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SECTION 6103**

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12 **DISTRICT and LOS ANGELES COUNTY**
WATERWORKS DISTRICT NO. 40

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

15
16 **ANTELOPE VALLEY GROUNDWATER**
17 **CASES**

18 **Included Actions:**
Los Angeles County Waterworks District No.
19 40 v. Diamond Farming Co., Superior Court of
California, County of Los Angeles, Case No.
20 BC 325201;

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

23 **Wm. Bolthouse Farms, Inc. v. City of**
24 **Lancaster, Diamond Farming Co. v. City of**
Lancaster, Diamond Farming Co. v. Palmdale
25 **Water Dist., Superior Court of California,**
26 **County of Riverside, Case Nos. RIC 353 840,**
RIC 344 436, RIC 344 668

**RELATED CASE TO JUDICIAL
COUNCIL COORDINATION
PROCEEDING NO. 4408**

**LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40's
OBJECTIONS TO ANAVERDE'S
NOTICE OF TAKING DEPOSITION
OF LOS ANGELES COUNTY
WATERWORKS NO. 40, PALMDALE
WATER DISTRICT, AND QUARTZ
HILL WATER DISTRICT'S PERSON
MOST KNOWLEDGEABLE [DUCES
TECUM]**

[Code of Civil Procedure § 2025.410]

Phase 2 Trial: October 6, 2008

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Pursuant to Code of Civil Procedure 2025.410, Los Angeles County Waterworks District No. 40 ("District") hereby objects to "Anaverde's Notice of Taking Deposition of Los Angeles County Waterworks No. 40, Palmdale Water District, and Quartz Hill Water District's Person Most Knowledgeable [Duces Tecum]," served on August 28, 2008, on the following grounds:

1. The identity of the deponent is vague and ambiguous. The Notice of Deposition appears to name three separate, unrelated, entities without distinguishing between them as far as date and time of deposition, or substance of the matters for examination. The District cannot discern from the Notice of Deposition whose deposition is to be taken.

2. The noticed date of the deposition falls outside the permissible time for discovery in this case under Code of Civil Procedure section 2024.020(a).

3. The Notice of Deposition fails to specify a time for the commencement of the Deposition, as required under Code of Civil Procedure section 2025.220(a)(2).

4. Category (1) of the "matters on which examination is requested" is vague and ambiguous as to the meaning of "man-made water conveyances." In addition, to the extent that this Notice of Deposition seeks to compel a deposition of the District, this category does not relate to the District, and calls for testimony by the District regarding the City of Palmdale.

5. Category (2) of the "matters on which examination is requested," to the extent that this Notice of Deposition seeks to compel a deposition of the District, is overbroad in that it seeks testimony from the District about other entities' operations, of which the District has no knowledge, and about which cross-defendant Anaverde can obtain from other parties. The District further objects to this category as overbroad as to time, and therefore unduly burdensome and oppressive.

6. Category (3) of the "matters on which examination is requested," to the extent that this Notice of Deposition seeks to compel a deposition of the District, is vague and ambiguous as to the meaning of the terms "aquifer testing" and "Anaverde Creek Basin" such that the District is unable to determine who to designate to testify on its behalf in response to this category.

1 7. Category (4) of the "matters on which examination is requested," to the extent that
2 this Notice of Deposition seeks to compel a deposition of the District, is overbroad and vague and
3 ambiguous as to what the noticing party intends to examine the witness on about the
4 "construction" of wells. Furthermore, to the extent that this Notice of Deposition seeks to compel
5 a deposition of the District, this Category is overbroad in that it seeks testimony from the District
6 about other entities' operations, of which the District has no knowledge, and about which cross-
7 defendant Anaverde can obtain from other parties. The District further objects to this category as
8 vague and ambiguous as to time.

9 8. Category (5) of the "matters on which examination is requested," to the extent that
10 this Notice of Deposition seeks to compel a deposition of the District, is vague and ambiguous as
11 to what the noticing party intends to examine the witness on about the "capacity" of wells.
12 Furthermore, to the extent that this Notice of Deposition seeks to compel a deposition of the
13 District, this Category is overbroad in that it seeks testimony from the District about other entities'
14 operations, of which the District has no knowledge, and about which cross-defendant Anaverde
15 can obtain from other parties. The District further objects to this category as vague and
16 ambiguous as to time.

17 9. Category (6) of the "matters on which examination is requested," to the extent that
18 this Notice of Deposition seeks to compel a deposition of the District, is vague and ambiguous as
19 to what the noticing party intends to examine the witness on. Furthermore, to the extent that this
20 Notice of Deposition seeks to compel a deposition of the District, this Category is overbroad in
21 that it seeks testimony from the District about other entities' operations, of which the District has
22 no knowledge, and about which cross-defendant Anaverde can obtain from other parties. The
23 District further objects to this category as vague and ambiguous as to time.

