

LAW OFFICES OF
BEST BEST & KRIEGER LLP
18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
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IRVINE, CALIFORNIA 92612
4 TELEPHONE: (949) 263-2600
TELECOPIER: (949) 260-0972
5 Attorneys for Cross-Complainant
LOS ANGELES COUNTY WATERWORKS
6 DISTRICT NO. 40

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE SECTION
6103

7 OFFICE OF COUNTY COUNSEL
COUNTY OF LOS ANGELES
8 JOHN F. KRATTLI, Bar No. 82149
COUNTY COUNSEL
9 WARREN WELLEN, Bar No. 139152
PRINCIPAL DEPUTY COUNTY COUNSEL
10 500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
11 TELEPHONE: (213) 974-8407
TELECOPIER: (213) 687-7337
12 Attorneys for Cross-Complainant LOS ANGELES
13 COUNTY WATERWORKS DISTRICT NO. 40

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

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,
County of Riverside, Case Nos. RIC 353 840,
26 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
NOTICE AND *EX PARTE* APPLICATION
FOR AN ORDER SHORTENING TIME
ON THE HEARING OF MOTION TO
QUASH NOTICES TO APPEAR AND
PRODUCE DOCUMENTS;
DECLARATION OF JEFFREY V. DUNN
[concurrently filed with [Proposed] Order;
Motion to Quash]
Hearing
Date: May 28, 2013
Time: 8:30 a.m.
Dept: 316
Trial: May 28, 2013

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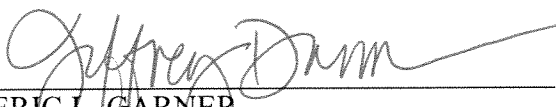
1 “Demanding Parties”) to bypass this Court’s Discovery Order and trial procedures by demanding
2 irrelevant documents and requesting the appearance of Adam Arika and other witnesses prior to
3 this Court’s scheduling of witnesses. As such, the notices are improper and should be quashed.

4 As discussed in further details in the Motion to Quash, compliance with the unintelligible
5 demand to produce “District No. 40” as a witness is impossible. Further, the production of
6 documents irrelevant to the Phase IV trial and requested appearances of witnesses most
7 knowledgeable about return flows serve no legitimate purpose. As the requested appearance and
8 production dates are fast approaching, the requested *ex parte* relief is necessary to protect District
9 No. 40 from having to comply with burdensome, overbroad, and inappropriate Notices.

10 On May 24, 2013, counsel for District No. 40 provided notice to all parties of this *ex parte*
11 application in compliance with California Rules of Court, Rule 3.1203 by posting to the Court’s
12 website signed copies of these *ex parte* and the Motion to Quash papers. (*See* Dunn Decl., ¶ 3.)

13
14 Dated: May 24, 2013

BEST BEST & KRIEGER LLP

15
16 By: 
17 ERIC L. GARNER
18 JEFFREY V. DUNN
19 STEFANIE D. HEDLUND
20 Attorneys for Cross-Complainant
21 LOS ANGELES COUNTY
22 WATERWORKS DISTRICT NO. 40
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 District No. 40 seeks leave of the Court for a hearing on its Motion to Quash the Notices
4 on shortened time. District No. 40 requests a hearing on its Motion be set for May 28, 2013, the
5 date of compliance for the Bolthouse Notice and the Tejon Notice. Good cause exists as follows:

6 The Notices demands compliance starting on May 28, 2013. If District No. 40 complied
7 with the notice requirements of Code of Civil Procedure section 1005(b), which governs the
8 required notice for a motion to quash, a hearing on regular notice would be after the compliance
9 date. Further, as fully set forth in the Motion to Quash, filed concurrently with this *ex parte*
10 application, it is impossible for District No. 40 to comply with the unintelligible portion of the
11 Notices and it is unreasonable for and prejudicial against District No. 40 to require it to produce
12 irrelevant information that is beyond the scope of the Phase IV trial or has little to no probative
13 value.

14 Therefore, District No. 40 seeks an order from the Court to shorten time on the hearing of
15 its Motion to Quash to May 28, 2013, the first date set for compliance with the Notices issued by
16 the Demanding Parties.

