

Exhibit 16

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

Coordination Proceeding
Special Title (Rule 1550(b))

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 325 201

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. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

Willis v. Los Angeles County Waterworks District No. 40, Superior Court of California, County of Los Angeles, Case No. BC 364 553

Wood v. Los Angeles County Waterworks District No. 40, Superior Court of California, County of Los Angeles, Case No. BC 391869

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

Wood v. County of Los Angeles, Superior Court of California, County of Los Angeles, Case No. BS 143790 [ADD-ON PETITION IS PENDING]

Judicial Council Coordination
Proceeding No. 4408

For Court's Use Only:
Santa Clara County Case No.
1-05-CV-049053
(for E-Posting/E-Service
Purposes Only)

Date/Time: Monday, September 21, 2015

1:00 p.m.

Location: CourtCall

Superior Court of California
County of Santa Clara

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
September 21, 2015 (1:00pm) / Hon. Jack Komar, Ret.*

F:\komar\antelope Valley\2015-09-21 MO.doc

Present: Hon. Jack Komar, Judge
N/A _____, Reporter CSR#

Rowena Walker, Clerk (SC)
N/A _____, Deputy Sheriff

MINUTE ORDER:

CASE MANAGEMENT CONFERENCE

The Court and the parties held a 45-minute discussion on the schedule for the next phase of trial commencing on September 28.

The Court confirmed that in Phase 4, the court did hear and take evidence, upon notice, most of which occurred by way of declarations under penalty of perjury, all of which the Court reviewed; there was no opposition by any party to any of the declarations or evidence contained therein. The Court reviewed and found good cause that the facts were established at that point and made findings as to the volume of water the State pumped in those particular years by each of the parties who presented that evidence to the Court. Subsequent parties entering into the settlement stipulation, that wish the Court to make a finding of fact as to the amount of water that they have pumped in particular years, will have the same burden. Objections and cross-examinations of evidence submitted by the newly stipulating parties shall take place after the prove-up and presentation of evidence as to non-stipulating parties and defaults. The court confirmed that it made findings of fact based upon the evidence submitted in Phase 4, that is part of the partial statement of decision in this case.

The Court confirmed that any further stipulations to the settlement may be filed up to September 28, 2015, but preferably as soon as possible, so that any objections thereto may be filed within seven (7) days thereafter.

The Court issues no rulings as to the various schedules proposed by the parties in their case management statements.

The Court also confirmed the location of the hearing commencing on September 28, 2015 shall be Stanley Mosk Court House, Room 222, 2nd Floor, Superior Court of California, County of Los Angeles, 111 N. Hill Street, Los Angeles, California 90012.

EX PARTE APPLICATION TO SUBSTITUTE CLAN KEITH REAL ESTATE INVESTMENTS, LLC, DBA LEISURE LAKE MOBILE ESTATES IN PLACE OF CROSS-DEFENDANTS GOODYORK CORPORATION AND LANDCASTER SUMMIT PROPERTIES, LTD. – Attorney Lucas Quass is present on the line. The matter is unopposed and the request is granted.

APPEARANCES: See attached CourtCall List.

REPORTER: NOT REPORTED

EVENT CALENDAR:

September 28, 2015 thru October 16, 2015	9am	Includes, but not limited to, the non-stipulating parties' prove-up; presentation of physical solutions and objections thereto; and evidence in the default proceedings; Motion by Willis Class to Enforce Settlement Agreement with Public Water Suppliers; Motion to Enforce Due Process; Motion for Court Order for Payment of Expert Witness Fees for the Willis Class for Physical Solution Proceedings. Location – Superior Court, County of <u>Los Angeles</u> , Room 222, 2 nd Floor, 111 North Hill Street, Los Angeles, CA 90012.
September 29, 2015	9am	Motion by Wood Class to Correct Willis Class Judgment <i>Nunc Pro Tunc</i> Location – Superior Court, County of <u>Los Angeles</u> , Room 222, 2 nd Floor, 111 North Hill Street, Los Angeles, CA 90012.

Exhibit 17

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COUNTY OF LOS ANGELES**

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Judicial Council Coordination
Proceeding No. 4408

For Court's Use Only:
Santa Clara County Case No.
1-05-CV-049053
(for E-Posting/E-Service
Purposes Only)

FILED

Superior Court of California
County of Los Angeles

OCT 16 2015

Sherri R. Carter, Executive Officer/Clerk

By  Deputy
Karen Tapper

Date/Time: Friday, September 4, 2015

1:30 p.m.