24 10. Category (7) of the "matters on which examination is requested," to the extent that
25 this Notice of Deposition seeks to compel a deposition of the District, is overbroad and vague and
26 ambiguous as to the meaning of "groundwater production wells" and "production rate" such that
27 the District cannot tell what the noticing party intends to examine the witness on. Furthermore, to
28 the extent that this Notice of Deposition seeks to compel a deposition of the District, this

1 Category is overbroad in that it seeks testimony from the District about other entities' operations,
2 of which the District has no knowledge, and about which cross-defendant Anaverde can obtain
3 from other parties. The District further objects to this category as vague and ambiguous as to
4 time.

5 11. Category (8) of the "matters on which examination is requested," to the extent that
6 this Notice of Deposition seeks to compel a deposition of the District, is overbroad and vague and
7 ambiguous as to the meaning of "groundwater production wells" and "groundwater elevations"
8 such that the District cannot tell what the noticing party intends to examine the witness on.
9 Furthermore, to the extent that this Notice of Deposition seeks to compel a deposition of the
10 District, this Category is overbroad in that it seeks testimony from the District about other entities'
11 operations, of which the District has no knowledge, and about which cross-defendant Anaverde
12 can obtain from other parties. The District further objects to this category as overbroad as to
13 time, and therefore unduly burdensome and oppressive.

14 12. Regarding Category (9) of the "matters on which examination is requested," to the
15 extent that this Notice of Deposition seeks to compel a deposition of the District, the District
16 responds that the referenced database was not collected or compiled by the District, and therefore
17 the District has no officer, director, managing agent, employee, or agent qualified to testify on its
18 behalf regarding the collection and compilation of that database.

19 13. Regarding Category (1) of the Requests for Production of Documents within this
20 Notice of Deposition, the District objects to the production of any document, at the deposition or
21 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
22 protected from disclosure under the attorney-client, work-product, or deliberative process
23 privilege. The District further objects to producing the items requested in this Category on the
24 ground that such items have already been produced to the noticing party via the LSCE database,
25 and the contents of that database cannot readily be physically produced at the deposition without
26 undue burden to the District.

27 14. Regarding Category (2) of the Requests for Production of Documents within this
28 Notice of Deposition, the District objects to the production of any document, at the deposition or

1 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
2 protected from disclosure under the attorney-client, work-product, or deliberative process
3 privilege. The District further objects to producing the items requested in this Category on the
4 ground that such items have already been produced to the noticing party via the LSCE database,
5 and the contents of that database cannot readily be physically produced at the deposition without
6 undue burden to the District.

7 15. Regarding Category (3) of the Requests for Production of Documents within this
8 Notice of Deposition, the District objects to the production of any document, at the deposition or
9 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
10 protected from disclosure under the attorney-client, work-product, or deliberative process
11 privilege. The District further objects to producing the items requested in this Category on the
12 ground that such items have already been produced to the noticing party via the LSCE database,
13 and the contents of that database cannot readily be physically produced at the deposition without
14 undue burden to the District.

15 16. Regarding Category (4) of the Requests for Production of Documents within this
16 Notice of Deposition, the District objects to the production of any document, at the deposition or
17 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
18 protected from disclosure under the attorney-client, work-product, or deliberative process
19 privilege. The District further objects to producing the items requested in this Category on the
20 ground that such items have already been produced to the noticing party via the LSCE database,
21 and the contents of that database cannot readily be physically produced at the deposition without
22 undue burden to the District.

23 17. Regarding Category (5) of the Requests for Production of Documents within this
24 Notice of Deposition, the District objects to the production of any document, at the deposition or
25 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
26 protected from disclosure under the attorney-client, work-product, or deliberative process
27 privilege. The District further objects to producing the items requested in this Category on the
28 ground that such items have already been produced to the noticing party via the LSCE database,

1 and the contents of that database cannot readily be physically produced at the deposition without
2 undue burden to the District.

3 18. Regarding Category (6) of the Requests for Production of Documents within this
4 Notice of Deposition, the District objects to the production of any document, at the deposition or
5 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
6 protected from disclosure under the attorney-client, work-product, or deliberative process
7 privilege. The District further objects to producing the items requested in this Category on the
8 ground that such items have already been produced to the noticing party via the LSCE database,
9 and the contents of that database cannot readily be physically produced at the deposition without
10 undue burden to the District.

11 19. Regarding Category (10)¹ of the Requests for Production of Documents within this
12 Notice of Deposition, the District objects to the production of any document, at the deposition or
13 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
14 protected from disclosure under the attorney-client, work-product, or deliberative process
15 privilege. The District further objects to this Request on the ground that the phrase "data relevant
16 to man-made water conveyances" is vague and ambiguous such that the District cannot determine
17 what items the noticing party seeks through this request. The District further objects to this
18 Request on the ground that it seeks information from the District relating not to the District, but
19 instead to an unrelated third party.

