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6 **DISTRICT NO. 40**

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

17 **ANTELOPE VALLEY GROUNDWATER
CASES**

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

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

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

Judicial Council Coordination No. 4408

CLASS ACTION

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

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40 REPLY TO BOLTHOUSE
PROPERTIES, LLC and Wm. BOLTHOUSE
FARMS, INC.'S OPPOSITION TO MOTION
FOR AN ORDER (1) REQUIRING
DISCLOSURE OF EX PARTE
COMMUNICATIONS; (2) PRECLUDING
INFORMATION PROTECTED BY THE
MEDIATION CONFIDENTIALITY; (3)
ENJOINING FURTHER DISCLOSURE OF
INFORMATION PROTECTED BY THE
MEDIATION PRIVILEGE; and (4) TO
SHOW CAUSE RE IMPOSITION OF
SANCTIONS AND OTHER APPROPRIATE
RELIEF

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In their opposition to District No. 40's Motion, Bolthouse Properties, LLC and Wm.

Bolthouse Farms, Inc. (collectively, "Bolthouse") do not challenge: (1) the impropriety of the letter (the "Letter") sent to District No. 40's legal counsel; (2) the impropriety of ex parte

communication with the Court or with the Honorable Justice Ron R. Robie; or (3) the confidential nature of all documents and evidence prepared for, all admissions made during, and all

communication, negotiation, or settlement discussions during mediation. Nor does Bolthouse

dispute the Court's authority to (a) require disclosure of information regarding the Letter and ex

parte communication, (b) preclude evidence protected by mediation confidentiality, (c) enjoin all

parties from disclosing information covered by such confidentiality, or (d) impose sanctions for

violating this Court's order.

Rather, the opposition strays to irrelevant and unsupported allegations and claims that

there is no basis or need for additional information regarding the Letter and the ex parte

communications. On the contrary, such information is necessary to identify the person(s) or party

responsible for the Letter and the extent of the violations. Without such information, there may

be no accountability for the malicious conduct that violates this Court's order and Evidence Code

Sections 1119 and 1121. The orders requested by District No. 40 are reasonable and justified if

for no other reason than to prevent further such conduct.

For the reason stated above and in its moving papers, District No. 40 respectfully requests

that the Court grant its motion.

Dated: May 3, 2013

BEST BEST & KRIEGER LLP

By

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LOS ANGELES COUNTY

WATERWORKS DISTRICT NO. 40