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LOS ANGELES COUNTY WATERWORKS  
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  
18 CASES  
19 Included Actions:  
Los Angeles County Waterworks District No.  
20 40 v. Diamond Farming Co., Superior Court of  
California, County of Los Angeles, Case No.  
21 BC 325201;  
22 Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co., Superior Court of  
23 California, County of Kern, Case No. S-1500-  
CV-254-348;  
24 Wm. Bolthouse Farms, Inc. v. City of  
Lancaster, Diamond Farming Co. v. City of  
25 Lancaster, Diamond Farming Co. v. Palmdale  
Water Dist., Superior Court of California,  
26 County of Riverside, Case Nos. RIC 353 840,  
RIC 344 436, RIC 344 668  
27

Judicial Council Coordination No. 4408  
CLASS ACTION  
Santa Clara Case No. 1-05-CV-049053  
Assigned to The Honorable Jack Komar  
MOTION TO QUASH NOTICES TO  
DISTRICT NO. 40 TO APPEAR AND TO  
PRODUCE DOCUMENTS AT TRIAL  
[Concurrently filed with Notice and Ex  
Parte Application for an Order Shortening  
Time; Declaration of Jeffrey V. Dunn;  
[Proposed] Order]  
Hearing  
Date: May 28, 2013  
Time: 8:30 a.m.  
Dept: 316  
Trial: May 28, 2013

1 **NOTICE OF MOTION AND MOTION**

2 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

3 NOTICE IS HEREBY GIVEN that on May 28, 2013, at 10:00 a.m. or as soon thereafter  
4 as the matter may be heard in Department 316 of this Court, located at Central Civil West  
5 Courthouse, 600 S Commonwealth Ave., Los Angeles, California 90005, Los Angeles County  
6 Waterworks District No. 40 (“District No. 40”) will move for an order quashing: (1) Bolthouse  
7 Properties, LLC and Wm. Bolthouse Farms, Inc.’s Notice to District No. 40 to Appear and  
8 Produce Documents at Trial (“Bolthouse Notice”); (2) Tejon Ranchcorp, Tejon Ranch Company  
9 and Granite Construction Company’s Notice to District No. 40 to Appear and Produce  
10 Documents at Trial (“Tejon Notice”); and (3) Tejon Ranchcorp and Tejon Ranch Company’s  
11 Supplemental Notice to District No. 40 to Appear and Produce Documents at Trial (“Tejon  
12 Supplemental Notice”).

13 This motion is made pursuant to Code of Civil Procedure sections 1987(b) and 1987.1 and  
14 Evidence Code sections 350 and 352 on the grounds that the Bolthouse Notice, the Tejon Notice,  
15 and Tejon Supplemental Notice (collectively, the “Notices”): (1) are vague and ambiguous as to  
16 whose attendance the demanding parties are requesting; (2) seek to compel the attendance of  
17 witnesses who have no relevant information to offer; (3) seek attendance of witnesses prior to the  
18 court setting a trial schedule of witnesses; (4) are overbroad and burdensome; (5) seek documents  
19 that irrelevant and/or exceed the scope of Phase 4 trial; and (6) seek documents protected by  
20 attorney-client and attorney work product privileges.

21 The motion will be based on this notice, the memorandum of points and authorities, and  
22 on such oral and documentary evidence as may be presented at the hearing on the motion.

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Dated: May 24, 2013

BEST BEST & KRIEGER LLP

By:   
ERIC L. GARNER  
JEFFREY W. DUNN  
STEFANIE D. HEDLUND  
Attorneys for Cross-Complainant  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40

LAW OFFICES OF  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 Phase IV trial concerns only groundwater pumping in 2011 and 2012. Phase IV trial will  
4 not result in any determination of return flows, reasonableness of water use, manner of applying  
5 water to use, or use prior to 2011. Despite the limited scope of the Phase IV trial, Bolthouse  
6 Properties, LLC, Wm. Bolthouse Farms, Inc., Tejon Ranchcorp, Tejon Ranch Company and  
7 Granite Construction Company (“Demanding Parties”) are: (1) requesting appearances of  
8 witnesses to testify as to matters that are irrelevant to the Phase IV trial; (2) demanding witnesses  
9 to attend the first day of trial prior to the Court setting the order of witnesses; and (3) seeking  
10 documents and information that are irrelevant, overbroad, cumulative, burdensome and/or  
11 protected by privilege. Such broad requests of irrelevant documents are harassing and serve no  
12 judicial purpose.

