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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

**DECLARATION OF BOB H. JOYCE,
ESQ. 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, Points and Authorities and Separate
Statement]

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

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1 I, Bob H. Joyce declare,

2 1. I am an attorney at law, duly admitted to practice before all the courts of the State of
3 California and I am a partner in the law firm of LeBeau • Thelen, attorneys of record herein for plaintiff,
4 DIAMOND FARMING CO., in this matter. I am familiar with the aspects of this case, including all of
5 the matters which are set forth in this Declaration. If called upon to testify at the hearing of this motion,
6 I could and would competently testify to the following based upon my own personal knowledge.

7 2. This Declaration is being submitted in support of Diamond Farming's Motion to Compel
8 Further Responses of CALIFORNIA WATER SERVICE COMPANY, CITY OF LANCASTER, CITY
9 OF PALMDALE, LITTLEROCK CREEK IRRIGATION DISTRICT, PALMDALE WATER
10 DISTRICT, PALM RANCH IRRIGATION DISTRICT, QUARTZ HILL WATER DISTRICT to Special
11 Interrogatories [Set One] and for monetary sanctions.

12 3. This is a coordinated action involving an action originally filed by Diamond Farming
13 Company in October of 1999. Thereafter, in November 2004, the Public Water Supplier, Los Angeles
14 County Waterworks District No. 40, sought leave to file a Cross-Complaint in the Riverside County
15 Superior Court action, converting Diamond Farming Company's quiet title action into a basin-wide
16 adjudication. That Motion for Leave to file that Cross-Complaint was denied, and thereafter, two new
17 actions were initiated, one in Los Angeles County and one in Kern County, on November 29, 2004 and
18 December 1, 2004, respectively. The proposed Cross-Complaint and both new Complaints alleged
19 claims of prescription against all named defendants and all Doe defendants within the Antelope Valley,
20 therein alleging that all landowners had "actual and/or constructive notice" of those prescriptive claims.

21 4. All actions were coordinated and are now before this court. Those two new actions have
22 in essence been replaced by a Cross-Complaint and now an Amended Cross-Complaint, both alleging
23 the same factual claim on the issue of prescription, that is, that all landowners had actual and/or
24 constructive notice of those claims. Diamond Farming Company has persistently argued that as to those
25 claims of prescription that evidence of the fact of, nature of, and quality of the evidence of notice
26 necessary to support that element of the prescription claim is and would be a core issue in this litigation.
27 The discovery which is the subject of this motion is directed at those very issues.

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1 5. On or about May 25, 2007, Diamond Farming Co., served on defendants, CALIFORNIA
2 WATER SERVICE COMPANY, CITY OF LANCASTER, CITY OF PALMDALE, LITTLEROCK
3 CREEK IRRIGATION DISTRICT, PALMDALE WATER DISTRICT, PALM RANCH IRRIGATION
4 DISTRICT, QUARTZ HILL WATER DISTRICT, Special Interrogatories [Set One]. The set of Special
5 Interrogatories contained nine (9) questions directed to information known by these defendants about
6 their personal claims of prescription. A true and correct copy of Diamond Farming's Special
7 Interrogatories [Set One] is attached hereto as Exhibit A.

8 6. Twenty-six (26) days following service of that discovery, the "Public Water Suppliers"
9 collectively demanded that the discovery be withdrawn by letter dated June 20, 2007. On June 21, 2007,
10 that demand was rejected.

11 7. Thereafter, on June 26, 2007, each "Public Water Supplier," served identical objections
12 to each and every separate interrogatory as follows:

13 "Objection. The request is premature, burdensome and oppressive. This request seeks
14 information concerning class members and the court has not yet completed its class
certification process. No class representative has yet been approved by the court."

15 A true and correct copy of California Water Service Company's Response to Special
16 Interrogatories [Set One] is attached hereto as Exhibit B; A true and correct copy of Palmdale Water
17 District's and Quartz Hill Water District's Response to Special Interrogatories [Set One] is attached
18 hereto as Exhibit C; A true and correct copy of City of Palmdale's Response to Special Interrogatories
19 [Set One] is attached hereto as Exhibit D; A true and correct copy of City of Lancaster's Response to
20 Special Interrogatories [Set One] is attached hereto as Exhibit E; A true and correct copy of Palm Ranch
21 Irrigation District's Response to Special Interrogatories [Set One] is attached hereto as Exhibit F; A true
22 and correct copy of Littlerock Creek Irrigation District's Response to Special Interrogatories [Set One]
23 is attached hereto as Exhibit G.

