

1 Robert G. Kuhs, SBN 160291
2 Bernard C. Barmann, Jr., SBN 149890
3 Kuhs & Parker
4 P. O. Box 2205
5 1200 Truxtun Avenue, Suite 200
6 Bakersfield, CA 93303
7 Telephone: (661) 322-4004
8 Facsimile: (661) 322-2906
9 E-Mail: rgkuhs@kuhsparkerlaw.com

10 Attorneys for Tejon Ranchcorp and Tejon Ranch Company

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12
13 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

14 ANTELOPE VALLEY GROUNDWATER
15 CASES

16 Included Actions:

17 Los Angeles County Waterworks District No. 40
18 v. Diamond Farming Co., Superior Court of
19 California, County of Los Angeles, Case No. BC
20 325201;

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

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

**TEJON RANCHCORP AND TEJON
RANCH COMPANY'S PHASE 5
SECOND SUPPLEMENTAL
REQUEST FOR JUDICIAL NOTICE**

[Phase 5 Trial]

Date: February 10, 2014
Time: 9:00 a.m.
Dept.: 222, Los Angeles

I. INTRODUCTION

Pursuant to Evidence Code Sections 452 and 453, TEJON RANCHCORP and TEJON RANCH COMPANY (Tejon) requests that the Court take judicial notice of the following documents for use during the Phase 5 trial, copies of which are attached hereto:

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<u>DESCRIPTION</u>	<u>EXHIBIT NO.</u>
Declaration of Leah Metzger in Lieu of Deposition Testimony for Phase 4 Trial (#6003)	5-Tejon-13
Rancho La Liebre Land Claim Patent recorded in Book 1, Page 535 of Patents, Los Angeles County Records	5-Tejon-16
Rancho La Liebre Land Claim Patent recorded in Book 18, Page 278 of Patents, Kern County Official Records	5-Tejon-17
1937 Quitclaim Deed to TRC recorded in Book 14693, Page 67 of L.A. County Official Records	5-Tejon-18
1937 Quitclaim Deed recorded in Book 683, Page 11 of Kern County Official Records	5-Tejon-19
1946 Grant Deed to Tejon Ranch, L. A. County O.R. Document No. 146017012	5-Tejon-20
1952 Grant Deed to Tejon Ranch recorded in Book 1990, Page 262, Kern County Official Records	5-Tejon-21
1953 Grant Deed to Tejon Ranch recorded in Book 2154, Page 292, Kern County Official Records	5-Tejon-22
1976 Parcel Map Waiver and Certificate of Compliance recorded as Document No. 4067 in Los Angeles County Official Records	5-Tejon-23
2007 Grant Deed to Tejon Ranchcorp recorded in L.A. County Official Records, Document No. 20070256642	5-Tejon-24
AVEK Water Sales Records	5-Tejon-27
Irrigation Water Service Agreement Between Antelope Valley-East Kern Water Agency and Tejon Ranch Co. for Water Service dated 4-22-75	5-Tejon-28
Water Service Agreement Between Antelope Valley-East Kern Water Agency and Tejon Ranch Co. for Water Service dated January 6, 1976	5-Tejon-29
MOU dated 9-23-2008 between AVEK and Tejon re: 8,393 acre-feet of Nickel Water	5-Tejon-30

1	MOU dated 1-13-2009 between AVEK and Tejon re:	5-Tejon-31
2	6,393 acre-feet of Nickel Water	
3	Agreement Affecting Water Supply dated 7-22-13	5-Tejon-32
4	Between Dudley Ridge WD, Utica North and Tejon	
5	Agreement Affecting Water Supply dated 7-22-13	5-Tejon-33
6	Between Dudley Ridge WD and Tejon	
7	Amendment No. 23 to the Water Supply Contract	5-Tejon-34
8	Between the State of California Department of Water	
9	Resources and Antelope Valley-East Kern Water Agency	
10	and Amendment No. 24 to the Water Supply Contract	
11	Between the State of California Department of Water	
12	Resources and Antelope Valley-East Kern Water Agency	
13	dated 8-21-13	5-Tejon-35
14	Amendment No. 27 to the Water Supply Contract	5-Tejon-36
15	Between the State of California Department of Water	
16	Resources and Dudley Ridge Water District dated 8-21-13	
17	Amendment No. 35 to the Water Supply Contract	5-Tejon-37
18	Between the State of California Department of Water	
19	Resources and Tulare Lake Basin Water Storage District	
20	dated 8-21-13	
21	Centennial Specific Plan Water Supply Assessment dated	5-Tejon-38
22	May 2011 By Golden Valley MWD	

21 Under Section 453 of the Evidence Code, this request for judicial notice is conditionally
22 mandatory and must be granted if sufficient notice is given to the adverse party and if the court is
23 furnished with sufficient information to enable it to take notice of the matter. (*People v. Maxwell*
24 (1978) 78 Cal.App.3d 124, 130-31.) By this request, Tejon gives the Court and adverse parties
25 sufficient notice and information to enable it to take judicial notice of those records attached
26 hereto and listed above.
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II. DISCUSSION

A. THE COURT SHOULD TAKE JUDICIAL NOTICE OF RECORDS OF THIS ACTION.

Courts may take judicial notice of “[r]ecords of [] any court of this state.” (Evid. Code § 452, subd. (d); see, *People v. Buckley* (1986) 185 Cal.App.3d 512, 525 [judicial notice taken of preliminary hearing transcript]; *Knoff v. San Francisco* (1969) 1 Cal.App.3d 184, 200 [grand jury testimony transcripts “were subject of which the trial court could properly take judicial notice”].) Moreover, California courts have long established that “[a] court may judicially notice its own records and proceedings in the same case.” (*San Francisco v. Carraro* (1963) 220 Cal.App.2d 509, 527; see also, *Nulaid Farmers Assn. v. La Torre* (1967) 252 Cal.App.2d 788, 791 [“It is settled that a court may take judicial notice of its own records . . .”].)

