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9 Attorneys for DIAMOND FARMING COMPANY,
10 a California corporation

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 IN AND FOR THE COUNTY OF LOS ANGELES
14

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

Judicial Council Coordination No. 4408

17 ANTELOPE VALLEY GROUNDWATER
18 CASES

Case No.: 1-05-CV-049053

19 Included actions:

**NOTICE OF MOTION AND MOTION
TO COMPEL THE PUBLIC WATER
SUPPLIERS TO PROVIDE FURTHER
RESPONSES TO REQUEST FOR
PRODUCTION OF DOCUMENTS [SET
ONE]; AND FOR MONETARY
SANCTIONS**

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

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

24 Los Angeles County Waterworks District No.
25 40 vs. Diamond Farming Company
26 Kern County Superior Court
27 Case No. S-1500-CV 254348 NFT

28 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 TO DEFENDANTS TO DEFENDANTS CALIFORNIA WATER SERVICE COMPANY, CITY OF
2 LANCASTER, CITY OF PALMDALE, LITTLEROCK CREEK IRRIGATION DISTRICT,
3 PALMDALE WATER DISTRICT, PALM RANCH IRRIGATION DISTRICT, QUARTZ HILL
4 WATER DISTRICT AND TO THEIR ATTORNEYS OF RECORD:

5 NOTICE IS HEREBY GIVEN that on October 12, 2007, at 9:00 a.m., in Department 1 of the
6 above-entitled court, located at 111 North Hill Street, Los Angeles, CA 90012, plaintiff Diamond
7 Farming Co., will and hereby does, move for an order compelling the above named defendants to provide
8 further responses to Request for Production of Documents [Set One] without objection, as well as an
9 award of reasonable monetary sanctions in favor of plaintiff to be paid by defendants and/or defendants'
10 attorney of record.

11 The motion is made on the ground that defendants have asserted generalized objections that are
12 without merit in an effort to avoid responding to plaintiff's Request for Production of Documents
13 [Set One]. Despite asserting these objections, each defendant has acknowledged that Diamond is entitled
14 to responses, they however claim that Diamond is not entitled to the responses within the time frame
15 mandated by the Code of Civil Procedure. The assertion of these objections is insufficient to warrant the
16 outright denial of discovery.

17 The motion for imposition of monetary sanctions will be made on the grounds that plaintiff has
18 incurred reasonable expenses in the amount of \$1,415.00, as a result of defendants' assertion of improper
19 objections. Additionally, defendants' counsel refused to meet and confer despite numerous requests made
20 by counsel for Diamond Farming. This failure to meet and confer makes the imposition of sanctions
21 mandatory.

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The motion will be based on this Notice of Motion and Motion, the Declaration of Bob H. Joyce, the Memorandum of Points and Authorities, the Separate Statement, the records on file herein, and on such evidence as may be presented at the time of the hearing of this motion.

Dated: September 12, 2007

LeBEAU • THELEN, LLP

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

1 **PROOF OF SERVICE**

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

5 I am a citizen of the United States and a resident of the county aforesaid; I am over the age
6 of eighteen years and not a party to the within action; my business address is: 5001 E.
7 Commercenter Drive, Suite 300, Bakersfield, California 93309. On September 12, 2007, I served
8 the within:

9 1. **NOTICE OF MOTION AND MOTION TO COMPEL THE PUBLIC WATER
10 SUPPLIERS TO PROVIDE FURTHER RESPONSES TO REQUEST FOR PRODUCTION
11 OF DOCUMENTS [SET ONE]; AND FOR MONETARY SANCTIONS**

12 2. **POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL PUBLIC
13 WATER SUPPLIERS TO PROVIDE FURTHER RESPONSES TO REQUEST FOR
14 PRODUCTION OF DOCUMENTS [SET ONE]; AND FOR MONETARY SANCTIONS**

15 3. **DECLARATION OF BOB H. JOYCE, ESQ. IN SUPPORT OF MOTION TO
16 COMPEL PUBLIC WATER SUPPLIERS TO PROVIDE FURTHER RESPONSES TO
17 REQUEST FOR PRODUCTION OF DOCUMENTS [SET ONE]; AND FOR MONETARY
18 SANCTIONS**

19 4. **SEPARATE STATEMENT IN SUPPORT OF MOTION TO COMPEL PUBLIC
20 WATER SUPPLIERS TO PROVIDE FURTHER RESPONSES TO REQUEST FOR
21 PRODUCTION OF DOCUMENTS [SET ONE]; AND FOR MONETARY SANCTIONS**

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

25 Los Angeles County Superior Court
26 111 North Hill Street
27 Los Angeles, CA 90012
28 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

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

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(OVERNIGHT/EXPRESS MAIL) By enclosing a true copy thereof in a sealed envelope designated by United States Postal Service (Overnight Mail)/Federal Express/United Parcel Service ("UPS") addressed as shown on the above by placing said envelope(s) for ordinary business practices from Kern County. I am readily familiar with this business' practice of collecting and processing correspondence for overnight/express/UPS mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service/Federal Express/UPS in a sealed envelope with delivery fees paid/provided for at the facility regularly maintained by United States Postal Service (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 September 12, 2007, in Bakersfield, California.



DONNA M. LUIS