13 On March 22, 2013, District No. 40 filed objections to the Demanding Parties’ requests to  
14 produce documents at trial (“Objections”). As the Objections concern the same Notices to  
15 Appear and Produce Documents, District No. 40 hereby incorporates the Objections by reference.

16 **II. BOLTHOUSE NOTICE IS OVERBROAD AND SEEKS INFORMATION**  
17 **REGARDING RETURN FLOWS**

18 Only relevant evidence is admissible at trial. (Evid. Code, § 350.) Evidence is relevant if  
19 it has “any tendency in reason to prove or disprove any disputed fact that is of consequence to the  
20 determination of the action.” (Evid. Code, § 210.) As stated by the California Supreme Court in  
21 *Fuentes v. Tucker* (1947) 31 Cal.2d 1, 4, “[i]t is a doctrine too long established to be open to  
22 dispute that the proof [at trial] must be confined to the issues in the case.”

23 The Bolthouse Notice requests District No. 40 to produce all documents that support all  
24 claims of District No. 40 for the Phase IV trial, and thirteen other categories of documents  
25 relating to **return flows, water supply assessments, well serve notices, water management**  
26 **plans, and actions taken over the past twenty years to confirm adequate water supply for**  
27 **new development**. District No. 40 has already produced all of its water meter records,  
28 evidencing its groundwater pumping during 2011 and 2012. District No. 40 produced these

1 documents in accordance to the Court’s Discovery Order and at the deposition of Adam Ariki.

2 None of the thirteen other categories of documents sought by Bolthouse is relevant to the  
3 Phase IV trial. None will assist the court in determining groundwater pumping. In fact, most of  
4 the thirteen categories of requests seek information regarding return flows – a topic that this Court  
5 has decided that it will not address during this phase. As these documents are irrelevant, the  
6 Court should quash Bolthouse entities’ request for them. (See Evid. Code, § 350.)

7 In addition to requesting for documents, the Bolthouse Notice requests the appearance of:  
8 (1) the Person Most Knowledgeable (“PMK”) at District No. 40 and/or the Los Angeles County  
9 with regards to the thirteen categories of irrelevant documents; (2) the officer, director, or  
10 managing agent most knowledgeable with regards to the thirteen categories of irrelevant  
11 documents; and (3) Adam Ariki. As discussed above, the thirteen categories of irrelevant  
12 documents have no probative value to the Court’s determination of groundwater pumping and  
13 calling witnesses to testify to such matters will be a waste of judicial resources. Moreover, the  
14 Bolthouse entities’ request for the appearance of an officer, director or managing agent is  
15 harassing, overly burdensome, and duplicative of their request for the appearance of a PMK. No  
16 legitimate purpose is served by requiring an officer, director or managing agent to appear at trial,  
17 when the appearance of PMK of the same subject matter is also requested. This Court should  
18 quash this request to prevent undue consumption of its time. (See Evid. Code, § 352.)

19 Finally, requiring Mr. Ariki to attend the entirety of the Phase IV trial is extremely  
20 harassing.

21 **III. TEJON NOTICE IS OVERBROAD AND SEEKS IRRELEVANT INFORMATION**

22 The Tejon Notice requests the appearance of “the District and Adam Ariki” on May 28,  
23 2013 to testify as witnesses. District No. 40 cannot comply with this request for many reasons.  
24 First, as phrased, this request is vague and ambiguous and unintelligible as it calls for District No.  
25 40 to testify as a witness without specifying which of District No. 40’s employee(s), in addition to  
26 Mr. Ariki, is requested to appear. Second, this Court has not decided on the order of witnesses.  
27 Requiring Mr. Ariki, the Assistant Deputy Director of District No. 40, to attend the first day of  
28 trial without knowing whether he will be permitted to testify is unnecessarily burdensome for Mr.

1 Arika and District No. 40. As discussed above, Mr. Arika will appear on the day scheduled for his  
2 testimony.

3 The Tejon Notice also requests District No. 40 to produce thirteen categories of  
4 documents: (1) records evidencing the amount of groundwater pumped by the District No. 40  
5 since January 1, 2000; (2) all notices filed with the California State Water Resources Control  
6 Board (“SWRCB”) since January 1, 2000; (3) all documents evidencing the District No. 40’s  
7 correspondence with the SWRCB relating to groundwater extraction from January 1, 2000 to the  
8 present; (4) all check ledgers and cancelled checks evidencing the payment of the filing fees  
9 associated with filing the notices with SWRCB since January 1, 2000; (5) accounts payable  
10 ledgers for the period January 1, 2000 through December 31, 2012; (6) general ledgers for the  
11 period January 1, 2000 through December 31, 2012; (7) excel spreadsheets showing the amount  
12 of groundwater pumped by District No. 40 since 2006; (8) monthly well meter reading for  
13 District No. 40’s wells from January 1, 2000 through December 31, 2012; (9) annual Southern  
14 California Edison pump efficiency test results for years 2,000 through 2012; (10) excel  
15 spreadsheets and monthly invoices showing the amount of imported water purchased by the  
16 District; (11) documents showing how the District No. 40 has accounted for return flows from  
17 imported water since 2000; (12) all District No. 40 water management plans since year 2000; and  
18 (13) all documents, including memorandum, staff reports, resolutions of the District No. 40’s  
19 board, board meeting minutes and the like showing how the District No. 40 set water rates for  
20 years 1990 through current.