Location: CourtCall

Superior Court of California
County of Santa Clara

Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
September 4, 2015 (1:30pm) / Hon. Jack Komar, Ret.

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10/21/2015

Present: Hon. Jack Komar, Judge
N/A _____, Reporter CSR#

Rowena Walker, Clerk (SC)
N/A _____, Deputy Sheriff

MINUTE ORDER:

(1) Motion by Copa De Oro Land Company to Move Stipulated and Admitted Facts into the Evidentiary Record (property ownership and past water use information)

Attorney Andrew Ramos appeared. Attorney Lynn Brennan, for the Willis Class, objects. **GRANTED**; the Court will permit Copa de Oro to offer the evidence, subject to cross-examination.

(2) Ex Parte Application by Plaintiff Richard Wood and the Class for Approval of Court-Appointed Expert Bills

Attorney Michael McLachlan appeared; matter is unopposed; **GRANTED**. These invoices cover the period of May 2015 through August 2015 – copies are attached to this minute order for reference (Exhibit 1).

(3) Ex Parte Application by Hi-Grade Materials, Co., Robar Enterprises, Inc. and CJR to Continue the Phase IV Trial

Attorney Karen L. Bilotti, for the moving party, appeared. Attorneys Jeffrey Dunn and Wendy Wang, for Los Angeles County Waterworks District No. 40, responds. The Court orders that the matters that are late served will "trail" the case while they gather their evidence of pumping and try to enter into the proposed settlement.

(4) Case Management Conference

Attorney Robert Brumfield appeared to make a scheduling request. Due to counsel's previously set bankruptcy court trial, the Court will permit Tapia to commence participation in the trial the week of October 5, 2015, and a specific date for live trial testimony will be assigned to Mr. Charles Tapia.

The Court confirmed that the claims of prescription are only applicable to the non-stipulating parties.

Attorney Robert Brumfield makes a request on behalf of Mark Ritter, Successor Trustee of the Ritter Family Trust, that Attorney Michael Fife execute a substitution of attorneys as soon as possible. Mr. Fife confirmed his intent to do so as soon as possible.

Attorney Walter Wilson stated that Goodyork Corporation and Lancaster Summit Properties, Ltd., jointly doing business as Leisure Lake mobile Estates, sold their real property and business. The buyer, Clan Keith Real Estate Investments LLC, now

doing business as Leisure Lakes, is represented by Attorney John Morris, who appeared today to confirm the same, the party's intent to participate in the Stipulated Proposed Physical Solution ("SPPS"), and that a substitution of attorneys will be filed forthwith.

Attorney Walter Wilson, for White Fence Farms Water Mutual Co. No. 3 ("WFF3"), stated that he applied to the Committee of the Stipulating Parties for a water allocation on behalf of WFF3.

A further meet and confer shall be arranged by the Liaison Committee and shall be completed by September 11, 2015, with a Further Status Teleconference to be held on **Monday, September 21, 2015 at 1:00 pm** via CourtCall.

APPEARANCES: See attached CourtCall List.

REPORTER: NOT REPORTED

EVENT CALENDAR:

September 28, 2015 thru October 16, 2015	9am	Includes, but not limited to, the non-stipulating parties' prove-up; presentation of physical solutions and objections thereto; and evidence in the default proceedings; Motion by Willis Class to Enforce Settlement Agreement with Public Water Suppliers; Motion to Enforce Due Process; Motion for Court Order for Payment of Expert Witness Fees for the Willis Class for Physical Solution Proceedings. Location – Superior Court, County of <u>Los Angeles</u> , Room 222, 2 nd Floor, 111 North Hill Street, Los Angeles, CA 90012.
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EXHIBIT 1

10/21/2015



55 SW Yamhill Street, Suite 300 Portland, OR 97204
 P: 503.239.8799 F: 503.239.8940
 info@gsiws.com www.gsiws.com

Mike McLachlan
 Superior Court of California, County of Los Angeles
 c/o Law Offices of Michael D. McLachlan
 44 Hermosa Avenue
 Hermosa Beach, CA 90254

June 03, 2015
 Invoice No: 0568.001 - 7

Project 0568.001 Antelope Valley Groundwater Adjudication
Professional Services from May 01, 2015 to May 31, 2015