17 **II. LEGAL ARGUMENT**

18 California Rules of Court, Rules 3.1200 *et seq.* set forth the requirements for an *ex parte*
19 application. District No. 40 will suffer immediate and irreparable harm if its Motion to Quash is
20 not heard on May 28, 2013 because the Notices: (1) are vague and ambiguous as to whose
21 attendance the Demanding Parties are requesting; (2) seek to compel the attendance of witnesses
22 who have no relevant information to offer; (3) seek attendance of witnesses prior to the court
23 setting a trial schedule of witnesses; (4) are overbroad and burdensome; (5) seek documents that
24 irrelevant and/or exceed the scope of Phase 4 trial; and (6) seek documents protected by attorney-
25 client and attorney work product privileges. (*See* Dunn Decl., ¶¶7-8, Exs. A [seeking documents
26 relating to and witnesses to testify as to return flows]; B [demanding, among other things,
27 financial records and information regarding District No. 40's water rates]; & C [requesting
28 documents concerning Tejon entities without limitation in scope and time].)

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1 Not granting District No. 40's request for an order shortening time would force District
2 No. 40 to file a Motion to Quash on regular notice, the hearing of which would take place after
3 the compliance date of the Notices.

4 **III. CONCLUSION**

5 For the reasons stated herein, District No. 40 requests that the Court issue an Order
6 shortening the time on a hearing on the subject matter set forth in this application, thereby
7 allowing District No. 40 to appear and present oral argument in a timely fashion.

8
9 Dated: May 24, 2013

BEST BEST & KRIEGER LLP

10
11 By: 

12 ERIC D. GARNER
13 JEFFREY V. DUNN
14 STEFANIE D. HEDLUND
15 Attorneys for Cross-Complainant
16 LOS ANGELES COUNTY
17 WATERWORKS DISTRICT NO. 40

LAW OFFICES OF
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IRVINE, CALIFORNIA 92612

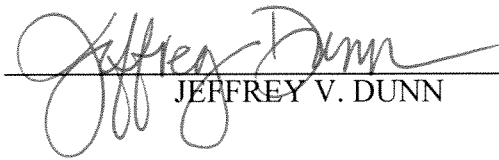
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IRVINE, CALIFORNIA 92612

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8. Unless the Court grants the requested *ex parte* relief to hear the Motion to Quash on shortened time, District No. 40 will face irreparable harm as it must then produce documents that are irrelevant and inadmissible and witness(es) who have no relevant information to offer for Phase IV trial.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 24 day of May, 2013 at Irvine, California.



JEFFREY V. DUNN

EXHIBIT A

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 Bolthouse Properties, LLC
11 and Wm. Bolthouse Farms, Inc.

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SANTA CLARA

14 COORDINATION PROCEEDING
15 SPECIAL TITLE (Rule 1550(b))

) Judicial Council Coordination Proceeding No.
4408

16 ANTELOPE VALLEY GROUNDWATER
17 CASES

) CASE NO. 1-05-CV-049053

18 INCLUDED ACTIONS:

19 LOS ANGELES COUNTY
20 WATERWORKS DISTRICT NO. 40 v.
21 DIAMOND FARMING COMPANY, et al.,
22 Los Angeles Superior Court Case No.
23 BC325201

) **NOTICE TO LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40 TO
APPEAR AND PRODUCE DOCUMENTS
AT TRIAL**

) **[C.C.P. §1987(b), (c)]**

24 LOS ANGELES COUNTY
25 WATERWORKS DISTRICT NO. 40 v.
26 DIAMOND FARMING COMPANY, et al.,
27 Kern County Superior Court Case No. S-
28 1500-CV-254348

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

) Trial Date: May 28, 2013
Action Filed: October 26, 2005

AND RELATED ACTIONS

///

///

1 TO LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 (“Dist. No. 40”)
2 and its attorney of record:

3 PLEASE TAKE NOTICE that Wm. Bolthouse Farms, Inc. and Bolthouse Properties,
4 LLC, pursuant to *Code of Civil Procedure Section 1987(b)*, require the attendance of the
5 Person Most Knowledgeable at Los Angeles County Waterworks District No. 40 and/or Los
6 Angeles County with regard to the issues and documents identified on Exhibit “A,” attached
7 hereto and herein incorporated by reference. This notice also requests appearance by the
8 officer, director, or managing agent most knowledgeable regarding the issues and documents
9 identified on Exhibit “A.” Finally, the notice requires attendance of Los Angeles County
10 Waterworks District No. 40 representative Adam Arika and the production of all documents as
11 the term is defined by Evidence Code Section 250, which support any and all claims of Los
12 Angeles County Waterworks District No. 40 for the Phase 4 Trial.

