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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

10 **ANTELOPE VALLEY GROUNDWATER**
11 **CASES**

12 **INCLUDED ACTIONS:**

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

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

17 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
Diamond Farming Co. v. Lancaster, Diamond
18 Farming Co. v. Palmdale Water Dist., Superior
Court of California, County of Riverside, Case
19 No. RIC 353840, RIC 344436, RIC 344668

20 Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40
21 Superior Court of California, County of Los
22 Angeles, Case No. BC 364553

23 Wood v. A.V. Materials, Inc., et al., Superior
Court of California, County of Los Angeles, Case
24 No. BC 509546

25 Little Rock Sand and Gravel, Inc. v. Granite
26 Construction Co., Superior Court of California,
County of Los Angeles, North Judicial District,
27 Case No. MC026932

Judicial Council Coordination No.
4408

Santa Clara Case No. 1-05-CV-049053
Assigned to Honorable Jack Komar

SUPPLEMENTAL DECLARATION
OF ROBERT G. KUHS IN SUPPORT
OF MOTION BY GRANITE
CONSTRUCTION COMPANY TO
INTERPRET AND ENFORCE THE
JUDGMENT AND TO PARTITION
THE EXHIBIT 4 “Granite
Construction Company (Little Rock
Sand and Gravel, Inc.)”
PRODUCTION RIGHT

Date: June 20, 2018

Time: 9:00 a.m.

Dept.: 222

1 I, ROBERT G. KUHS, declare as follows:

2 1. I am an attorney at law duly licensed to practice in all courts of the State of
3 California and an attorney with Kuhs & Parker, counsel for Granite Construction Company
4 (**Granite**) in this proceeding.

5 2. If called as a witness I could and would competently testify to the facts set forth
6 herein.

7 3. I previously filed a Declaration in Opposition to the Lane Family's Motion for
8 Post-Judgment Supplemental Order Re Granite Construction Company filed with the Court on
9 March 8, 2016 as Doc No. 11261. This Declaration supplements my previous declaration.

10 4. During the Phase 4 trial I, on behalf of Granite, introduced and the Court admitted
11 evidence the declarations of William Taylor (Granite 1) and Steven McCracken (Granite 2)
12 establishing Granite's property ownership and groundwater pumping and use which the Court
13 relied upon as part of the evidence during the Prove-Up trial phase. LS&G did not put on any
14 independent evidence of water use on the property that is the subject of its FAC.

15 5. As set forth in paragraph 15 of my prior declaration, shortly following the January
16 7, 2015, CMC hearing, I, as well as other counsel, including Mr. McLaughlin, Bob Joyce and
17 others made it clear in several phone conversations to Ted Chester that LS&G could not be part
18 of the global settlement and simultaneously reserve issues for further litigation between Granite
19 and LS&G. By email dated January 15, 2015, at 5:40 p.m., I notified counsel for the settling
20 parties that I was in receipt of signatures to the Stipulation for my clients Tejon Ranchcorp and
21 Granite. Shortly thereafter I received an email dated January 15, 2015 at 6:22 p.m. from Ted
22 Chester indicating that he had obtained signatures to the Stipulation from all of his clients. A true
23 and correct copy of the January 15th emails is attached to the accompanying Appendix as **Exhibit**
24 **L**.

25 6. On or about February 20, 2015, counsel for LS&G, Ted Chester sent an email to
26 James Dubois, counsel for the United States, forwarding the signatures of his clients, including
27 LS&G and making the following statement:
28

1 “Also, the signature of Littlerock Sand and Gravel, Inc. is provided with
2 the understanding that the subdivision of the **joint allocation to Granite**
3 **and Little Rock shown on Ex. 4** of the proposed judgment remains
4 unresolved, and such subdivision will be addressed and resolved at a later
5 time.”

6 A true and correct copy of the February 20 email is attached to the accompanying Appendix as
7 **Exhibit M**. Although LS&G made mention of the Granite/LS&G dispute in Case Management
8 Statements, LS&G did not attempt to further litigate the dispute during the prove-up phase of
9 trial or at any time prior to entry of Judgment on December 28, 2015.

10 7. At no time prior to entry of judgment did I indicate to LS&G or its counsel Ted
11 Chester, that Granite would accept less than 100 AF of the 234 AF allocated on Exhibit 4.

12 8. LS&G alleges in paragraph 1 of its FAC that LS&G was and is the owner of four
13 parcels of real property which LS&G designates as Parcels 1, 2 3 and 4. On or about November
14 22, 2017 I caused to be served on LS&G, Granite’s Request for Admissions, Set Two (RFAs)
15 addressing LS&G’s alleged ownership. Attached to the Appendix as **Exhibit N** is a true and
16 correct copy of LS&G’s verified response to the RFAs.


17 9. With regard to Parcel 2, designated APN 3050-010-016, LS&G admitted in
18 response to RFAs 23, 25, 30 and 34 that it does not own Parcel 2 as described in the FAC and
19 did not own such parcel on December 28, 2015, when Judgment was entered.

20 10. With regard to Parcel 4, designated APN 3050-028-015, LS&G admitted in
21 response to RFAs 24, 26 and 30 that it does not own Parcel 4 as described in the FAC and did
22 not own such parcel on December 28, 2015.

23 11. Attached to the Appendix as **Exhibit O** is a true and correct copy of selected
24 pages from the Lane Family’s Reply to Granite Construction Company’s Opposition to Motion
25 for Post-Judgment Supplemental Order, dated March 14, 2016.

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

28 Executed this 12 day of April, 2018, at Bakersfield, California.


Robert G. Kuhs