Task .001 Review Responses / Project Management

Labor		Hours	Rate	Amount	
Administrative Assistant					
Mackey, Emily		.50	85.00	42.50	
Totals		.50		42.50	
Total Labor					42.50
			Total this Task		\$42.50

Task .004 Compile Data / Water Use Calculations / Prep Exhibits

Labor		Hours	Rate	Amount	
Senior Hydrogeologist					
Thompson, Timothy		8.50	275.00	2,337.50	
Senior Staff Hydrologist					
Franz, Brian		4.00	120.00	480.00	
Staff Environmental Engineer					
Gorski, Jacob		14.50	100.00	1,450.00	
GIS Specialist					
Manley, Jesse		2.00	120.00	240.00	
Totals		29.00		4,507.50	
Total Labor					4,507.50
			Total this Task		\$4,507.50
			Total this Invoice		\$4,550.00

Outstanding Invoices

Number	Date	Balance
1	12/3/2014	93.11
2	1/12/2015	345.25
3	2/13/2015	10,723.72
4	3/5/2015	6,885.15
5	4/7/2015	252.90
6	5/6/2015	2,927.50
Total		21,227.63

10 / 21 / 2015

Project 0568.001

McLachlan Law: Antelope Valley GW Adjudi

Invoice 7

Billings to Date

	Current	Prior	Total
Labor	4,550.00	69,298.75	73,848.75
Totals	4,550.00	69,298.75	73,848.75

10/21/2015



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Mike McLachlan
 Superior Court of California, County of Los Angeles
 c/o Law Offices of Michael D. McLachlan
 44 Hermosa Avenue
 Hermosa Beach, CA 90254

July 06, 2015
 Invoice No: 0568.001 - 8

Project 0568.001 Antelope Valley Groundwater Adjudication
Professional Services from June 01, 2015 to June 30, 2015

Task .004 Compile Data / Water Use Calculations / Prep Exhibits
Labor

	Hours	Rate	Amount	
Principal Hydrogeologist Barry, Jeffrey	3.00	225.00	675.00	
Senior Hydrogeologist Thompson, Timothy	25.00	275.00	6,875.00	
Senior Staff Hydrologist Franz, Brian	6.00	120.00	720.00	
Staff Environmental Engineer Gorski, Jacob	1.00	100.00	100.00	
GIS Specialist Manley, Jesse	7.50	120.00	900.00	
Technical Editor Carroll, Jill	11.50	110.00	1,265.00	
Administrative Assistant Mackey, Emily	.50	85.00	42.50	
Totals	54.50		10,577.50	
Total Labor				10,577.50
		Total this Task		\$10,577.50
		Total this Invoice		\$10,577.50

Outstanding Invoices

Number	Date	Balance
1	12/3/2014	-.04
3	2/13/2015	1,337.48
4	3/5/2015	858.71
5	4/7/2015	31.55
6	5/6/2015	2,927.50
7	6/3/2015	4,550.00
Total		9,705.20

Billings to Date

	Current	Prior	Total
Labor	10,577.50	73,848.75	84,426.25
Totals	10,577.50	73,848.75	84,426.25

10/21/2015



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Mike McLachlan
 Superior Court of California, County of Los Angeles
 c/o Law Offices of Michael D. McLachlan
 44 Hermosa Avenue
 Hermosa Beach, CA 90254

August 06, 2015
 Invoice No: 0568.001 - 9

Project 0568.001 Antelope Valley Groundwater Adjudication

Professional Services from July 01, 2015 to July 31, 2015

Task	.001	Review Responses / Project Management		
Labor				
			Hours	Rate
				Amount
Administrative Assistant				
Mackey, Emily			.50	85.00
Totals			.50	42.50
Total Labor				42.50
				Total this Task
				\$42.50

Task	.004	Compile Data / Water Use Calculations / Prep Exhibits		
Labor				
			Hours	Rate
				Amount
Senior Hydrogeologist				
Bondy, Bryan			3.50	170.00
Thompson, Timothy			20.00	275.00
Senior Staff Hydrologist				
Franz, Brian			2.50	120.00
Staff Environmental Engineer				
Gorski, Jacob			6.25	100.00
Totals			32.25	7,020.00
Total Labor				7,020.00
Reimbursable Expenses				
Travel				3.00
Total Reimbursables				3.00
				Total this Task
				\$7,023.00
				Total this Invoice
				\$7,065.50