13 The trial at which appearance is requested is scheduled to begin on May 28, 2013.
14 However, the trial court has not decided on the order of witnesses. Request is made that the
15 witnesses be available for the trial which begins on May 28, 2013 subject to setting the date for
16 appearance based upon further clarifying court orders regarding the order of trial.
17 Arrangements may be made with the noticing entity attorney to be on call. The place for
18 attendance at trial is the Los Angeles County Superior Court located at 111 N. Hill Street, Los
19 Angeles, CA 90012 or such other location pursuant to court order.

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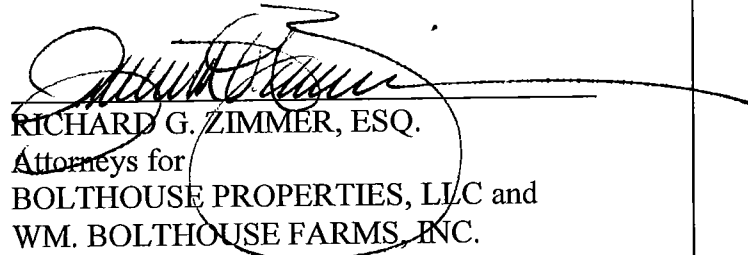
1 PLEASE TAKE FURTHER NOTICE that pursuant to *Code of Civil Procedure Section*
2 *1987(c)*, Wm. Bolthouse Farms, Inc. and Bolthouse Properties, LLC request that the Person
3 Most Knowledgeable, the officer, director or managing agent and Mr. Ariki, produce the
4 documents identified on Exhibit "A" attached hereto and herein incorporated by reference.

5 DATED: May 10, 2013

Respectfully submitted.

6 CLIFFORD & BROWN

7
8
9 By:


10 RICHARD G. ZIMMER, ESQ.
11 Attorneys for
12 BOLTHOUSE PROPERTIES, LLC and
13 WM. BOLTHOUSE FARMS, INC.
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- 1 8. Any and all WRITINGS, as defined by Evidence Code Section 250, documenting
2 all actions taken by Los Angeles County and Los Angeles County Waterworks
3 District No. 40 over the past twenty years to confirm an adequate water supply for
4 new development.
- 5 9. Any and all WRITINGS, as defined by Evidence Code Section 250, documenting
6 any engineering or study conducted by Los Angeles County and Los Angeles
7 County Waterworks District No. 40 regarding RETURN FLOWS or any migration
8 of RETURN FLOWS within the ANTELOPE VALLEY.
- 9 10. Any and all WRITINGS, as defined by Evidence Code Section 250, documenting
10 the breakdown, if any, and evaluation of RETURN FLOWS in the ANTELOPE
11 VALLEY from different water uses, including but not limited to, municipal,
12 industrial, irrigation, septic tank, municipal sewage system, and any other source.
- 13 11. Any and all WRITINGS, as defined by Evidence Code Section 250, documenting
14 the percentage or amount of RETURN FLOWS to the ANTELOPE VALLEY from
15 various types of water use being claimed in this litigation and calculation of
16 transmission losses affecting the claimed amounts of such RETURN FLOWS.
- 17 12. Any and all WRITINGS, as defined by Evidence Code Section 250, documenting
18 any engineering or other analysis of RETURN FLOWS derived from initial
19 RETURN FLOWS in the ANTELOPE VALLEY.
- 20 13. Any and all WRITINGS, as defined by Evidence Code Section 250, documenting
21 all presentations, including written documents and or bullet point presentations
22 related to the availability of groundwater for existing and/or future residential
23 development, RETURN FLOWS and/or the extent to which RETURN FLOWS
24 have been relied upon to demonstrate an existing or future water supply, whether or
25 not such writings or documents have been provided to the public.

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
6 not a party to the within action; my business address is 1430 Truxtun Avenue, Suite 900,
7 Bakersfield, CA 93301.

8 On May 10, 2013, I served the foregoing document(s) entitled:

9 **NOTICE TO LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 TO**
10 **APPEAR AND PRODUCE DOCUMENTS AT TRIAL**

11 by uploading the document listed above to the Santa Clara Superior Court website in regard to
12 the Antelope Valley Groundwater Matter. All parties listed on the Santa Clara Superior Court
13 in regard to the Antelope Valley Groundwater Matter are hereby incorporated within by this
14 reference.

