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**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

16 ANTELOPE VALLEY GROUNDWATER
CASES

Judicial Council Coordination Proceeding
No. 4408

17 Included Actions:

CLASS ACTION

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;

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

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

PUBLIC WATER SUPPLIERS'
OBJECTION TO THE BLUM TRUST'S
MOTION FOR SUMMARY
JUDGMENT/ADJUDICATION

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

Date: December 22, 2014
Time: 10:00 a.m.
Dept.: TBD
Judge: Hon. Jack Komar

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

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1 Los Angeles County Waterworks District No. 40 (“District No. 40”), City of Palmdale,
2 City of Lancaster, Rosamond Community Services District, Littlerock Creek Irrigation District,
3 Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water
4 District, Llano Del Rio Water Company, Llano Mutual Water Company, Big Rock Mutual Water
5 Company, Palmdale Water District, Quartz Hill Water District, and California Water Service
6 Company (collectively “Public Water Suppliers”) object to the Blum Trust’s Motion for
7 Summary Judgment/Summary Adjudication (“Motion”) on the following ground:

8 This Motion inappropriately references and relies upon a draft stipulated judgment, which
9 is still being negotiated, and which has not yet been presented to the Court. (See Motion at 5:13-
10 6:1, 21:2-15.) In support of its Motion, Blum Trust submitted an inadmissible settlement
11 communication that this Court cannot consider. (See Exhibit “M” attached to Blum Trust’s
12 Request for Judicial Notice.)

13 Evidence Code Section 1152 precludes the admissibility of an offer of compromise to
14 prove liability of the settling party. (Evid. Code § 1152.) Section 1152 further protects more than
15 the actual settlement offer and protects “any conduct or statements made in negotiation” of a
16 settlement. (*C&K Engineering Contractors v. Amber Steel Co* (1978) 23 Cal.3d 1, 13.) It was
17 inappropriate for Blum Trust to post a portion of the draft stipulated judgment to the Court’s
18 website, even in redacted form, as the document constitutes a confidential settlement
19 communication.

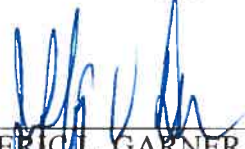
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This breach of settlement confidentiality is inexcusable and defeats the policy of Evidence Code section 1152, which is “to facilitate candid discussion which may lead to settlement of disputes.” (*Fieldson Associates, Inc. v. Whitecliff Laboratories, Inc.* (1969) 276 Cal. App. 2d 770, 773.) This Court cannot and should not consider Exhibit M attached to Blum Trust’s Request for Judicial Notice nor any arguments contained in Blum Trust’s Motion which reference or are dependent thereon in order to avoid a chilling effect on the settlement negotiations in this matter.

Dated: December 8, 2014

BEST BEST & KRIEGER LLP

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

LAW OFFICES OF
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1 PROOF OF SERVICE

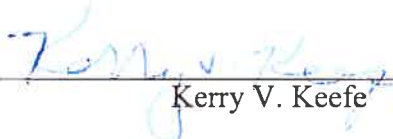
2 I, Kerry V. Keefe, declare:

3 I am a resident of the State of California and over the age of eighteen years, and not a
4 party to the within action; my business address is Best Best & Krieger LLP, 18101 Von Karman
5 Avenue, Suite 1000, Irvine, California 92612. On December 8, 2014, I served the within
6 document(s):

7 PUBLIC WATER SUPPLIERS' OBJECTION TO THE BLUM TRUST'S MOTION FOR
8 SUMMARY JUDGMENT/ADJUDICATION

9
10
11 by posting the document(s) listed above to the Santa Clara County Superior Court
12 website in regard to the Antelope Valley Groundwater matter.

13 I declare under penalty of perjury under the laws of the State of California that the above
14 is true and correct. Executed on December 8, 2014, at Irvine, California.

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17 _____
18 Kerry V. Keefe

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