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10 Attorneys for DIAMOND FARMING COMPANY,
11 a California corporation, CRYSTAL ORGANIC
12 FARMS, a limited liability company, GRIMMWAY
13 ENTERPRISES, INC., and LAPIS LAND COMPANY, LLC
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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF LOS ANGELES**

17 Coordination Proceeding Special Title
18 (Rule 1550 (b))

Judicial Council Coordination No. 4408

19 ANTELOPE VALLEY GROUNDWATER
20 CASES

Case No.: 1-05-CV-049053

21 Included actions:

22 Los Angeles County Waterworks District No.
23 40 vs. Diamond Farming Company
24 Los Angeles Superior Court
25 Case No. BC 325201

DIAMOND FARMING COMPANY,
CRYSTAL ORGANIC FARMS, LLC,
GRIMMWAY ENTERPRISES, INC. AND
LAPIS LAND COMPANY, LLC'S NOTICE
OF INTENT TO CALL NON-RETAINED
WITNESSES AT TRIAL

26 Los Angeles County Waterworks District No.
27 40 vs. Diamond Farming Company
28 Kern County Superior Court
Case No. S-1500-CV 254348 NFT

Diamond Farming Company vs. City of
Lancaster
Riverside County Superior Court
Lead Case No. RIC 344436 [Consolidated
w/Case Nos. 344668 & 353840]

AND RELATED CROSS-ACTIONS.

1 Per the Court's May 25, 2010 order, DIAMOND FARMING COMPANY, CRYSTAL
2 ORGANIC FARMS, LLC, GRIMMWAY ENTERPRISES, INC. and LAPIS LAND COMPANY, LLC
3 respectfully submits the following notice of intent to offer testimony of non-retained witnesses at the
4 Phase 3 trial. DIAMOND FARMING COMPANY, CRYSTAL ORGANIC FARMS, LLC,
5 GRIMMWAY ENTERPRISES, INC. and LAPIS LAND COMPANY, LLC will offer either one or two
6 such witnesses from Los Angeles County Department of Public Works and/or Los Angeles County
7 Waterworks District Number 40.

8 These corporate designee witnesses will testify about the content of water supply assessments
9 and "will-serve" notices issued by the County during the pendency of this litigation. While asserting
10 in this litigation that the basin is in a state of serious overdraft, the County has issued numerous reports,
11 assessments and other land use related documents stating that there is sufficient water resources
12 available in the Antelope Valley basin to support substantial future development and growth. The
13 approved water allocations for future developments total in the tens of thousands of acre-feet per year.

14 DIAMOND FARMING COMPANY, CRYSTAL ORGANIC FARMS, LLC, GRIMMWAY
15 ENTERPRISES, INC. and LAPIS LAND COMPANY, LLC plans to offer this testimony of County
16 representatives and the related records to undermine the testimony of the County's paid experts, who
17 DIAMOND FARMING COMPANY, CRYSTAL ORGANIC FARMS, LLC, GRIMMWAY
18 ENTERPRISES, INC. and LAPIS LAND COMPANY, LLC believes will testify that the basin is in a
19 state of serious overdraft. DIAMOND FARMING COMPANY, CRYSTAL ORGANIC FARMS, LLC,
20 GRIMMWAY ENTERPRISES, INC. and LAPIS LAND COMPANY, LLC anticipates that the
21 examination of these witnesses will take two hours.


22 Because these depositions are not completed, DIAMOND FARMING COMPANY, CRYSTAL
23 ORGANIC FARMS, LLC, GRIMMWAY ENTERPRISES, INC. and LAPIS LAND COMPANY, LLC
24 cannot identify for certain the names of the appropriate corporate designee witnesses from the County.
25 However, DIAMOND FARMING COMPANY, CRYSTAL ORGANIC FARMS, LLC, GRIMMWAY
26 ENTERPRISES, INC. and LAPIS LAND COMPANY, LLC believes the likely witnesses are: (1)
27 Donald L. Wolfe, former Director of Public Works [if not then potentially Gail Farber or other senior
28

1 technical representative from Public Works, such as Christopher Stone]; (2) Dean Efstathiou, former
2 Deputy Director of Public Works primarily responsible for Waterworks District No. 40 during much of
3 the relevant time period.

4 The estimated time for trial testimony of the aforementioned and identified non-expert witnesses
5 will consume approximately 5 hours.

6
7 Dated: July 15, 2010

LeBEAU • THELEN, LLP

8
9
10 By: 
11 BOB H. JOYCE
12 Attorneys for DIAMOND FARMING COMPANY,
13 a California corporation, CRYSTAL ORGANIC
14 FARMS, a limited liability company, GRIMMWAY
15 ENTERPRISES, INC., and LAPIS LAND
16 COMPANY, LLC
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PROOF OF SERVICE

1 ANTELOPE VALLEY GROUNDWATER CASES
2 JUDICIAL COUNCIL PROCEEDING NO. 4408
3 CASE NO.: 1-05-CV-049053

4 I am a citizen of the United States and a resident of the county aforesaid; I am over the age
5 of eighteen years and not a party to the within action; my business address is: 5001 E. Commercenter
6 Drive, Suite 300, Bakersfield, California 93309. On July 15, 2010, I served the within DIAMOND
7 FARMING COMPANY, CRYSTAL ORGANIC FARMS, LLC, GRIMMWAY ENTERPRISES,
8 INC. AND LAPIS LAND COMPANY, LLC'S NOTICE OF INTENT TO CALL NON-RETAINED
9 WITNESSES AT TRIAL

10 **(BY POSTING)** I am "readily familiar" with the Court's Clarification Order.
11 Electronic service and electronic posting completed through www.scefilng.org ; All papers filed
12 in Los Angeles County Superior Court and copy sent to trial judge and Chair of Judicial Council.

13 Los Angeles County Superior Court
14 111 North Hill Street
15 Los Angeles, CA 90012
16 Attn: **Department 1**
(213) 893-1014

Chair, Judicial Council of California
Administrative Office of the Courts
Attn: Appellate & Trial Court Judicial Services
(Civil Case Coordinator)
Carlotta Tillman
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Fax (415) 865-4315

17 **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and
18 processing correspondence for mailing. Under that practice it would be deposited with the U.S.
19 Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California, in
the ordinary course of business.

20 **(STATE)** I declare under penalty of perjury under the laws of the State of
21 California that the above is true and correct, and that the foregoing was executed on July 15,
22 2010, in Bakersfield, California.

23 
24 REQUETTA HANSEN