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9 Attorneys for DIAMOND FARMING COMPANY,  
10 a California corporation

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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14  
15 IN AND FOR THE COUNTY OF LOS ANGELES  
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19 Coordination Proceeding Special Title  
20 (Rule 1550 (b))

Judicial Council Coordination No. 4408

21 ANTELOPE VALLEY GROUNDWATER  
22 CASES

Case No.: 1-05-CV-049053

23 Included actions:

24 Los Angeles County Waterworks District No.  
25 40 vs. Diamond Farming Company  
26 Los Angeles Superior Court  
27 Case No. BC 325201

**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 FORM INTERROGATORIES  
[SET ONE]; REQUEST FOR  
ADMISSIONS [SET ONE]; AND FOR  
MONETARY SANCTIONS**

28 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]

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 Form  
3 Interrogatories [Set One] and Request for Admissions [Set One] and Request for Monetary Sanctions  
4 against defendants LOS ANGELES WATERWORKS DISTRICT NO. 40, ROSAMOND  
5 COMMUNITY SERVICES DISTRICT and/or defendants' attorneys of record:

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, Los Angeles Waterworks District  
11 No. 40 and Rosamond Community Services District, responded with the claim that because it provided  
12 only objections in response to the Requests for Admissions, it was not obligated to respond to the Form  
13 Interrogatories.

14 Los Angeles Waterworks District No. 40 and Rosamond Community Services District objected  
15 to all but one of the propounded Request for Admissions by asserting generalized objections that have  
16 no merit. Further, the one request that was admitted was improperly served without a verification.

17 On July 10, 2007, pursuant to an Ex Parte Request made by Diamond Farming, the court ordered  
18 a court-supervised meet and confer hearing on July 20, 2007 to address the issues raised by Diamond  
19 Farming's discovery requests. On July 20, counsel for Diamond Farming and the Public Water  
20 Purveyors appeared and participated in the meet and confer process. During this conference, no  
21 resolution was found and the court ordered counsel for Diamond to continue to meet and confer.  
22 Thereafter, counsel for Diamond continued to make efforts to meet and confer in person with counsel  
23 for each Public Water Supplier. Diamond's counsel was able to meet with each counsel with the  
24 exception of counsel for Los Angeles Waterworks District No. 40 and Rosamond Community Services  
25 District.

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

## 4 **II. STATEMENT OF FACTS**

5 On or about May 25, 2007, Diamond Farming Co., served on defendants, Los Angeles County  
6 Waterworks District No. 40 and Rosamond Community Services District, Form Interrogatories [Set One]  
7 and Request for Admissions [Set One].

8 On June 26, 2007, Los Angeles County Waterworks District No. 40 and Rosamond Community  
9 Services District served their responses to Form Interrogatories [Set One] and Request for Admissions  
10 [Set One]. After reviewing the responses, plaintiff's counsel determined Los Angeles County  
11 Waterworks District No. 40's and Rosamond Community Services District's responses were identical.  
12 With the exception of one Request for Admission, both entities asserted an identical generalized  
13 objection to each and every request and interrogatory, regardless of what was being asked.

14 On July 20, 2007, plaintiff's counsel attempted to meet and confer with defendants' counsel  
15 through the court-supervised conference. Since the parties were unable to come to a resolution, the court  
16 ordered plaintiff's counsel to undertake further meet and confer attempts. After attending this  
17 court-supervised meet and confer conference, Los Angeles County Waterworks District No. 40 and  
18 Rosamond Community Services District failed to and refused to participate in any further meetings to  
19 discuss the discovery responses.

## 20 **III. ARGUMENT**

### 21 **A. Defendant's Objections to Form Interrogatories [Set One] are Without Merit and** 22 **Too General**

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

25 Diamond propounded a total of two (2) Form Interrogatories to Los Angeles County Waterworks  
26 District No. 40 and Rosamond Community Services District. As set forth in the Separate Statement in  
27 Support of the Motion to Compel Further Responses, each of the asserted objections lack merit and are  
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1 too general in nature to allow Los Angeles County Waterworks District No. 40 and Rosamond  
2 Community Services District to avoid giving a proper verified response.

3 **B. Defendant's Objections to Request for Admissions [Set One] are Without Merit and**  
4 **Too General**

5 Code of Civil Procedure section 2033.290 authorizes the propounding party to bring a Motion  
6 to Compel when the asserted objections are without merit or too general.

7 Diamond has propounded a total of 60 Requests for Admission to Los Angeles County  
8 Waterworks District No. 40 and Rosamond Community Services District. Of these 60, only one request  
9 was answered. The remaining requests were objected to using the same improper objections asserted  
10 in response to every other form of discovery utilized by Diamond Farming. As set forth in the Separate  
11 Statement in Support of the Motion to Compel Further Responses filed concurrently herewith, each of  
12 the asserted objections lack merit and are too general in nature to allow Los Angeles County Waterworks  
13 District No. 40 and Rosamond Community Services District to avoid giving a proper verified response.  
14 Additionally, the one request that was admitted was served without a verification and is therefore  
15 incomplete. The improper objections and improper response warrant an order from this court  
16 compelling further responses.

17 **C. Sanctions are Warranted for Defendants' Misuse of the Discovery Process and for**  
18 **Their Failure to Meet and Confer in Good Faith**

19 Defendants' method of responding to discovery amounts to a willful refusal to respond to  
20 properly served Form Interrogatories and Requests for Admission. This willful refusal warrants the  
21 imposition of sanctions. Code of Civil Procedure sections 2023.010, et seq., 2030.300(d) and 2033.290  
22 provide authority for the imposition of monetary sanctions for counsel's failure to provide responses that  
23 comply with the requirements of Code of Civil Procedure sections 2033.210, et seq. Further, by  
24 objecting to the requests as a whole, without some attempt to admit or deny in part, and by making no  
25 attempt to answer with an explanation of its inability, the Public Water Purveyors failed to show the  
26 'good faith' required by the statute. (*Lieb v. Superior Court of Orange County* (1962) 199 Cal.App.2d  
27 364, 368-369.)

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; (e) making, without substantial justification,  
5 an unmeritorious objection to discovery; and (i) failing to meet and confer . . . in a reasonable and good  
6 faith attempt to resolve informally any dispute concerning discovery . . . .” Defendants have engaged  
7 in each of the actions stated above. Such behavior on the part of defendants and defendants’ counsel is  
8 willful and without substantial justification, and therefore merits the imposition of monetary sanctions.

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

19 Plaintiff has incurred needless expenses in having to seek a court order to obtain defendants’  
20 further responses in compliance with the Code of Civil Procedure. Consequently, plaintiff is therefore  
21 entitled to monetary sanctions against defendants and/or defendants’ attorneys of record, in the amount  
22 of \$1415.00, as more fully set forth in the Declaration of Bob H. Joyce, filed concurrently herewith.

#### 23 IV. CONCLUSION

24 Based upon the foregoing argument and authorities, Diamond Farming Co., respectfully requests  
25 that this motion be granted, and that the court issue its order commanding defendants, Los Angeles  
26 County Waterworks District No. 40 and Rosamond Community Services District to provide further  
27 verified responses to Form Interrogatories [Set One] and Request for Admissions [Set One] without  
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1 objection. Diamond Farming further requests that this court order defendants, Los Angeles County  
2 Waterworks District No. 40 and Rosamond Community Services District, and/or defendants' counsel  
3 of record, to pay monetary sanctions to Diamond Farming Co., in the amount of \$1,415.00.

4 Dated: September 12, 2007

LeBEAU • THELEN, LLP

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

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