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10 a California corporation

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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14
15 IN AND FOR THE COUNTY OF LOS ANGELES

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

Judicial Council Coordination No. 4408

18 ANTELOPE VALLEY GROUNDWATER
19 CASES

Case No.: 1-05-CV-049053

20 Included actions:

**POINTS AND AUTHORITIES IN
SUPPORT OF MOTION TO COMPEL
PUBLIC WATER SUPPLIERS TO
PROVIDE FURTHER RESPONSES TO
FORM INTERROGATORIES
[SET ONE]; REQUEST FOR
ADMISSIONS [SET ONE]; AND FOR
MONETARY SANCTIONS**

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

[Filed concurrently with Plaintiff's Notice of
Motion and Motion, Declaration of Bob H.
Joyce and Separate Statement]

25 Los Angeles County Waterworks District No.
26 40 vs. Diamond Farming Company
27 Kern County Superior Court
28 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]

Date: October 12, 2007
Time: 9:00 a.m.
Dept.: 1

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1 COMES NOW plaintiff DIAMOND FARMING CO., and submits the following Memorandum
2 of Points and Authorities in support of its Motion for Order Compelling Further Responses to Form
3 Interrogatories [Set One] and Request for Admissions [Set One] and Request for Monetary Sanctions
4 against defendants CALIFORNIA WATER SERVICE COMPANY, CITY OF LANCASTER, CITY
5 OF PALMDALE, LITTLEROCK CREEK IRRIGATION DISTRICT, PALMDALE WATER
6 DISTRICT, PALM RANCH IRRIGATION DISTRICT, QUARTZ HILL WATER DISTRICT and/or
7 defendants' attorneys of record.

8 I. INTRODUCTION

9 The present set of discovery was served by plaintiff Diamond Farming in response to the multiple
10 motions for class certification that were filed with this court. Plaintiff properly served the discovery and
11 the Code of Civil Procedure set the parameters for the format and timing in which responses were due.
12 In response to these interrogatories, all of the Public Water Suppliers responded with the claim that
13 because they provided only objections in response to the Requests for Admissions, they were not
14 obligated to respond to the Form Interrogatories.

15 The Public Water Suppliers objected to all but one of the propounded Request for Admissions
16 by asserting generalized objections that have no merit. Further, the one request that was admitted was
17 improperly served without a verification by all of the Public Water Suppliers except Palmdale Water
18 District and Quartz Hill Water District..

19 On July 10, 2007, pursuant to an Ex Parte Request made by Diamond Farming, the court ordered
20 a court-supervised meet and confer hearing on July 20, 2007 to address the issues raised by Diamond's
21 discovery requests. On July 20, counsel for Diamond Farming and the Public Water Purveyors appeared
22 and participated in the meet and confer process. During this conference, no resolution was found and
23 the court ordered counsel for Diamond to continue to meet and confer. Thereafter, counsel for Diamond
24 arranged an in person meet and confer conference on August 10, 2007. From this conference it was
25 determined that Diamond's right to the discovery responses was not contested and that the Public Water
26 Suppliers were simply challenging the time in which they would be required to provide the responses.

27 A subsequent meet and confer attempt was made, but the parties could not agree on a mutually
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1 acceptable deadline for responding to Request for Admissions [Set One] and Form Interrogatories [Set
2 One] which necessitated the filing of this motion.

3 **II. STATEMENT OF FACTS**

4 On or about May 25, 2007, Diamond Farming Co., served Form Interrogatories [Set One] and
5 Request for Admissions [Set One] on defendants CALIFORNIA WATER SERVICE COMPANY, CITY
6 OF LANCASTER, CITY OF PALMDALE, LITTLEROCK CREEK IRRIGATION DISTRICT,
7 PALMDALE WATER DISTRICT, PALM RANCH IRRIGATION DISTRICT, QUARTZ HILL
8 WATER DISTRICT.

9 On June 26, 2007, the Public Water Suppliers served their responses to Form Interrogatories [Set
10 One] and Request for Admissions [Set One]. After reviewing the responses, plaintiff's counsel
11 determined each Public Water Suppliers' responses were identical with the exception of one response.
12 Each entity improperly asserted identical, generalized objections to each and every request and
13 interrogatory, regardless of what was being asked.

14 On July 20, 2007, plaintiff's counsel attempted to meet and confer with defendants' counsel
15 through the court-supervised conference. Since the parties were unable to come to a resolution, the court
16 ordered plaintiff's counsel to undertake further meet and confer attempts. After attending this
17 court-supervised meet and confer conference two additional meet and confer conferences were held.
18 Through these conferences it was determined that Diamond was entitled to responses but the parties
19 were unable to agree as to the timing of the responses.

