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Attorneys for DIAMOND FARMING COMPANY,
a California corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding Special Title
(Rule 1550 (b))

ANTELOPE VALLEY GROUNDWATER
CASES

Included actions:

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

Los Angeles County Waterworks District No.
40 vs. Diamond Farming Company
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]

Judicial Council Coordination No. 4408

Case No.: 1-05-CV-049053

**OBJECTION TO CLASS
CERTIFICATION HEARING
CURRENTLY SCHEDULED FOR
AUGUST 20, 2007, AND
DECLARATION OF BOB H. JOYCE IN
SUPPORT THEREOF**

DATE: August 20, 2007
TIME: 9:00 a.m.
DEPT: 1

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1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

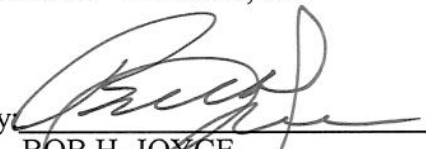
2 DIAMOND FARMING COMPANY, hereby interposes an Objection to the presently scheduled
3 evidentiary hearing for Class and/or Subclass Certification currently set on August 20, 2007. Said
4 Objection is based upon the Cross-Complainants Public Water Suppliers' collective and universal refusal
5 to properly respond to duly served written discovery propounded on May 25, 2007, to which whole cloth
6 boilerplate Objections were made. As is set forth more fully in the accompanying Declaration of Bob
7 H. Joyce, the meet and confer process as required by law, the Motion to Compel responses which will
8 likely follow, and the securing of a required Order compelling those responses, will, by the passage of
9 time, deprive DIAMOND FARMING COMPANY of its right to secure discovery on issues necessary
10 for a fair hearing on the Request for Class and/or Subclass Certification.

11 As was made clear by the Appellate Court in *Louis E. Carabini, et al. vs. The Superior Court*
12 *of Orange County* (1994) 26 Cal.App.4th 239, discovery directed at Class Certification is both
13 appropriate and permitted in order to ensure a fair hearing.

14 "Appellate courts have recognized the importance of such orders by creating an
15 exception to the rule denying appellate review. 'Whether the order is directly appealable
16 or we treat this as a petition for writ of mandate, the issue of the class certification order
17 is and should be before us.' (*Miller v. Woods* (1983) 148 Cal.App.3d 862, 871, fn. 9
18 [196 Cal.Rptr. 69]; see also 9 Witkin, Cal. Procedure (3d ed. 1985) Appeal, § 85, p. 106.)
19 Due process requires an order with such significant impact on the viability of a case not
20 be made without a full opportunity to brief the issues and present evidence. This is true
21 whether the issue is presented in a motion or by way of an order to show case issued by
22 the court. In addition, each party should have an opportunity to conduct discovery on
23 class action issues before its documents in support of or in opposition to the motion must
24 be filed." *Carabini, supra*, pp. 243-244.

20 Dated: June 27, 2007

LeBEAU • THELEN, LLP

21
22
23 By 
24 BOB H. JOYCE
25 Attorneys for DIAMOND FARMING COMPANY,
26 a California corporation
27
28

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 June 27, 2007, I served the within
7 **OBJECTION TO CLASS CERTIFICATION HEARING CURRENTLY SCHEDULED FOR**
8 **AUGUST 20, 2007, AND DECLARATION OF BOB H. JOYCE IN SUPPORT THEREOF**

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

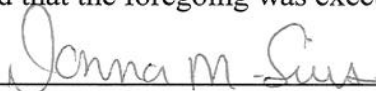
12 Los Angeles County Superior Court
13 111 North Hill Street
14 Los Angeles, CA 90012
15 Attn: **Department 1**
(213) 893-1014

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

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

20 (OVERNIGHT/EXPRESS MAIL) By enclosing a true copy thereof in a sealed
21 envelope designated by United States Postal Service (Overnight Mail)/Federal Express/United
22 Parcel Service ("UPS") addressed as shown on the above by placing said envelope(s) for ordinary
23 business practices from Kern County. I am readily familiar with this business' practice of
24 collecting and processing correspondence for overnight/express/UPS mailing. On the same day
25 that the correspondence is placed for collection and mailing, it is deposited in the ordinary course
26 of business with the United States Postal Service/Federal Express/UPS in a sealed envelope with
27 delivery fees paid/provided for at the facility regularly maintained by United States Postal Service
28 (Overnight Mail/Federal Express/United Postal Service [or by delivering the documents to an
authorized courier or driver authorized by United States Postal Service (Overnight Mail)/Federal
Express/United Postal Service to receive documents].

(STATE) I declare under penalty of perjury under the laws of the State of
California that the above is true and correct, and that the foregoing was executed on June 27,
2007, in Bakersfield, California.



DONNA M. LUIS