

1 Bob H. Joyce, (SBN 84607)  
2 Andrew Sheffield (SBN 220735)  
3 LAW OFFICES OF  
4 LEBEAU • THELEN, LLP  
5 5001 East Commercenter Drive, Suite 300  
6 Post Office Box 12092  
7 Bakersfield, California 93389-2092  
8 (661) 325-8962; Fax (661) 325-1127

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:

**POINTS AND AUTHORITIES IN  
SUPPORT OF MOTION TO COMPEL  
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 Notice of  
Motion and Motion, 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 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 Request  
3 for Production of Documents [Set One] and Request for Monetary Sanctions against defendants  
4 CALIFORNIA WATER SERVICE COMPANY, CITY OF LANCASTER, CITY OF PALMDALE,  
5 LITTLEROCK CREEK IRRIGATION DISTRICT, PALMDALE WATER DISTRICT, PALMRANCH  
6 IRRIGATION 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 and  
10 the Code of Civil Procedure set the parameters for the format and timing in which responses were due.  
11 In response to these requests, all of the Public Water Suppliers responded with inapplicable generalized  
12 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 and producing documents responsive to Request for Production of  
23 Documents [Set One] which necessitated the filing of this motion.

### 24 II. STATEMENT OF FACTS

25 On or about May 25, 2007, Diamond Farming Co., served Request for Production of Documents  
26 [Set One] on defendants, CALIFORNIA WATER SERVICE COMPANY, CITY OF LANCASTER,  
27 CITY OF PALMDALE, LITTLEROCK CREEK IRRIGATION DISTRICT, PALMDALE WATER  
28

1 DISTRICT, PALM RANCH IRRIGATION DISTRICT, QUARTZ HILL WATER DISTRICT. On  
2 June 26, 2007, all Public Water Suppliers served their responses to the Request for Production of  
3 Documents [Set One]. After reviewing the responses, plaintiff's counsel determined that the responses  
4 of each public entity was identical to that of every other public entity's response. Each entity failed to  
5 respond in substance and asserted and relied on a generalized objection to each and every request  
6 regardless of what was being requested.

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 2031.310 authorizes the propounding party to bring a Motion  
16 to Compel when the asserted objections are without merit or too general.

17 Diamond propounded Request for Production of Document [Set One] which was comprised of  
18 a total of six (6) individual Requests for Production. The Public Water Suppliers objected to each and  
19 every request and did not produce a single document. As set forth in the Separate Statement in Support  
20 of the Motion to Compel Further Responses, each asserted objection lacks merit and is too general in  
21 nature to allow the Public Water Suppliers to avoid producing the responsive documents.

#### 22 **B. Sanctions are Warranted for Defendants' Misuse of the Discovery Process**

23 Defendants' method of responding to discovery amounts to a willful refusal to respond to  
24 properly served Request for Production of Documents [Set One]. This willful refusal warrants the  
25 imposition of sanctions. Code of Civil Procedure sections 2023.010, et seq. and 2031.310(d) provide  
26 authority for the imposition of monetary sanctions for counsel's failure to provide responses that comply  
27 with the requirements of Code of Civil Procedure sections 2031.210, et seq.

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

8 Plaintiff has incurred needless expense in having to seek a court order to obtain defendants’  
9 further responses and production of documents in compliance with the Code of Civil Procedure.  
10 Consequently, plaintiff is therefore entitled to monetary sanctions against defendants and/or defendants’  
11 attorneys of record, in the amount of \$1,415.00, as more fully set forth in the Declaration of Bob H.  
12 Joyce, filed concurrently herewith.

#### 13 IV. CONCLUSION

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

22 Dated: September 12, 2007

LeBEAU • THELEN, LLP

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