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

17 Executed on May 10, 2013, at Bakersfield, California.

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

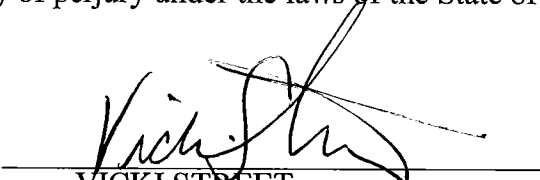
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VICKI STREET
2455-2

EXHIBIT B

1 Robert G. Kuhs, State Bar No. 160291
Bernard C. Barmann, State Bar No. 149890
2 Kuhs & Parker
P. O. Box 2205
3 1200 Truxtun Avenue, Suite 200
4 Bakersfield, CA 93303
Telephone: (661) 322-4004
5 Facsimile: (661) 322-2906
E-Mail: rgkuhs@kuhsparkerlaw.com
6 bbarmann@kuhsparkerlaw.com

7 Attorneys for Tejon Ranchcorp, Tejon Ranch Company,
8 and Granite Construction Company

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

11
12 ANTELOPE VALLEY GROUNDWATER
CASES

13 Included Actions:

14 Los Angeles County Waterworks District No. 40
15 v. Diamond Farming Co., Superior Court of
California, County of Los Angeles, Case No. BC
16 325201;

17 Los Angeles County Waterworks District No. 40
18 v. Diamond Farming Co., Superior Court of
California, County of Kern, Case No. S-1500-CV-
19 254-348;

20 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
21 Diamond Farming Co. v. Lancaster, Diamond
Farming Co. v. Palmdale Water Dist., Superior
22 Court of California, County of Riverside, Case
No. RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

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

**NOTICE TO LOS ANGELES
COUNTY WATERWORKS
DISTRICT NO. 40 TO APPEAR AND
PRODUCE DOCUMENTS AT TRIAL**

[Code Civ. Proc., § 1987(b)-(c)]

Date: May 28, 2013
Time: 9:00 a.m.
Place: 111 N. Hill Str.
Los Angeles, CA
Dept.: TBD

23
24
25 To LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 ("District") and its
26 attorney of record:


27 NOTICE IS HEREBY GIVEN that the District and Adam Ariki is hereby requested to
28

1 attend the trial before the Superior Court of the County of Los Angeles in Department 1, located
2 at 111 North Hill Street, Los Angeles, California or such other location pursuant to court order
3 upon notice on May 28, 2013 at 9:00 a.m. to testify as a witness in this case.

4 The District has in its possession or under its control and is hereby requested to bring to
5 the trial the documents described in the attached **Exhibit A**.

6 Dated: May 7, 2013

KUHS & PARKER

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8
9 By  _____
10 Robert G. Kuhs,
11 Attorney for Tejon Ranchcorp, Tejon Ranch
12 Company and Granite Construction Company

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14 f:\1291.01 - tejon ranch - antelope valley\notice to appear at trial la co waterworks no 40 phase iv.docx
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KUHS & PARKER
ATTORNEYS AT LAW
P. O. BOX 2205
BAKERSFIELD, CALIFORNIA 93303
(661) 322-4004 • FAX (661) 322-2906

- 1 4. All check ledgers and cancelled checks evidencing the payment of the filing fees
2 associated with filing the NOTICES since January 1, 2000.
- 3 5. The DISTRICT's accounts payable ledgers for the period January 1, 2000 through
4 December 31, 2012.
- 5 6. The DISTRICT's general ledgers for the period January 1, 2000 through
6 December 31, 2012.
- 7 7. Excel Spreadsheets showing the amount of groundwater pumped by the
8 DISTRICT since 2006.
- 9 8. Monthly well meter reading for DISTRICT wells from January 1, 2000 through
10 December 31, 2012.
- 11 9. Annual Southern California Edison pump efficiency test results for years 2,000
12 through 2012.
- 13 10. Excel Spreadsheets and monthly invoices showing the amount of imported water
14 purchased by the District.
- 15 11. All DOCUMENTS showing how the DISTRICT has accounted for return flows
16 from imported water since 2000, including all budgets, audited financial statements, and audits
17 of the DISTRICT for years 2000 through 2012.
- 18 12. All DISTRICT water management plans since year 2000.
- 19 13. All DOCUMENTS, including memorandum, staff reports, resolutions of the
20 DISTRICT'S board, Board meeting minutes and the like showing how the DISTRICT set water
21 rates for years 1990 through current.
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EXHIBIT C

1 Robert G. Kuhs, State Bar No. 160291
2 Bernard C. Barmann, State Bar No. 149890
3 Kuhs & Parker
4 P. O. Box 2205
5 1200 Truxtun Avenue, Suite 200
6 Bakersfield, CA 93303
7 Telephone: (661) 322-4004
8 Facsimile: (661) 322-2906
9 E-Mail: rgkuhs@kuhsparserlaw.com
10 bbarmann@kuhsparserlaw.com