Exhibit 5-Tejon-13 attached hereto is a declaration admitted in Phase Four. This is a court record, of which judicial notice may be taken. (Evid. Code § 452, subd. (d).)

B. THE COURT SHOULD TAKE JUDICIAL NOTICE OF RECORDED REAL PROPERTY RECORDS.

Courts may take judicial notice of recorded real property records pursuant to Evidence Code section 452 subdivisions (c) and (h). (*Fontenot v. Wells Fargo Bank, N.A.* (2011) 198 Cal. App. 4th 256, 264.) “The official act of recordation and the common use of a notary public in the execution of such documents assure their reliability, and the maintenance of the documents in the recorder’s office makes their existence and text capable of ready confirmation, thereby placing such documents beyond reasonable dispute.” (*Id.* at 264-265.) “In addition, courts have taken judicial notice not only of the existence and recordation of recorded documents but also of a variety of matters that can be deduced from the documents.” (*Id.* at 265.)

Exhibits 5-Tejon-16 through 5-Tejon-24 are recorded real property records of which the court may take judicial notice.

C. THE COURT SHOULD ADMIT DEEDS, PATENTS AND CONTRACTS THAT ARE MORE THAN 30 YEARS OLD UNDER EVIDENCE CODE SECTIONS 643 AND 1331.

1 The deeds, patents and contracts attached hereto that are more than 30 years old are self-
2 authenticating under Evidence Code section 643 because they are deeds and other writings
3 purporting to affect interests in real or personal property that are more than 30 years old and have
4 generally been acted upon as authentic. (Evid. Code § 643.)

5 The statements in these ancient documents are not made inadmissible by the hearsay rule.
6 (Evid. Code § 1331.)

7 **Exhibits 5-Tejon-16 through 5-Tejon-23** attached hereto are recorded real property
8 records that are more than 30 years old. **Exhibits 5-Tejon-18 and 5-Tejon-19** are contracts
9 affecting real or personal property that are more than 30 years old.

10 **D. THE COURT SHOULD TAKE JUDICIAL NOTICE OF THE AGREEMENTS**
11 **WITH PUBLIC AGENCIES BECAUSE THEY ARE LEGALLY OPERATIVE**
12 **DOCUMENTS.**

13 When “judicial notice is requested of a *legally operative* document—like a contract—the
14 court may take notice not only of the fact of the document and its recording or publication, but
15 also the facts that clearly derive from its *legal effect*. (*Scott v. JPMorgan Chase Bank, N.A.*
16 (2013) 214 Cal.App.4th 743, 746 (citing *Fontenot*.)

17 **Exhibits 5-Tejon-28 through 5-Tejon-37** are contracts with public agencies of which
18 the court may take judicial notice.

19 **E. THE COURT SHOULD TAKE JUDICIAL NOTICE OF THE AVEK 2012**
20 **WATER SALES RECORDS AND THE WATER SUPPLY ASSESSMENT BY**
21 **GOLDEN VALLEY MWD BECAUSE THEY ARE OFFICIAL RECORDS OF**
22 **PUBLIC ENTITIES.**

23 Courts may take judicial notice of public records, including enactments issued by or
24 under the authority of any public entity, and of the official acts of the state, including its
25 subdivisions. (Evid. Code § 452, subs. (b) &(c); *Cooke v. Superior Court* (1989) 213
26 Cal.App.3d 401, 416.)

27 Additionally, official records and reports may be admitted without requiring a witness to
28 testify to Evidence Code Section 1280 “permits the court to admit an official record or report
without necessarily requiring a witness to testify as to its identity and mode of preparation if the

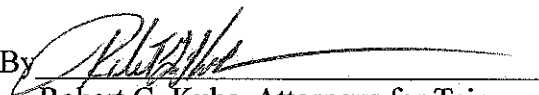
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court takes judicial notice or if sufficient independent evidence shows that the record or report was prepared in such a manner as to assure its trustworthiness.” (Cal. Law Revision Com. Comment, reprinted at 29B pt. 4 West’s Ann. Evid. Code (1995 ed.) following § 1280, p. 347.)

Exhibit 5-Tejon-27 is a collection of official reports by AVEK. **Exhibit 5-Tejon-38** is a report by the Golden Valley MWD. Both are official public records of which the court may take judicial notice and admit without foundational testimony.

Dated: February 17, 2014

KUHS & PARKER

By 
Robert G. Kuhs, Attorneys for Tejon

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