20 20. Regarding Category (11) of the Requests for Production of Documents within this
21 Notice of Deposition, the District objects to the production of any document, at the deposition or
22 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
23 protected from disclosure under the attorney-client, work-product, or deliberative process
24 privilege. The District further objects to this Request on the ground that the phrase "data
25 regarding electricity consumption" is vague and ambiguous such that the District cannot
26 determine what items the noticing party seeks through this request. The District further objects to
27 this Request to the extent that it seeks information from the District relating not to the District,

28 ¹ The Notice of Deposition skips from Category 6 to Category (10) in the Requests for Production.

1 but instead to unrelated third parties. The District further objects to this Request on the ground
2 that it is overbroad as to time and unduly burdensome and oppressive.

3 21. Regarding Category (12) of the Requests for Production of Documents within this
4 Notice of Deposition, the District objects to the production of any document, at the deposition or
5 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
6 protected from disclosure under the attorney-client, work-product, or deliberative process
7 privilege. The District further objects to this Request on the ground that the phrases "aquifer
8 testing" and "Anaverde Creek Basin" are vague and ambiguous such that the District cannot
9 determine what items the noticing party seeks through this request. The District further objects to
10 this Request on the ground that it is vague and ambiguous as to time.

11 22. Regarding Category (13) of the Requests for Production of Documents within this
12 Notice of Deposition, the District objects to the production of any document, at the deposition or
13 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
14 protected from disclosure under the attorney-client, work-product, or deliberative process
15 privilege. The District further objects to this Request on the ground that it is vague, ambiguous,
16 and overbroad such that the District cannot determine what items the noticing party seeks through
17 this request. The District further objects to this Request to the extent that it seeks information
18 from the District relating not to the District, but instead to unrelated third parties.

19 23. Regarding Category (14) of the Requests for Production of Documents within this
20 Notice of Deposition, the District objects to the production of any document, at the deposition or
21 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
22 protected from disclosure under the attorney-client, work-product, or deliberative process
23 privilege. The District further objects to this Request on the ground that the phrase "capacity of
24 each groundwater wells" is vague and ambiguous such that the District cannot determine what
25 items the noticing party seeks through this request. The District further objects to this Request to
26 the extent that it seeks information from the District relating not to the District, but instead to
27 unrelated third parties. The District further objects to this Request on the ground that it is vague
28 and ambiguous as to time.

1 24. Regarding Category (15) of the Requests for Production of Documents within this
2 Notice of Deposition, the District objects to the production of any document, at the deposition or
3 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
4 protected from disclosure under the attorney-client, work-product, or deliberative process
5 privilege. The District further objects to this Request on the ground that it is vague, ambiguous,
6 and unintelligible such that the District cannot determine what items the noticing party seeks
7 through this request. The District further objects to this Request to the extent that it seeks
8 information from the District relating not to the District, but instead to unrelated third parties.
9 The District further objects to this Request on the ground that it is vague and ambiguous as to
10 time.

11 25. Regarding Category (16) of the Requests for Production of Documents within this
12 Notice of Deposition, the District objects to the production of any document, at the deposition or
13 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
14 protected from disclosure under the attorney-client, work-product, or deliberative process
15 privilege. The District further objects to this Request on the ground that the terms "production
16 rate" and "groundwater production wells" are vague and ambiguous such that the District cannot
17 determine what items the noticing party seeks through this request. The District further objects to
18 this Request to the extent that it seeks information from the District relating not to the District,
19 but instead to unrelated third parties. The District further objects to this Request on the ground
20 that it is vague and ambiguous as to time.

21 26. Regarding Category (17) of the Requests for Production of Documents within this
22 Notice of Deposition, the District objects to the production of any document, at the deposition or
23 otherwise, "pertaining to" the subject matter of this request to the extent that such document is
24 protected from disclosure under the attorney-client, work-product, or deliberative process
25 privilege. The District further objects to this Request on the ground that the terms "groundwater
26 elevations" and "groundwater production wells" are vague and ambiguous such that the District
27 cannot determine what items the noticing party seeks through this request. The District further
28 objects to this Request to the extent that it seeks information from the District relating not to the

1 District, but instead to unrelated third parties. The District further objects to this Request on the
2 ground that it is overbroad as to time and unduly burdensome and oppressive

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4 Dated: September 12, 2008

BEST BEST & KRIEGER LLP

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6 By 

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ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES
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NO. 40

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PROOF OF SERVICE

I, Roberta Hoffner, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California 92614. On September 12, 2008, I served the within document(s):

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40's OBJECTIONS TO ANAVERDE'S NOTICE OF TAKING DEPOSITION OF LOS ANGELES COUNTY WATERWORKS NO. 40, PALMDALE WATER DISTRICT, AND QUARTZ HILL WATER DISTRICT'S PERSON MOST KNOWLEDGEABLE [DUCES TECUM]

by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.

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

Lewis Brisbois Bisgaard & Smith LLP
Malissa Hathaway McKeith, Esq.
Joseph A Salazar, Jr., Esq.
Kimberly A. Huangfu, Esq.
221 North Figueroa Street, Suite 1200
Los Angeles, CA 90012

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the 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 in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on September 12, 2008, at Irvine, California.



Roberta Hoffner