20 **III. ARGUMENT**

21 **A. Defendant's Objections to Form Interrogatories [Set One] are Without Merit and 22 Too General**

23 Code of Civil Procedure section 2030.300 authorizes the propounding party to bring a Motion
24 to Compel when the asserted objections to Form Interrogatories are without merit or too general.

25 Diamond propounded a total of two (2) Form Interrogatories to the Public Water Suppliers. With
26 the exception of Palmdale Water District and Quartz Hill Water District, each Public Water Supplier
27 objected to the first interrogatory which sought merely identifying information and all of the Public
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1 Suppliers objected to form interrogatory 17.1. As set forth in the Separate Statement in Support of the
2 Motion to Compel Further Responses, each of the asserted objections lack merit and are too general in
3 nature to allow the Public Water Suppliers to avoid giving a proper verified response.

4 **B. Defendant's Objections to Request for Admissions [Set One] are Without Merit and**
5 **Too General**

6 Code of Civil Procedure section 2033.290 authorizes the propounding party to bring a Motion
7 to Compel when the asserted objections to the requests are without merit or too general.

8 Diamond has propounded a total of 60 Requests for Admission to the Public Water Suppliers.
9 Of these 60, only one request was answered. The remaining requests were objected to using the same
10 improper objections asserted in response to every other form of discovery utilized by Diamond Farming.
11 As set forth in the Separate Statement in Support of the Motion to Compel Further Responses filed
12 concurrently herewith, each of the asserted objections lack merit and are too general in nature to allow
13 the Public Water Suppliers to avoid giving a proper verified response. Additionally, the one request that
14 was answered was served without a verification and is therefore incomplete. The improper objections
15 and improper response warrant an order from this court compelling further responses.

16 **C. Sanctions are Warranted for Defendants' Misuse of the Discovery Process**

17 Defendants' method of responding to discovery amounts to a willful refusal to respond to
18 properly served Form Interrogatories and Requests for Admission. This willful refusal warrants the
19 imposition of sanctions. Code of Civil Procedure sections 2023.010, et seq., 2030.300(d) and 2033.290
20 provide authority for the imposition of monetary sanctions for counsel's failure to provide responses that
21 comply with the requirements of Code of Civil Procedure sections 2033.210, et seq. Further, by
22 objecting to the requests as a whole, without some attempt to admit or deny in part, and by making no
23 attempt to answer with an explanation of its inability, the Public Water Suppliers failed to show the
24 'good faith' required by the statute. (*Lieb v. Superior Court of Orange County* (1962) 199 Cal.App.2d
25 364, 368-369.)

26 Sanctions are also warranted for abuses of discovery. Abuses of discovery under section
27 2023.010 include: "(b) Using a discovery method in a manner that does not comply with its specified
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1 procedures; (c) employing a discovery method in a manner that causes unwarranted annoyance,
2 embarrassment, oppression, or undue burden and expense; and (e) making, without substantial
3 justification, an unmeritorious objection to discovery; . . .” The Public Water Suppliers have engaged
4 in each of the actions stated above. Such behavior on the part of the Public Water Suppliers and their
5 attorneys is willful and without substantial justification, and therefore merits the imposition of monetary
6 sanctions.


7 Diamond Farming has incurred needless expenses in having to seek a court order to obtain
8 defendants’ further responses in compliance with the Code of Civil Procedure. Consequently, Diamonf
9 Farming is therefore entitled to monetary sanctions against defendants and/or defendants’ attorneys of
10 record, in the amount of \$1415.00, as more fully set forth in the Declaration of Bob H. Joyce, filed
11 concurrently herewith.

12 IV. CONCLUSION

13 Based upon the foregoing argument and authorities, Diamond Farming Co., respectfully requests
14 that this motion be granted, and that the court issue its order commanding defendants, CALIFORNIA
15 WATER SERVICE COMPANY, CITY OF LANCASTER, CITY OF PALMDALE, LITTLEROCK
16 CREEK IRRIGATION DISTRICT, PALMDALE WATER DISTRICT, PALM RANCH IRRIGATION
17 DISTRICT, QUARTZ HILL WATER DISTRICT provide further verified responses to Form
18 Interrogatories [Set One] and Request for Admissions [Set One] without objection. Diamond Farming
19 further requests that this court order these defendants and/or defendants’ counsel of record, to pay
20 monetary sanctions to Diamond Farming Co., in the amount of \$1,415.00.

21 Dated: September 12, 2007

LeBEAU • THELEN, LLP

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23 By: 
24 BOB H. JOYCE
25 Attorneys for DIAMOND FARMING COMPANY,
26 a California corporation
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