Billings to Date			
	Current	Prior	Total
Labor	7,062.50	84,426.25	91,488.75
Expense	3.00	0.00	3.00
Totals	7,065.50	84,426.25	91,491.75

10/21/2015



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Mike McLachlan
 Superior Court of California, County of Los Angeles
 c.o Law Offices of Michael D. McLachlan
 44 Hermosa Avenue
 Hermosa Beach, CA 90254

September 01, 2015
 Invoice No: 0568.001 - 10

Project 0568.001 Antelope Valley Groundwater Adjudication
Professional Services from August 01, 2015 to August 31, 2015

Task .001 Review Responses / Project Management

Labor

	Hours	Rate	Amount	
Administrative Assistant				
Mackey, Emily	.50	85.00	42.50	
Totals	.50		42.50	
Total Labor				42.50
				Total this Task \$42.50

Task .004 Compile Data / Water Use Calculations / Prep Exhibits

Labor

	Hours	Rate	Amount	
Senior Hydrogeologist				
Thompson, Timothy	10.25	275.00	2,818.75	
Totals	10.25		2,818.75	
Total Labor				2,818.75
				Total this Task \$2,818.75

Task .005 Deposition / Testimony

Labor

	Hours	Rate	Amount	
Senior Hydrogeologist				
Thompson, Timothy	2.50	412.50	1,031.25	
Totals	2.50		1,031.25	
Total Labor				1,031.25

Reimbursable Expenses

Travel			25.00	
Meals			6.05	
Total Reimbursables			31.05	31.05

Total this Task \$1,062.30
Total this Invoice \$3,923.55

10/21/2015

Billings to Date

	Current	Prior	Total
Labor	3,892.50	91,488.75	95,381.25
Expense	31.05	3.00	34.05
Totals	3,923.55	91,491.75	95,415.30

10/21/2015

CourtCall® Appearance Calendar

September 2015

04 Friday

Courtroom Judge Jack Komar

Santa Clara County Superior Court

Operator: Lisa

01:30 PM PT Dial: (800) 285-8640

Time	Case Information	Attorney Information
	Case #: JCCP4408 Case Name: Antelope Valley Groundwater Cases Proceeding Type: Telephonic Status Conference	Firm: Herum Crabtree Suntag Phone: (209) 472-7700 ext. 111 Contact: Carlos Ambriz ✓ For: Defendant(s), Antelope Valley Water Storage LLC
		Firm: Latham & Watkins LLP Phone: (213) 485-1234 Contact: Lucas Quass John Morris ✓ For: Client, Clan Keith Real Estate Investments, LLC.
		Firm: Alston & Bird LLP Phone: (213) 576-1000 Contact: Andrew J. Brady ✓ For: Defendant(s), Northrup Gruman, et al.
		Firm: Richards, Watson & Gershon Phone: (213) 626-8484 Contact: Patrick D. Skahan ✓ For: Client, City of Palmdale
		Firm: Smiland & Chester Phone: (213) 891-1010 ext. 200 Contact: Theodore A. Chester, Jr. ✓ For: Defendant(s), Landin V., Inc., et al.
		Firm: State of California Phone: (213) 897-2612 Contact: Marilyn Levin ✓ For: Defendant(s), State of California, Santa Monica Mountain Conservancy, et al
		Firm: CA Department of Justice Phone: (213) 897-2614 Contact: Noah Golden-Krasner ✓ For: Defendant(s), Santa Monica Mountains Conservancy
		Firm: County Counsel of Los Angeles Phone: (213) 974-9668 Contact: Warren R. Wellen ✓ For: Client, The County of Los Angeles