24 8. Shortly after receiving these boilerplate responses, I initiated an effort to informally meet
25 and confer regarding the blanket objections to the written discovery as is required. In response to my
26 attempt, I was contacted by and then communicated with Keith Lemieux, an attorney for Littlerock
27 Creek Irrigation District and Palm Ranch Irrigation District, but achieved no resolution. Not having
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1 received any response from any other Public Water Supplier and having confirmed with Mr. Lemieux
2 that he could not speak on behalf of all, I then sought an Ex Parte Application for a court order setting
3 this court-supervised meet and confer.

4 9. My Ex Parte Application was held telephonically on July 10, 2007, and this court then
5 granted that application and scheduled the court-supervised meet and confer to be held concurrently with
6 the upcoming Case Management Conference on July 20, 2007.

7 10. On July 20, 2007, the court-supervised meet and confer took place. The parties were
8 unable to reach a resolution at this conference, so the court ordered me to engage in further meet and
9 confer attempts.

10 11. Pursuant to the court's order, I contacted counsel for each of the Public Water Suppliers
11 to whom the Special Interrogatories had been served to schedule appointments to conduct the further
12 meet and confer attempts. Attached hereto as Exhibit H is a true and correct copy of my August 3, 2007
13 correspondence to all counsel for the Public Water Suppliers. As of the date of the filing of this motion,
14 I have met and conferred with counsel for each Public Water Supplier with the exception of counsel for
15 Los Angeles County Waterworks District No. 40 and Rosamond Community Services District.

16 12. On August 10, 2007, at great expense to my client, I traveled over 100 miles to attend the
17 scheduled meet and confer meeting at the office of Keith Lemieux. As a result of this meeting, counsel
18 for CALIFORNIA WATER SERVICE COMPANY, CITY OF LANCASTER, CITY OF PALMDALE,
19 LITTLE ROCK CREEK IRRIGATION DISTRICT, PALMDALE WATER DISTRICT, PALM RANCH
20 IRRIGATION DISTRICT, QUARTZ HILL WATER DISTRICT each stipulated that Diamond was
21 entitled to the responses but agreed to meet and confer at a future date to discuss the timing in which the
22 responses would be provided. Attached hereto as Exhibit I is a true and correct copy of the parties
23 written stipulation.

24 13. On September 10, 2007 a telephonic meet and confer took place with counsel for
25 CALIFORNIA WATER SERVICE COMPANY, CITY OF LANCASTER, CITY OF PALMDALE,
26 LITTLE ROCK CREEK IRRIGATION DISTRICT, PALMDALE WATER DISTRICT, PALM RANCH
27 IRRIGATION DISTRICT, QUARTZ HILL WATER DISTRICT. During this meeting it was confirmed
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1 that the parties could not agree upon a time deadline for service of the responses to Diamond's Special
2 Interrogatories [Set One.]

3 14. As a result of the Public Water Purveyors' willful refusal to comply with the Code of
4 Civil Procedure and properly respond to discovery, Diamond Farming is being prejudiced in its defense
5 and prosecution of this matter. The unreasonable delay of discovery is prejudicing Diamond because
6 other parties have been allowed to and did serve and receive responses to discovery. The unwarranted
7 delay is also prejudicing Diamond's ability to proceed with a dispositive motion and is impairing
8 Diamond's ability to properly evaluate this case for settlement and/or trial preparation.

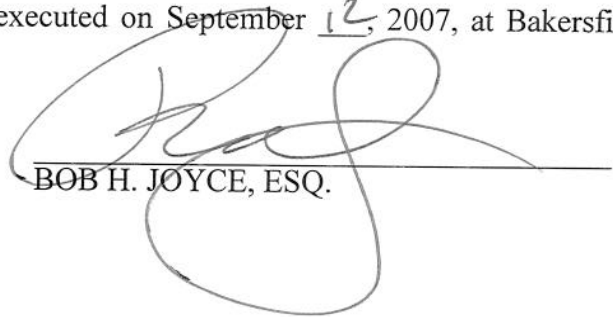
9 15. As a further result of the Public Water Suppliers' refusal to comply with the discovery
10 process, Diamond Farming has incurred, and will incur, reasonable expenses and attorneys' fees in
11 connection with the motion and hearing thereon as follows:

- 12 1) Four (4) hours of attorney time in the research and preparation of this motion, and the
13 supporting declaration and separate statement;
- 14 2) Two (2) hour anticipated time to review any opposition and draft a reply thereto;
- 15 3) Five (5) hours to attend court for the hearing of this Motion in Los Angeles; and
- 16 4) \$40.00 fee for the filing of this motion.

17 Total \$3,065.00.

18 16. Declarant's billing rate on this file is \$275.00 per hour.

19 I declare under penalty of perjury under the laws of the State of California, that the foregoing is
20 true and correct, and that this Declaration was executed on September 12, 2007, at Bakersfield,
21 California.


BOB H. JOYCE, ESQ.