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9 Attorneys for DIAMOND FARMING COMPANY,  
10 a California corporation

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12  
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 IN AND FOR THE COUNTY OF LOS ANGELES  
15

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

18 ANTELOPE VALLEY GROUNDWATER  
19 CASES

20 Included actions:

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

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]

Judicial Council Coordination No. 4408

Case No.: 1-05-CV-049053

**POINTS AND AUTHORITIES IN  
SUPPORT OF MOTION TO COMPEL  
LOS ANGELES WATERWORKS  
DISTRICT NO. 40 AND ROSAMOND  
COMMUNITY SERVICES DISTRICT  
TO PROVIDE FURTHER RESPONSES  
TO SPECIAL INTERROGATORIES  
[SET ONE]; AND FOR MONETARY  
SANCTIONS**

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 LOS ANGELES  
4 WATERWORKS DISTRICT NO. 40, ROSAMOND COMMUNITY SERVICES DISTRICT and/or  
5 defendants' attorney:

## 6 I. INTRODUCTION

7 The present set of discovery was served by plaintiff Diamond Farming in response to the multiple  
8 motions for class certification that were filed with this court. Plaintiff properly served the discovery and  
9 the Code of Civil Procedure set the parameters for the format and timing in which responses were due.  
10 In response to these interrogatories, all of the Public Water Suppliers, including Los Angeles Waterworks  
11 District No. 40 and Rosamond Community Services District, 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 continued to make efforts to meet and confer in person with counsel for each Public Water Supplier.  
19 Diamond's counsel was able to meet with each counsel with the exception of counsel for Los Angeles  
20 Waterworks District No. 40 and Rosamond Community Services District.

21 Despite numerous requests, counsel for Los Angeles Waterworks District No. 40 and Rosamond  
22 Community Services District refused to coordinate or participate in any further meet and confer attempts  
23 which necessitated the filing of this motion.

## 24 II. STATEMENT OF FACTS

25 On or about May 25, 2007, Diamond Farming Co., served on defendants, Los Angeles County  
26 Waterworks District No. 40 and Rosamond Community Services District, Special Interrogatories  
27 [Set One]. On June 26, 2007, Los Angeles County Waterworks District No. 40 and Rosamond  
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1 Community Services District served their responses to Special Interrogatories [Set One]. After reviewing  
2 the responses, plaintiff's counsel determined that the responses of Los Angeles County Waterworks  
3 District No. 40 and Rosamond Community Services District were identical. Each entity asserted a  
4 generalized objection to each and every interrogatory regardless of what was being asked. On  
5 20, 2007, plaintiff's counsel attempted to meet and confer with defendants' counsel through the  
6 court-supervised conference. Since the parties were unable to come to a resolution, the court ordered  
7 plaintiff's counsel to undertake further meet and confer attempts. After attending this court-supervised  
8 meet and confer conference, Los Angeles County Waterworks District No. 40 and Rosamond Community  
9 Services District failed to and refused to participate in any further meetings to discuss the discovery  
10 responses.

### 11 **III. ARGUMENT**

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

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

15 Diamond propounded a total of nine (9) Special Interrogatories to Los Angeles County  
16 Waterworks District No. 40 and Rosamond Community Services District. As set forth in the Separate  
17 Statement in Support of the Motion to Compel Further Responses, each objection lacks merit and is too  
18 general in nature to allow Los Angeles County Waterworks District No. 40 and Rosamond Community  
19 Services District to avoid giving a proper verified response.

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

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

27 Sanctions are also warranted for abuses of discovery. Abuses of discovery under section  
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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; (e) making, without substantial justification,  
4 an unmeritorious objection to discovery; and (I) failing to meet and confer . . . in a reasonable and good  
5 faith attempt to resolve informally any dispute concerning discovery . . . .” Defendants have engaged in  
6 each of the four actions stated above. Such behavior on the part of defendants and defendants’ counsel  
7 is willful and without substantial justification, and therefore merits the imposition of monetary sanctions.

8 Sanctions are also mandated for defendants’ failure to meet and confer. Counsel for defendants  
9 was aware that the discovery issues had not been resolved on July 20, 2007. Defendants’ counsel was  
10 also aware of the court’s further order to plaintiff to further meet and confer. Defendants’ counsel was  
11 invited to meet and confer on several occasions by written correspondence and by telephone, but never  
12 responded. Despite receiving these various invitations, defendants’ counsel did not participate in the meet  
13 and confer process and did not respond to plaintiff’s inquiries until August 28, 2007, when defendants’  
14 counsel disingenuously claimed that he believed the discovery had been withdrawn. To date, defendants  
15 have evaded Diamond’s every attempt to conduct discovery and every attempt to meet and confer. This  
16 refusal to meet and confer warrants the mandatory imposition of sanctions regardless of the outcome of  
17 the underlying motion. (Code Civ. Proc., § 2023.020.)

18 Plaintiff has incurred needless expense in having to seek a court order to obtain defendants’  
19 further responses in compliance with the Code of Civil Procedure. Consequently, plaintiff is therefore  
20 entitled to monetary sanctions against defendants and/or defendants’ attorneys of record, in the amount  
21 of \$3,340.00, as more fully set forth in the Declaration of Bob H. Joyce, filed concurrently herewith.

#### 22 **IV. CONCLUSION**

23 Based upon the foregoing argument and authorities, Diamond Farming Co., respectfully requests  
24 that this motion be granted, and that the court issue its order commanding defendants, Los Angeles  
25 County Waterworks District No. 40 and Rosamond Community Services District to provide further  
26 responses to Special Interrogatories [Set One] without objection. Diamond Farming further requests that  
27 this court order defendants, Los Angeles County Waterworks District No. 40 and Rosamond Community  
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1 Services District, and/or defendants' counsel of record, to pay monetary sanctions to Diamond Farming  
2 Co., in the amount of \$3,340.00.

3 Dated: September 12, 2007

LeBEAU • THELEN, LLP

4  
5 By:  for:  
6 BOB H. JOYCE  
7 Attorneys for DIAMOND FARMING COMPANY,  
8 a California corporation  
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