11 Attorneys for Tejon Ranchcorp and Tejon Ranch Company

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

14 ANTELOPE VALLEY GROUNDWATER
15 CASES

16 **Included Actions:**

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

21 Los Angeles County Waterworks District No. 40
22 v. Diamond Farming Co., Superior Court of
23 California, County of Kern, Case No. S-1500-CV-
24 254-348;

25 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
26 Diamond Farming Co. v. Lancaster, Diamond
27 Farming Co. v. Palmdale Water Dist., Superior
28 Court of California, County of Riverside, Case
No. RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

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

**SUPPLEMENTAL NOTICE TO LOS
ANGELES COUNTY
WATERWORKS DISTRICT NO. 40
TO APPEAR AND PRODUCE
DOCUMENTS AT TRIAL**

[Code Civ. Proc., § 1987(b)-(c)]

Date: May 30, 2013
Time: 9:00 a.m.
Place: 111 N. Hill Str.
Los Angeles, CA
Dept.: TBD

To LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 ("District") and its
attorney of record:

NOTICE IS HEREBY GIVEN that the District and Adam Ariki is hereby requested to

KUHS & PARKER
ATTORNEYS AT LAW
P. O. Box 2205
BAKERSFIELD, CALIFORNIA 93303
(661) 322-4004 • FAX (661) 322-2908

1 attend the trial before the Superior Court of the County of Los Angeles in Department 1, located
2 at 111 North Hill Street, Los Angeles, California or such other location pursuant to court order
3 upon notice on May 30, 2013 at 9:00 a.m. to testify as a witness in this case.

4 The District has in its possession or under its control and is hereby requested to bring to
5 the trial the documents described in the attached **Exhibit A**.

6 Dated: May 16, 2013

KUHS & PARKER

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9 By 

Robert G. Kuhs,
Attorney for Tejon Ranchcorp and
Tejon Ranch Company

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EXHIBIT A

I. DEFINITIONS

The following words and phrases shall govern the construction of this document unless the context otherwise requires:

1. "TEJON" means Tejon Ranchcorp and Tejon Ranch Company.
2. "DISTRICT" means Los Angeles County Waterworks District No. 40.
3. "NOTICES" means Notices of Groundwater Extraction and Diversion filed with the SWRCB pursuant to Division 2, Part 5 of the Water Code, commencing with Section 4999, et seq.
4. "SWRCB" means the California State Water Resources Control Board.
5. "DOCUMENTS" means "writing" as defined by Evidence Code section 250 and includes drafts, originals and duplicates of written, graphic, computer or otherwise recorded matters, whether stored in written, electronic, magnetic or photographic format or by any other means.

II. DOCUMENTS TO BE PRODUCED

The DISTRICT is required to produce, at the date, time and location so noticed, the original of all DOCUMENTS described below.

13. All DOCUMENTS that mention, discuss or refer to groundwater production by TEJON since year 2000.

14. All DOCUMENTS that mention, discuss or refer to groundwater produced on lands owned by TEJON since year 2000.

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KUHS & PARKER
ATTORNEYS AT LAW
P. O. Box 2205
BAKERSFIELD, CALIFORNIA 93303
(661) 322-4004 • FAX (661) 322-2906

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15. All DOCUMENTS that mention discuss or refer to the purchase or use of imported water by TEJON.

16. All DOCUMENTS that mention, discuss or refer to TEJON's water supplies.

PROOF OF SERVICE

I, Sandra K. Sandoval, 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, 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071. On May 24, 2013, I served the within document(s):

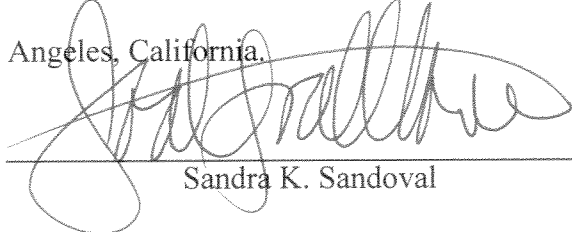
NOTICE AND *EX PARTE* APPLICATION FOR AN ORDER SHORTENING TIME ON THE HEARING OF MOTION TO QUASH NOTICES TO APPEAR AND PRODUCE DOCUMENTS; DECLARATION OF JEFFREY V. DUNN

- 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 ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- 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 May 24, 2013, at Los Angeles, California.



Sandra K. Sandoval