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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT
14
15

16 ANTELOPE VALLEY GROUNDWATER)
17 CASES)

**JUDICIAL COUNCIL
COORDINATED PROCEEDING
NO. 4408**

18)
19 Included Actions:)
20)

21 Los Angeles County Waterworks District No.)
22 40 v. Diamond Farming Company)
23 Superior Court of California, County of Los)
24 Angeles, Case No. BC325201)

**Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar
Department I**

25)
26 Los Angeles County Waterworks District)
27 No. 40 v. Diamond Farming Co.)
28 Superior Court of California)
29 County of Kern, Case No. S-1500-CV-254-348)
30)

CALIFORNIA WATER SERVICE
COMPANY'S RESPONSE TO
REQUESTS FOR ADMISSION BY
UNITED STATES

31 Wm. Bolthouse Farms, Inc. v. City of Lancaster)
32 Diamond Farming Co. v. City of Lancaster)
33 Diamond Farming Co. v. Palmdale Water District)
34 Superior Court of California)
35 County of Riverside, Consolidated Actions)
36 Case Nos. RIC 353840, RIC 344436, RIC 344668)
37)
38)
39)

Trial Date: February 10, 2014
Time: 9:00 a.m.
Dept: TBD

1 California Water Service Company (Cal Water, Company or Responding Party), an investor-
2 owned public water utility, regulated by the California Public Utilities Commission (Commission),
3 responses to United States (Propounding Party) Requests for Admissions Set One, propounded on the
4 Public Water Suppliers (PWS). The Company does not intend to challenge United States' Federal
5 Reserve Water Right claim in Phase V of the Antelope Valley Adjudication. As such, it is the Company's
6 understanding that United States has narrowed its discovery to Request for Admissions (RFA) 3-9, Form
7 Interrogatory 17.1, Non-Form Interrogatories 15-18, 27-30,33 and Request for Production of Documents
8 1-3.

9 10 PRELIMINARY STATEMENT

11
12 The Company is in the process of conducting its investigation and discovery in this matter. At this
13 time, the Company has not completed its own investigation or discovery. The Company responds to the
14 best of its knowledge to United States' Requests for Admissions, but in doing so, reserves all its rights to
15 amend its responses at a future date if necessary. Furthermore, the Company reserves the right to offer, at
16 the time of trial, facts, testimony or other evidence discovered subsequent to and not included in these
17 responses.

18 By these responses, the Company makes no admission concerning the relevance or admissibility
19 of any of the evidence cited, and reserves the right to make all pertinent evidentiary objections at trial or
20 at any other stage of the proceedings. Furthermore, the fact that the Company has responded to any or
21 request for admissions should not be taken as an acceptance or admission that the Company accepts or
22 admits the existence of any facts set forth or assumed by such requests.

23 24 GENERAL OBJECTIONS

25
26 The Company objects to each and every Request for Admissions to the extent that it seeks to
27 discover information that is protected by the attorney-client, work product, legislative thought process
28 and/or official information privilege, or any other applicable privilege. Furthermore, the Company's
29 response shall not constitute or be deemed a waiver, either expressed or implied, of any applicable
30 privilege.

31 The Company also objects to each and every Request for Admissions to the extent that it seeks to
32 discover information or materials not presently in the Company's possession or is in the public domain,
33 equally available to all parties to this litigation. The following responses are provided without prejudice
34 to the Company's right to produce or rely on any evidence subsequently discovered.

35 The Company further objects to Requests for Admissions because all requests, as stated, are
36 overly broad, lack specificity and do not conform to statutes.

37 38 Request for Admissions No. 3:

39 Admit the BASIN was not OVERDRAFTED in 1934.

1 Response to Form Interrogatory No. 3:

2 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the
3 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is
4 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4th 1155, 1178. The Company
5 cannot admit or deny at this time. Furthermore, this Request for Admission is irrelevant, burdensome,
6 and not likely to lead to discovery of relevant, admissible evidence.
7

8 Request for Admissions No. 4:

9 Admit YOU pumped no groundwater from the BASIN in 1934.
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11 Response to Form Interrogatory No. 4:

