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7 Bakersfield, California 93389-2092
8 (661) 325-8962; Fax (661) 325-1127

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

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

Judicial Council Coordination No. 4408

18 ANTELOPE VALLEY GROUNDWATER
19 CASES

Case No.: 1-05-CV-049053

20 Included actions:

**DECLARATION OF BOB H. JOYCE,
ESQ. IN SUPPORT OF REPLY TO
PUBLIC WATER SUPPLIERS'
OPPOSITION TO DIAMOND
FARMING'S MOTIONS TO COMPEL
FURTHER RESPONSES TO FORM
INTERROGATORIES; REQUEST FOR
ADMISSIONS; SPECIAL
INTERROGATORIES; REQUEST FOR
PRODUCTION OF DOCUMENTS; AND
FOR MONETARY SANCTIONS**

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

[Filed concurrently with Plaintiff's Reply]

Diamond Farming Company vs. City of
Lancaster
Riverside County Superior Court
Lead Case No. RIC 344436 [Consolidated
w/Case Nos. 344668 & 353840]

Date: October 16, 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 Reply to the Public
8 Water Suppliers' Opposition to Diamond Farming's Motions to Compel Further Responses to Form
9 Interrogatories; Request for Admissions; Special Interrogatories; Request for Production of Documents;
10 and for Monetary Sanctions.

11 3. I did not withdraw Diamond's discovery and never entered into any agreements to
12 withdraw Diamond's discovery. When I was presented with the Public Water Purveyors' demand that
13 I withdraw or modify the discovery, I responded in the negative. Attached hereto as Exhibit A is a true
14 and correct copy of my June 21, 2007 correspondence responding to the Public Water Purveyor's request
15 that I withdraw the discovery. I did not thereafter change my position.

16 4. On June 26, 2007, I received the Public Water Purveyors' responses, including Los
17 Angeles Water works District No. 40's ("District No. 40") and Rosamond Community Services District's
18 ("Rosamond") responses, to Diamond's discovery. On June 27, 2007, I sent a written correspondence
19 requesting to meet and confer over the asserted objections. Attached hereto as Exhibit B is a true and
20 correct copy of my June 27, 2007 correspondence requesting to meet and confer with counsel for each
21 of the Public Water Purveyors, including counsel for District No. 40 and Rosamond.

22 5. Of the nine Public Water Purveyors, only counsel for Littlerock Creek Irrigation District
23 and Palm Ranch Irrigation District responded to my June 27, 2007 correspondence.

24 6. On July 5, 2007, I provided notice of my Ex Parte hearing requesting the Court to set a
25 court supervised meet and confer on July 20, 2007.

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1 7. On July 20, 2007, this Court supervised an informal meet and confer. The issues relating
2 to Diamond's discovery were not resolved during this conference and the Court ordered all involved
3 parties to schedule and participate in a further meet and confer attempt before the filing of a motion to
4 compel. Pursuant to this Court's order, once the second meet and confer had taken place, Diamond
5 could then file any required motions to compel within 30 days of the date of that final meet and confer.
6 Attached hereto as Exhibit C is a true and correct copy of this Court's July 20, 2007 Order.

7 8. On July 20, 2007, I attended the court supervised meet and confer. I disagree with the
8 characterization and the alleged content of this Court's comments as asserted by counsel for District No.
9 40 and Rosamond as set forth in paragraphs 1, 2, 3 and 4 on page 3 of the Opposition, and defer to this
10 Court's memory. I did not agree to withdraw Diamond's discovery.

11 9. On or about July 26, 2007, I met and conferred in person with John Tootle, Esq., counsel
12 for California Water Service Co. In substance, we were able to agree that the information requested
13 through the discovery will need to be provided, the issue upon which no agreement could be reached was
14 when the responses should be provided.

15 10. After the July 20, 2007 court supervised meet and confer, my office made attempts to
16 contact counsel for each and every Public Water Supplier, including District No. 40 and Rosamond, via
17 telephone to schedule the court ordered meet and confer. As of August 3, 2007, I had communicated
18 with counsel for all of the Public Water Purveyors with the exception of counsel for District No. 40 and
19 Rosamond. Counsel for District No. 40 and Rosamond never returned any of my secretary's telephone
20 calls. Attached hereto as Exhibit D are true and correct copies of my secretary's July 31, 2007 e-mail
21 along with received delivery status regarding coordination of the court order meet and confer, and her
22 August 3, 2007 memorandum regarding no return call.

