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Tejon Ranchcorp

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-254-348; Wm. Bolthouse Farms, Inc. v. City of Lancaster, Diamond Farming Co. v. Lancaster, Diamond Farming Co. v. Palmdale Water Dist., Superior Court of California, County of Riverside, Case No. RIC 353 840, RIC 344 436, RIC 344 668	Judicial Council Coordination No. 4408 Santa Clara Case No. 1-05-CV-049053 Assigned to Hon. Jack Komar **OBJECTION OF TEJON RANCHCORP TO [PROPOSED] ORDER TRANSFERRING AND CONSOLIDATING ACTIONS FOR ALL PURPOSES**

TEJON RANCHCORP ("Tejon") objects to that portion of the Public Water Suppliers "[Proposed] Order Transferring and Consolidating Actions For All Purposes" ("Proposed

Order") which purports to incorporate factual findings that the court has not made and orders not requested in the motion, not briefed by the parties, and not ordered by the court.

On July 15, 2009 the Public Water Suppliers moved for an order (1) "transferring all matters presently pending under Judicial Council Coordination Proceeding No. 4408 from the Riverside County Superior Court and Kern County Superior Court to the Los Angeles County Superior Court" and (2) "consolidating the previously or presently transferred actions and cross-actions, as well as any subsequent complaints or cross-complaints filed in this Judicial Council Coordination Proceeding." (PWS Motion, p. 3, lines 10 through 17.) As the Public Water Suppliers argued, "[c]onsolidation may be 'complete' or 'for trial only.' Under complete consolidation, the pleadings are treated as merged and the court issues one set of findings and one judgment. *Hamilton* v. *Asbestos Corp. Ltd.* (2000) 22 Cal.4th 1127, 1147-1148. By comparison, consolidation for trial only keeps all pleadings, findings, and judgments separate and merely allows trial of the actions to occur together for the sake of convenience. *Sanchez*, 203 Cal.App.3d at 1395-1399." (PWS Motion, p. 10, lines 14 through 19.) The Public Water Suppliers urged this court to order complete consolidation.

On October 13, 2009 this court granted the Public Water Suppliers' motion for complete consolidation and directed the Public Water Suppliers to prepare and file a proposed order granting the motion. After further discussion, the Public Water Suppliers posted their second draft of the proposed order. Tejon has no objection to recitals 1 through 4 of the Proposed Order. Additionally, Tejon has no objection to the first sentence of recital 5. The balance of recital 5 makes no sense whatsoever and is contrary to the court's determination that these actions should be completely consolidated with a single judgment.

Tejon does not object to paragraphs 1 through 4 of the Proposed Order. Paragraphs 5, 6,

7 and 8, however, are beyond the scope of the Public Water Suppliers' motion and the court's prior ruling. Paragraphs 5 through 7 appear to be more in the nature of a case management order which has not been properly raised or briefed by the parties or ruled upon by the court. Paragraph 8 simply misstates the court's November 6, 2008 ruling. Accordingly, paragraphs 5 through 8 should be stricken from the Proposed Order.

Dated: February 1, 2010

KUHS & PARKER

By /s/
Robert G. Kuhs, Attorney for
Tejon Ranchcorp

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PROOF OF SERVICE

I, Lidia E. Luna, declare:

I am employed in the County of Kern, State of California. I am over the age of 18 and am not a party to the within action; my business address is Kuhs & Parker, 1200 Truxtun Avenue, Suite 200, Bakersfield, California 93301.

On February 1, 2010, I caused the foregoing document(s) described as: **OBJECTION OF TEJON RANCHCORP TO [PROPOSED] ORDER TRANSFERRING AND CONSOLIDATING ACTIONS FOR ALL PURPOSES** to be served on the parties in this action, as follows:

(X) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: www.scefiling.org regarding the Antelope Valley Groundwater matter.

( ) (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced document(s) were placed in seal envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at Bakersfield, California, addressed to:

( ) (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for delivery on the next business day. Each copy was enclosed in an envelope or package designated by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.

( ) (BY FACSIMILE TRANSMISSION) I am "readily familiar" with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.

(X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Lidia E. Luna
Lidia E. Luna