12 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the
13 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is
14 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4th 1155, 1178. The Company
15 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley
16 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the
17 Court, from mutual water companies (Predecessors). The Company cannot say at this time when
18 members of Predecessors first settled within the Adjudicated Boundary and first pumped groundwater.
19 Furthermore, this Request for Admission is irrelevant, burdensome, and not likely to lead to discovery of
20 relevant, admissible evidence.
21

22
23 Request for Admissions No. 5:

24 Admit YOU owned no land in the Basin in 1934.
25

26 Response to Form Interrogatory No. 5:

27 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the
28 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is
29 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4th 1155, 1178. The Company
30 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley
31 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the
32 Court, from mutual water companies (Predecessors). The Company cannot say when members of the
33 Predecessors first settled within the Adjudicated Boundary. Furthermore, this Request for Admission is
34 irrelevant, burdensome, and not likely to lead to discovery of relevant, admissible evidence.
35

36
37 Request for Admissions No. 6:

38 Admit you had no VALID EXISTING RIGHT or EXISTING VALID RIGHTS in the BASIN in
39 1934.

1
2 Response to Form Interrogatory No. 6:

3 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the
4 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is
5 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4th 1155, 1178. The Company
6 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley
7 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the
8 Court from mutual water companies (Predecessors). The Company cannot say when members of the
9 Predecessors first settled within the Adjudicated Boundary and first pumped groundwater. If Predecessors
10 pumped groundwater, the Company may claim an appropriate, prescriptive or overlying water right for
11 pumped groundwater at the time. Furthermore, this Request for Admission is irrelevant, burdensome, and
12 not likely to lead to discovery of relevant, admissible evidence.
13

14
15 Request for Admissions No. 7:

16 Admit YOU pumped no groundwater from the BASIN in 1955.
17

18 Response to Form Interrogatory No. 7:

19 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the
20 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is
21 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4th 1155, 1178. The Company
22 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley
23 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the
24 Court, from mutual water companies (Predecessors). The Company cannot say when members of
25 Predecessors first settled within the Adjudicated Boundary and first pumped groundwater. Furthermore,
26 this Request for Admission is irrelevant, burdensome, and not likely to lead to discovery of relevant,
27 admissible evidence.
28

29 Request for Admissions No. 8:

30 Admit YOU owned no land in the Basin in 1955.
31

32 Response to Form Interrogatory No. 8:

33 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the
34 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is
35 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4th 1155, 1178. The Company
36 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley
37 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the
38 Court, from mutual water companies (Predecessors). The Company cannot say when members of the

1 Predecessors first settled within the Adjudicated Boundary. Furthermore, this Request for Admission is
2 irrelevant, burdensome, and not likely to lead to discovery of relevant, admissible evidence.
3

4 Request for Admissions No. 9:

5 Admit you had no VALID EXISTING RIGHT or EXISTING VALID RIGHTS in the BASIN in
6 1934.
7

8 Response to Form Interrogatory No. 9:

9 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the
10 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is
11 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4th 1155, 1178. The Company
12 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley
13 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the
14 Court from mutual water companies (Predecessors). The Company cannot say when members of the
15 Predecessors first settled within the Adjudicated Boundary and first pumped groundwater. If Predecessors
16 pumped groundwater, the Company may claim an appropriate, prescriptive, overlying water right for
17 pumped groundwater at the time. Furthermore, this Request for Admission is irrelevant, burdensome, and
18 not likely to lead to discovery of relevant, admissible evidence.
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24 DATED: November 12, 2013

CALIFORNIA WATER SERVICE COMPANY

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28 By: John S. Tootle
29 John S. Tootle
30 Attorney for California Water Service Company
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PROOF OF SERVICE

I am employed in Los Angeles County, State of California; I am over eighteen years of age and not a party to the ANTELOPE VALLEY GROUNDWATER BASIN ADJUDICATION. My business address is 2632 West 237th Street, Torrance, California 90505.

On November 12, 2013 at my place of business at 2632 West 237th Street, Torrance, California 90505, a copy of the following documents(s):

CALIFORNIA WATER SERVICE COMPANY'S RESPONSE TO REQUEST FOR ADMISSIONS BY UNITED STATES

By posting the documents listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Adjudication matter;

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 12, 2013



Michael Duque