10/21/2015

CourtCall® Appearance Calendar

September 2015

04 Friday

Courtroom Judge Jack Komar

Santa Clara County Superior Court

01:30 PM PT Dial: (800) 285-8640

Time	Case Information	Attorney Information
		Firm: U.S. Department of Justice Phone: (303) 844-1375 Contact: James J. Dubois ✓ For: Representing, U.S. Department of Justice
		Firm: California Water Service Company Phone: (310) 257-1433 Contact: John S. Tootle ✓ For: Defendant(s), California Water Service Company
		Firm: Aleshire & Wynder, LLP Phone: (310) 527-6662 ext. 6662 Contact: June S. Ailin ✓ For: Defendant/Cross-Complainant, Phelan Pinon Hills Community Services District
		Firm: Law Office Of Michael D. McLachlan Phone: (310) 954-8270 Contact: Michael D. McLachlan ✓ For: Plaintiff(s), Richard Wood
		Firm: Law Office of Kurt Stiefler Phone: (323) 644-0966 Contact: Kurt A. Stiefler ✓ For: Defendant(s), Reesedale Mutual Water Company
		Firm: Law Offices of Sheldon R. Blum Phone: (408) 377-7320 Contact: Sheldon Blum ✓ For: Client, Blum Trust
		Firm: Morrison & Foerster LLP Phone: (415) 268-7209 Contact: William M. Sloan ✓ For: Defendant(s), US Borax
		Firm: Law Offices of Karen L. Bilotti Phone: (442) 222-0081 Contact: Karen L. Bilotti ✓ For: Cross-Defendant(s), Hi-Grade Materials Co., et al

10/21/2015

CourtCall® Appearance Calendar

September 2015

04 Friday

Courtroom Judge Jack Komar

Santa Clara County Superior Court

01:30 PM PT Dial: (800) 285-8640

Time	Case Information	Attorney Information
		Firm: Law Offices of Walter J. Wilson Phone: (562) 432-3388 Contact: Walter J. Wilson ✓ For: Cross-Defendant(s), Antelope Valley Mobile Estates, LLC
		Firm: Krause Kalfayan Benink & Slavens, LLP Phone: (619) 232-0331 Contact: Lynne M Brennan ✓ For: Plaintiff(s), Rebecca L. Willis
		Firm: Krause Kalfayan Benink & Slavens, LLP Phone: (619) 232-0331 Contact: Ralph B. Kalfayan ✓ For: Plaintiff(s), Rebecca L. Willis
		Firm: Lagerlof, Senecal, Gosney & Kruse Phone: (626) 793-9400 ext. 308 Contact: Thomas S. Bunn, III ✓ For: Interested Party, Palmdale Water District
		Firm: Charlton Weeks LLP Phone: (661) 265-0969 Contact: Bradley T. Weeks ✓ For: Interested Party, Quartz Hill Water District
		Firm: Borton Petrini LLP Phone: (661) 322-3051 Contact: Calvin R. Stead ✓ For: Co-Defendant(s), Eyherabide et al
		Firm: Kuhs & Parker Phone: (661) 322-4004 Contact: Robert G. Kuhs ✓ For: Defendant(s), Tejon Ranch Corp
		Firm: McMurtrey & Hartsock & Worth Phone: (661) 322-4417 Contact: James A. Worth ✓ For: Defendant(s), Boron Community Services District
		Firm: Clifford & Brown Phone: (661) 322-6023 ext. 216 Contact: Richard G. Zimmer ✓ For: Cross-Comp/Defendant, Bolthouse Properties, LLC; W.M. Bolthouse Farms, Inc.

10/21/2015

CourtCall® Appearance Calendar

September 2015

04 Friday

Courtroom Judge Jack Komar

Santa Clara County Superior Court

01:30 PM PT Dial: (800) 285-8640

Time	Case Information	Attorney Information
		Firm: LeBeau -Thelen, LLP Phone: (661) 325-8962 Contact: Bob H. Joyce ✓ For: Defendant(s), Diamond Farming
		Firm: The Law Offices of Young Wooldridge, LLP Phone: (661) 327-9661 ext. 160 Contact: Scott K. Kune ✓ For: Defendant(s), Van Dam's WDS California II, LLC
		Firm: Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball LLP Phone: (661) 328-5373 Contact: Joseph D. Hughes ✓ For: Client, HNN Development Co-West Inc.
		Firm: Schools Legal Service Phone: (661) 636-4830 Contact: Christopher P. Burger ✓ For: Cross-Defendant(s), Southern Kern Unified School District (Rosamond School Water System)
		Firm: Murphy & Evertz LLP Phone: (714) 277-1700 Contact: Douglas J. Evertz ✓ For: Defendant(s), City of Lancaster and Rosamond
		Firm: Fagen Friedman & Fulfroost, LLP Phone: (760) 304-6023 ext. 6007 Contact: Jonathan A. Salt ✓ For: Defendant(s), Antelope Valley Joint Union High School District
		Firm: Lemieux & O'Neill Phone: (805) 495-4770 Contact: W. Keith Lemieux, Jr. ✓ For: Defendant/Cross-Complainant, Littlerock Creek Irrigation District, et al
		Firm: Brownstein Hyatt Farber Schreck, LLP Phone: (805) 963-7000 Contact: Michael T. Fife ✓ For: Client, Antelope Valley Groundwater Agreement Association

