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6 DISTRICT NO. 40

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

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COUNTY WATERWORKS DISTRICT NO. 40

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

15 ANTELOPE VALLEY GROUNDWATER  
16 CASES

Judicial Council Coordination Proceeding  
No. 4408

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

CLASS ACTION

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

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

LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40'S  
SECOND SUPPLEMENTAL REQUEST  
FOR JUDICIAL NOTICE OF PHASE  
THREE TRIAL TESTIMONIES AND  
EXHIBITS

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

Trial Date: February 10, 2014 (Phase V)

26 RICHARD WOOD, on behalf of himself and  
27 all other similarly situated v. A.V. Materials,  
Inc., et al., Superior Court of California,  
28 County of Los Angeles, Case No. BC509546

1 **I. INTRODUCTION**

2 Pursuant to Evidence Code Sections 452 and 453, Los Angeles County Waterworks  
3 District No. 40 (“District No. 40”) requests that the Court take judicial notice of the following  
4 documents for use in support of District No. 40’s Motion in Limine and during Phase 5 trial:

5 Exhibits attached to District No. 40’s Request for Judicial Notice, Dated March 29, 2013

6 1. Exhibits accompanying District No. 40’s Request for Judicial Notice of trial  
7 testimony, exhibits and Statement of Decision from Phase 3 of the trial (“March 2013 RJN”),  
8 which was posted and filed on or about March 29, 2013 and is accessible at  
9 [www.scefilng.org/document/document.jsp?documentId=79042](http://www.scefilng.org/document/document.jsp?documentId=79042).

10 Exhibits attached to District No. 40’s Supplemental Request for Judicial Notice, Dated  
11 January 24, 2014

12 2. Exhibits accompanying District No. 40’s Supplemental Request for Judicial  
13 Notice of trial testimony and exhibits from Phase 3 of the trial (“Supplemental RJN”), which was  
14 posted and filed on or about January 24, 2014 and is accessible at  
15 <http://www.scefilng.org/document/document.jsp?documentId=90365>.

16 Exhibit 96 of Joseph Scalmanini’s Trial Testimony

17 3. Exhibit 96 of Joseph Scalmanini’s trial testimony on January 13, 2011, true  
18 and correct copies of which are attached hereto as Exhibit “MM”.

19 **II. THE COURT SHOULD TAKE JUDICIAL NOTICE OF RECORDS OF THIS**  
20 **ACTION**

21 Courts may take judicial notice of “[r]ecords of [] any court of this state.” (Evid. Code  
22 §452, subd. (d); see, *People v. Buckley* (1986) 185 Cal. App. 3d 512, 525 [judicial notice taken of  
23 preliminary hearing transcript]; *Knoff v. San Francisco* (1969) 1 Cal. App. 3d 184, 200 [grand  
24 jury testimony transcripts “were subjects of which the trial court could properly take judicial  
25 notice.”].) Moreover, California courts have long established that “[a] court may judicially notice  
26 its own records and proceedings in the same case.” (*San Francisco v. Carraro* (1963) 220 Cal.  
27 App. 2d 509, 527; see also, *Nulaid Farmers Assn. v. La Torre* (1967) 252 Cal. App. 2d 788, 791  
28 [“It is settled that a court may take judicial notice of its own records . . . .”].)

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The exhibits attached hereto and accompanying the March 2013 RJN include: (1) Phase Three trial testimony; (2) Phase Three trial exhibits; and (3) the Phase Three Statement of Decision. These documents are court records, for which judicial notice may be taken. (Evid. Code §452, subd. (d).)

Under Section 453 of the Evidence Code, this request for judicial notice is conditionally mandatory and must be granted if sufficient notice is given to the adverse party and if the court is furnished with sufficient information to enable it to take notice of the matter. (*People v. Maxwell* (1978) 78 Cal. App. 3d 124, 130-31.) By this request, District No. 40 gives the Court and adverse parties sufficient notice and information to enable it to take judicial notice of those records attached hereto as Exhibits “AA” through “LL.”

Dated: February 17, 2014

BEST BEST & KRIEGER LLP

By: 

ERIC L. GARNER  
JEFFREY V. DUNN  
WENDY Y. WANG  
Attorneys for Cross-Complainant  
LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40

LAW OFFICES OF  
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**PROOF OF SERVICE**

I, Sandra K. Sandoval, declare:

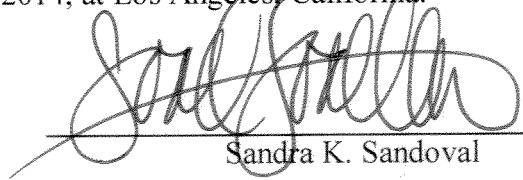
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071. On February 17, 2014, I served the within document(s):

**LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S SECOND SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE OF PHASE THREE TRIAL TESTIMONIES AND EXHIBITS**

- 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 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 February 17, 2014, at Los Angeles, California.

  
\_\_\_\_\_  
Sandra K. Sandoval

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