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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

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

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

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 Special  
3 Interrogatories [Set One] and Request for Monetary Sanctions against defendants CALIFORNIA  
4 WATER SERVICE COMPANY, CITY OF LANCASTER, CITY OF PALMDALE, LITTLEROCK  
5 CREEK IRRIGATION DISTRICT, PALMDALE WATER DISTRICT, PALM RANCH IRRIGATION  
6 DISTRICT, QUARTZ HILL WATER DISTRICT and/or defendants' attorney:

### 7 I. INTRODUCTION

8 The present set of discovery was served by plaintiff Diamond Farming in response to the multiple  
9 motions for class certification that were filed with this court. Diamond properly served the discovery  
10 and the Code of Civil Procedure set the parameters for the format and timing in which responses were  
11 due. In response to these interrogatories, each of the Public Water Suppliers responded with inapplicable  
12 generalized objections that do not negate their obligation to provide responses to Diamond's discovery.

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

21 A subsequent meet and confer attempt was made, but the parties could not agree on a mutually  
22 acceptable deadline for responding to Special Interrogatories [Set One] which necessitated the filing of  
23 this motion.

### 24 II. STATEMENT OF FACTS

25 On or about May 25, 2007, Diamond Farming Co., served on defendants, CALIFORNIA  
26 WATER SERVICE COMPANY, CITY OF LANCASTER, CITY OF PALMDALE, LITTLEROCK  
27 CREEK IRRIGATION DISTRICT, PALMDALE WATER DISTRICT, PALM RANCH IRRIGATION  
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1 DISTRICT, QUARTZ HILL WATER DISTRICT , Special Interrogatories [Set One]. On June 26, 2007,  
2 each public entity served its response to Special Interrogatories [Set One]. After reviewing the  
3 responses, plaintiff's counsel determined that the responses of each Public Water Supplier were  
4 completely identical. Each entity made the same objections to create a joint effort in refusing to respond  
5 to the properly served discovery through the assertion of generalized, inapplicable objections regardless  
6 of what was being asked.

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

### 13 **III. ARGUMENT**

#### 14 **A. Defendant's Objections are Without Merit and Too General**

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

17 Diamond propounded a total of nine (9) Special Interrogatories to each Public Water Supplier.  
18 As set forth in the Separate Statement in Support of the Motion to Compel Further Responses, each  
19 objection lacks merit and is too general in nature to allow the Public Water Suppliers to avoid or delay  
20 giving a proper verified response.

#### 21 **B. Sanctions are Warranted for Defendants' Misuse of the Discovery Process and for 22 their Failure to Meet and Confer in Good Faith**

23 Defendants' method of responding to discovery amounts to a willful refusal to respond to  
24 properly served Special Interrogatories. This willful refusal warrants the imposition of sanctions. Code  
25 of Civil Procedure sections 2023.010, et seq. and 2030.300(d) provide authority for the imposition of  
26 monetary sanctions for counsel's failure to provide responses that comply with the requirements of Code  
27 of Civil Procedure sections 2030.210, et seq.

1 2023.010 include: “(b) Using a discovery method in a manner that does not comply with its specified  
2 procedures; (c) employing a discovery method in a manner that causes unwarranted annoyance,  
3 embarrassment, oppression, or undue burden and expense; and (e) making, without substantial  
4 justification, an unmeritorious objection to discovery; . . . .” Defendants have engaged in each of the  
5 three actions stated above. Such behavior on the part of defendants and defendants’ counsel is willful  
6 and without substantial justification, and therefore merits the imposition of monetary sanctions.

7 Plaintiff has incurred needless expense in having to seek a court order to obtain defendants’  
8 further responses in compliance with the Code of Civil Procedure. Consequently, plaintiff is therefore  
9 entitled to monetary sanctions against defendants and/or defendants’ attorneys of record, in the amount  
10 of \$3,065.00, as more fully set forth in the Declaration of Bob H. Joyce, filed concurrently herewith.

11 **IV. CONCLUSION**

12 Based upon the foregoing argument and authorities, Diamond Farming Co., respectfully requests  
13 that this motion be granted, and that the court issue its order commanding defendants, CALIFORNIA  
14 WATER SERVICE COMPANY, CITY OF LANCASTER, CITY OF PALMDALE, LITTLEROCK  
15 CREEK IRRIGATION DISTRICT, PALMDALE WATER DISTRICT, PALMRANCH IRRIGATION  
16 DISTRICT, QUARTZ HILL WATER DISTRICT to provide further responses to Special Interrogatories  
17 [Set One] without objection no later than December 31, 2007. Diamond Farming further requests that  
18 this court order defendants and/or defendants’ counsel of record, to pay monetary sanctions to Diamond  
19 Farming Co., in the amount of \$3,065.00.

20 Dated: September 12, 2007

LeBEAU • THELEN, LLP

21  
22 By: 

BOB H. JOYCE  
Attorneys for DIAMOND FARMING COMPANY,  
a California corporation