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10 Trust

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

ANTELOPE VALLEY
GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
Court of California, County of Los
Angeles, Case No. BC 325201

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
No. S-1500-CV-254348

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v.
Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053

**NOTICE OF FILING DECLARATIONS
FOR PHASE 6 TRIAL OF SOUTHERN
CALIFORNIA EDISON AND ANTELOPE
VALLEY EAST-KERN WATER AGENCY
IN LIEU OF LIVE TESTIMONY ON
BEHALF OF CHARLES TAPIA AND THE
NELLIE TAPIA FAMILY TRUST
PURSUANT TO AGREEMENT OF
COUNSEL**

Date: October 15, 2015

Time: 9:00 a.m.

Place: 111 N. Hill Street, Room 222
Los Angeles, CA 90012

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN by counsel for Charles Tapia and the Nellie Tapia Family
Trust (“Tapia”) as follows:

1. At the October 7, 2015 Case Management Conference conducted by the court, and
in connection with the continued Phase 6 Trial scheduled for October 15, 2015,
counsel for Tapia advised that testimony was being requested from Southern
California Edison (“SCE”) and Antelope Valley East-Kern Water Agency

1 ("AVEK") in support of Tapia's case in chief and as to Tapia's actual water usage
2 on what was referred to in Tapia's testimony presented on October 2, 2015 as the
3 Rosamond Farm, and that notices to appear had been issued for representatives of
4 both entities requiring them to appear and testify on October 15, 2015 before this
5 Court.

6 2. The court asked if the testimony could be presented by way of declaration and
7 whether there were any objections. The only voiced objection on the record was
8 that of Bob H. Joyce, who, according to the court's docket, represents Lapis Land
9 Company, LLC, Diamond Farming Company, Crystal Organic Farms LLC, and
10 Grimmway Enterprises, Inc. As understood by the undersigned counsel, Mr. Joyce
11 desired to see the proposed declarations first before agreeing that they could be
12 used in lieu of live testimony and before he would waive any objection to that
13 method of presenting testimony on Tapia's behalf.

14 3. After extensive negotiations and efforts, it was agreed that the declarations of a
15 representative of SCE, through Mr. Rick Koch, and of AVEK, through Mr. Tom
16 Barnes, could be presented by way of declaration and that any objections to the
17 usage of those declarations in lieu of live testimony would be waived.

18 4. The declaration of SCE, through Mr. Rick Koch, was then filed with the court on
19 October 14, 2015, as Document # 10822. Upon the filing of said declaration,
20 Tapia's counsel withdrew the notice to appear as to a representative of SCE.

21 5. The declaration of AVEK, through Mr. Tom Barnes, was also then filed with the
22 court on October 14, 2015, as Document # 10827. Upon the filing of said
23 declaration, Tapia's counsel withdrew the notice to appear as to a representative of
24 AVEK.

25 Based upon the agreement of counsel, Tapia requests that the declarations of Mr. Rick
26 Koch and Mr. Tom Barnes as referenced above in paragraph numbers 4 and 5 be admitted into
27 evidence in connection with Tapia's case in chief as to Tapia's water usage on the Rosamond
28 Farm.

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With the submission, by agreement of counsel, of the aforementioned declarations without objection to the use of the same by Tapia in connection with his case in chief as to Tapia's water usage on the Rosamond Farm, Tapia hereby rests in the presentation of evidence in the Phase 6 Trial.

Dated: October 14, 2015

BRUMFIELD & HAGAN, LLP
A Limited Liability Partnership

By: _____
Robert H. Brumfield, III
Attorneys for Charles Tapia and the Nellie Tapia Family Trust