23 11. On August 3, 2007, I sent a letter confirming that the court ordered meet and confer
24 would take place on August 10, 2007 at the office of Keith Lemieux, counsel for Littlerock Creek
25 Irrigation District and Palm Ranch Irrigation District in Westlake Village, CA. Attached hereto as
26 Exhibit E is a true and correct copy of my August 3, 2007 correspondence. This correspondence was
27 served via U.S. mail, facsimile and e-mail. Attached to Exhibit E are true and correct copies of the e-
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1 mail receipts showing that both attorneys representing District No. 40 and Rosamond received and
2 opened the e-mail on August 3, 2007 between 1:45 and 1:50 p.m. Neither responded.

3 12. Counsel for District No. 40 and Rosamond did not respond to the August 3, 2007
4 correspondence. They did they participate in the August 10, 2007 meet and confer at Mr. Lemieux's
5 office.

6 13. At this August 10, 2007 meeting it was agreed that the merits of the discovery was not
7 in question. The real dispute occurred over the timing of the responses to the discovery. The meet and
8 confer was continued to resume and try again on September 10, 2007. Attached as Exhibit F is a true
9 and correct copy of my August 10, 2007 correspondence confirming the events and agreements reached
10 during this meeting.

11 14. On August 15, 2007, a stipulation was circulated that confirmed the agreements reached
12 at the August 10, 2007 meet and confer.

13 15. On August 17, 2007, I made yet another attempt to involve counsel for District No. 40
14 and Rosamond in the court ordered meet and confer process by sending them another letter requesting
15 that they meet and confer. Attached hereto as Exhibit G is a true and correct copy of my August 17,
16 2007 correspondence.

17 17. On August 28, 2007, counsel for District No. 40 and Rosamond made their first and only
18 response to my multiple requests to meet and confer. In that correspondence, they asserted for the first
19 time that they had already met and conferred with me and that I had withdrawn the discovery. Attached
20 hereto as Exhibit H is a true and correct copy of District No. 40's and Rosamond's counsel's August 28,
21 2007 correspondence.

22 18. On August 29, 2007, I responded to the August 28, 2007 correspondence and informed
23 District No. 40 and Rosamond's counsel that their statements were both inaccurate and not true. I also
24 informed them that I was still willing to meet and confer as ordered by this Court. I never received a
25 response to this offer. Attached hereto as Exhibit I is a true and correct copy of my August 29, 2007
26 correspondence.

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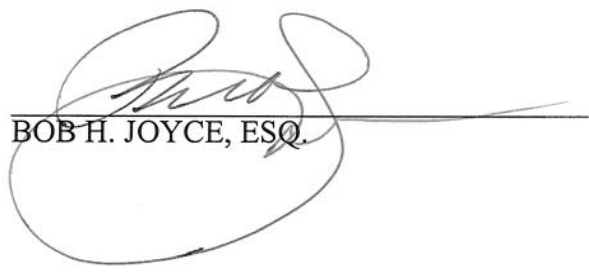
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19. It is telling that the belated claim that the discovery had been withdrawn was not asserted in response to my and my secretary's earlier efforts to arrange for a meet and confer as ordered by this Court.

20. On or about September 7, 2007, Attorney Jeffrey Dunn responded to Attorney Tom Bunn's e-mail regarding participation in the September 10, 2007 continued meet and confer. Attorney Jeffery Dunn, counsel for District No. 40 and Rosamond confirmed, via e-mail, that he could not attend. Attached hereto as Exhibit J is a true and correct copy of Mr. Dunn's September 7, 2007 e-mail.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct, and that this Declaration was executed on October 9, 2007, at Bakersfield, California.


BOB H. JOYCE, ESQ.

PROOF OF SERVICE

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

4 I am a citizen of the United States and a resident of the county aforesaid; I am over the age
5 of eighteen years and not a party to the within action; my business address is: 5001 E.
6 Commercenter Drive, Suite 300, Bakersfield, California 93309. On October 9, 2007, I served the
7 within **DECLARATION OF BOB H. JOYCE, ESQ. IN SUPPORT OF REPLY TO PUBLIC**
8 **WATER SUPPLIERS' OPPOSITION TO DIAMOND FARMING'S MOTIONS TO COMPEL**
9 **FURTHER RESPONSES TO FORM INTERROGATORIES; REQUEST FOR ADMISSIONS;**
10 **SPECIAL INTERROGATORIES; REQUEST FOR PRODUCTION OF DOCUMENTS; AND**
11 **FOR MONETARY SANCTIONS**


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

15 Los Angeles County Superior Court
16 111 North Hill Street
17 Los Angeles, CA 90012
18 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

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

22 **(STATE)** I declare under penalty of perjury under the laws of the State of
23 California that the above is true and correct, and that the foregoing was executed on October 9,
24 2007, in Bakersfield, California.

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26 **DONNA M. LUIS**

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