsel
10 appear and be prepared to participate in a court supervised and
11 meaningful meet and confer process regarding the discovery
12 propounded upon Cross-Complaining parties, LOS ANGELES COUNTY
13 WATER WORKS DISTRICT NO. 40 and ROSAMOND COMMUNITY SERVICES
14 DISTRICT, by BOLTHOUSE PROPERTIES, LLC on October 10, 2007.

15 I declare under penalty of perjury under the laws of the
16 State of California that the foregoing is true and correct, and
17 if called as a witness in this matter, I could and would
18 competently testify thereto.

19 Executed this 1st day of October, 2007, at Bakersfield,
20 California.

21
22
23
24
25
26



RICHARD G. ZIMMER

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 October 2, 2007, I served the foregoing document(s) entitled:

8 **DECLARATION OF RICHARD G. ZIMMER IN SUPPORT OF EX PARTE
9 APPLICATION FOR ORDER SETTING COURT SUPERVISED MEET AND CONFER
10 REGARDING DISCOVERY**

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 Jeffrey Dunn, Esq.
16 Best, Best & Krieger
17 5 Park Plaza, Suite 1500
18 Irvine, CA 92614
19 949-263-2600
20 949-260-0972

21 X **BY MAIL**

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

24 X I am "readily familiar" with this firm's practice of collection and processing
25 correspondence for mailing. Under that practice it would be deposited with
26 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.

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

— **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 October 2, 2007, 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
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

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 October 2, 2007, I served the foregoing document(s) entitled:

DECLARATION OF RICHARD G. ZIMMER IN SUPPORT OF EX PARTE APPLICATION FOR ORDER SETTING COURT SUPERVISED MEET AND CONFER REGARDING DISCOVERY

XX 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 October 2, 2007, 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