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16 Grimmway Enterprises, Inc., and Lapis Land Company, LLC

14 [See Next Page For Additional Counsel]

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

17 ANTELOPE VALLEY GROUNDWATER  
18 CASES

19 Included Actions:

20 Los Angeles County Waterworks District No. 40  
21 v. Diamond Farming Co., Superior Court of  
22 California, County of Los Angeles, Case No. BC  
23 325201;  
24 Los Angeles County Waterworks District No. 40  
25 v. Diamond Farming Co., Superior Court of  
26 California, County of Kern, Case No. S-1500-CV-  
27 254-348;

25 Wm. Bolthouse Farms, Inc. v. City of Lancaster,  
26 Diamond Farming Co. v. Lancaster, Diamond  
27 Farming Co. v. Palmdale Water Dist., Superior  
28 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 TO PROPOSAL TO  
SET SUMMARY JUDGMENT  
MOTIONS ON LESS THAN  
STATUTORY NOTICE**

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Attorneys for Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc.

1 TEJON RANCHCORP, TEJON RANCH COMPANY, GRANITE CONSTRUCTION  
2 COMPANY, DIAMOND FARMING COMPANY, CRYSTAL ORGANIC FARMS,  
3 GRIMMWAY ENTERPRISES, INC., LAPIS LAND COMPANY, LLC, and BOLTHOUSE  
4 PROPERTIES, LLC AND WM. BOLTHOUSE FARMS, INC. hereby object to the Court's  
5 proposal to set summary judgment motions for hearing on less than 75-days notice, the minimum  
6 notice required under Code of Civil Procedure Section 437c, and to require oppositions to be  
7 filed on less than 61-days notice.  
8

9 During the October 16, 2013 Case Management Conference, the Court indicated that it  
10 was inclined to issue a Case Management Order that would allow parties to file summary  
11 judgment motions in advance of the Phase 5 trial on November 13, 2013, with the hearing to be  
12 held on January 10, 2014. This is less than the 75-days notice required under Code of Civil  
13 Procedure section 437c(a). Additionally, the Court indicated that it is inclined to require  
14 oppositions to such summary judgment motions to be filed in December 2013, which would be  
15 on less than the minimum statutory 61 days notice. (Code Civ. Proc., § 437c(b)(2).)  
16

17 The Court does not have the authority to shorten the time for notice of a motion for  
18 summary judgment or to shorten the statutory briefing time table. Although a trial court may  
19 fashion procedures to mitigate time problems in complex cases, it has no power to change the  
20 notice and filing periods of the summary judgment statute. (*Hernandez v. Superior Court* (2003)  
21 112 Cal. App.4th 285, (citing *First State Ins. Co. v. Superior Court* (2000) 79 Cal.App.4th 324,  
22 333-334.) Trial courts do not have authority to shorten the minimum notice period for summary  
23 judgment hearings. (*McMahon v. Superior Court* (2003) 106 Cal.App.4th 112, 114 ["Absent  
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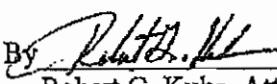
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consent of the parties, does a trial court have authority to shorten the minimum notice period for the hearing of a summary judgment motion? We answer this question in the negative . . .”].

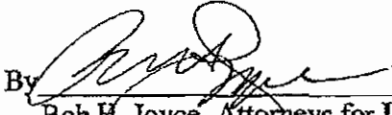
Dated: October 21, 2013

KUHS & PARKER

By   
Robert G. Kuhs, Attorneys for  
Tejon Ranchcorp, Tejon Ranch Company  
and Granite Construction Company

Dated: October 24, 2013

Le-BEAU • THELEN, LP

By   
Bob H. Joyce, Attorneys for Diamond  
Farming Company, Crystal Organic Farms,  
Grimmway Enterprises, Inc. and Lapis  
Land Company, LLC

Dated: October \_\_, 2013

CLIFFORD & BROWN

By \_\_\_\_\_  
Mark Smith, Attorneys for Bolthouse  
Properties, LLC and Wm. Bolthouse  
Farms, Inc.

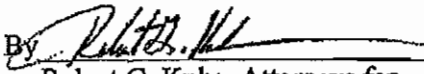
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consent of the parties, does a trial court have authority to shorten the minimum notice period for the hearing of a summary judgment motion? We answer this question in the negative . . .”].

Dated: October 21, 2013

KUHS & PARKER

By   
Robert G. Kuhs, Attorneys for  
Tejon Ranchcorp, Tejon Ranch Company  
and Granite Construction Company

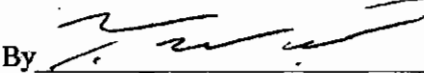
Dated: October \_\_, 2013

Le-BEAU • THELEN, LP

By \_\_\_\_\_  
Bob H. Joyce, Attorneys for Diamond  
Farming Company, Crystal Organic Farms,  
Grimmway Enterprises, Inc. and Lapis  
Land Company, LLC

Dated: October 21, 2013

CLIFFORD & BROWN

By   
Mark Smith, Attorneys for Bolthouse  
Properties, LLC and Wm. Bolthouse  
Farms, Inc.

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