21 As discussed above, District No. 40 has already comply with this Court’s Discovery Order  
22 and produced the best evidence for its groundwater pumping—water meter records of its wells.  
23 Admitting additional documents that have, at best, little probative value will be a waste of this  
24 Court’s time, and will unfairly burden District No. 40 with an overbroad discovery requests at the  
25 eve of trial. (*See Sanchez v. Bay General Hospital* (1981) 116 Cal.App.3d 776, 794 [matters that  
26 “could consume enormous amounts of time to no enlightenment on the key issues before the  
27 court” may be excluded].) Moreover, most of the requested documents are irrelevant to the issues  
28 at trial. (See e.g., Tejon Notice, request categories 4-6, 10, 11, 12 & 13 [requesting financial

1 records, return flow records, invoices of purchased water, water management plans, documents  
2 concerning water rates].) District No. 40 notes that the majority of requested information is  
3 irrelevant to this action even prior to the Court narrowing the scope of Phase IV trial. (See e.g.,  
4 *id.* 4-6 [financial records], 12 [management plan] & 13 [water rates].)

5 Some of the document requests seek information prepared for or in anticipation of  
6 litigation, and/or protected by the attorney-client and/or attorney work-product privileges. (See  
7 e.g., Tejon Notice, request categories 7 & 10 [requesting excel spreadsheet of water pumped and  
8 water purchased].) Furthermore, Tejon’s request is burdensome and overbroad as none of the  
9 requested documents are restricted in scope as to the relevant timeframe – 2011 to 2012.

10 This Court should not entertain Tejon Ranchcorp, Tejon Ranch Company and Granite  
11 Construction Company’s fishing expedition and should quash the Tejon Notice in its entirety.

12 **IV. TEJON SUPPLEMENTAL NOTICE IS OVERBROAD AND SEEKS**  
13 **PRIVILEGED INFORMATION**

14 Similar to the Tejon Notice, the Tejon Supplemental Notice requests the appearance of  
15 “the District and Adam Arika” on May 30, 2013, in addition to their appearance on May 28, 2013.  
16 District No. 40 objects to this request for the same reasons stated above.

17 The Tejon Supplemental Notice also seeks production of four categories of documents  
18 concerning: (1) Tejon entities’ groundwater production; (2) groundwater production on Tejon  
19 entities’ property; (3) Tejon entities’ purchase or use of imported water; and (4) Tejon entities’  
20 water supplies. These requests are overbroad, oppressive, burdensome, vague and ambiguous.  
21 They are not limited in scope as to time and seek irrelevant information that exceed the scope of  
22 the Phase IV trial. District No. 40 further objects to these requests to the extent they seek  
23 information prepared for or in anticipation of litigation, and/or protected by the attorney-client  
24 and/or attorney work-product privileges. Moreover, as the requested documents relate to the  
25 Tejon entities, the Tejon entities are better situated to gather these documents.

26 This Court should quash the Tejon Supplemental Notice in its entirety.

27 **V. CONCLUSION**


28 For the foregoing reasons, District No. 40 respectfully request that the Court grants its

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motion to quash the Notices

Dated: May 24, 2013

BEST BEST & KRIEGER LLP

By: 

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**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):

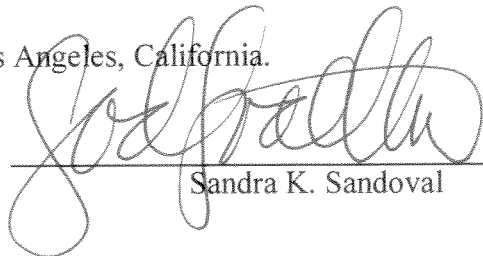
**MOTION TO QUASH NOTICES TO DISTRICT NO. 40 TO APPEAR AND TO PRODUCE DOCUMENTS AT TRIAL**

- 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.




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Sandra K. Sandoval

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