10/21/2015

CourtCall® Appearance Calendar

September 2015

04 Friday

Courtroom Judge Jack Komar

Santa Clara County Superior Court

01:30 PM PT Dial: (800) 285-8640

Time	Case Information	Attorney Information
		Firm: Gresham Savage Nolan & Tilden, P.C. Phone: (909) 890-4499 Contact: Michael D. Davis ✓ For: Client, John Ukkestad
		Firm: Kronick, Moskovitz, Tiedemann & Girard Phone: (916) 321-4500 Contact: Janet K. Goldsmith ✓ For: Defendant(s), City of Los Angeles
		Firm: Bartkiewicz Kronick & Shanahan Phone: (916) 446-4254 Contact: Andrew J. Ramos ✓ For: Cross-Defendant(s), Copa De Oro Land Company
		Firm: Ellison, Schneider & Harris LLP Phone: (916) 447-2166 Contact: Christopher M. Sanders ✓ For: Defendant(s), Los Angeles Sanitation
		Firm: Best Best & Krieger LLP Phone: (949) 263-2600 Contact: Jeffrey V. Dunn ✓ For: Client, The County of Los Angeles
		Firm: Gresham Savage Nolan & Tilden, P.C. Phone: (951) 684-2171 Contact: John Ukkestad - Client ✓ For: Defendant(s), AV Mutuals
		Firm: Hanna & Morton LLP Phone: 213-430-2516 ext. 516 Contact: Edward S. Renwick ✓ For: Defendant(s), Wagas Land Company, LLC
		Firm: Best Best & Krieger LLP Phone: 213-617-8100 Contact: Wendy Y. Wang ✓ For: Plaintiff(s), Los Angeles County Waterworks District
		Firm: Brumfield & Hagan LLP Phone: 661-215-4980 Contact: Robert H. Brumfield ✓ For: Cross-Defendant(s), Charles Tapia and Nellie Tapia Family Trust

10/21/2015

CourtCall® Appearance Calendar

September 2015

04 Friday

Courtroom Judge Jack Komar

Santa Clara County Superior Court

01:30 PM PT Dial: (800) 285-8640

Time	Case Information	Attorney Information
		Firm: Richard A. Wood - Client Phone: 661-946-1161 Contact: Richard A. Wood ✓ For: Plaintiff(s), Richard A. Wood
		Firm: Brownstein Hyatt Farber Schreck, LLP Phone: 805-963-7000 Contact: Bradley J. Herrema For: Cross-Complainant(s), Antelope Valley Ground Water Agreement Association
		Firm: Brunick, McElhaney & Kennedy, PLC Phone: 909-889-8301 Contact: William J. Brunick ✓ For: Cross-Complainant(s), Antelope Valley East Kern Water Agency

10/21/2015

THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING - WWW.SCEFILING.ORG

c/o Glotrans
2915 McClure Street
Oakland, CA94609
TEL: (510) 208-4775
FAX: (510) 465-7348
EMAIL: Info@Glotrans.com

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

Coordination Proceeding Special Title (Rule 1550(b)) ANTELOPE VALLEY GROUNDWATER CASES (JCCP 4408) Included Actions: Los Angeles County Waterworks District No. 40)	Antelope Valley Groundwater Cases (JCCP 4408)
)	Lead Case No.1-05-CV-049053
Plaintiff,)	Hon. Jack Komar
vs.)	
Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201 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. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668)	
Defendant.)	
<hr/> AND RELATED ACTIONS <hr/>)	PROOF OF SERVICE Electronic Proof of Service

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the worldwide web on Fri. September 4, 2015 at 3:13 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.scefilling.org>, on Fri. September 4, 2015 at 3:13 PM PDT

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties on the electronic service list maintained for this case. The message identified the document and provided instructions for accessing the document on the worldwide web.

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

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3 Document(s) submitted by Rowena Walker of Santa Clara County Superior Court on Fri. September 4, 2015 at 3:13
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4 1. Other: Minute Order from September 4, 2015

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The Superior Court of California, County of Santa Clara
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Document #114297:

Title: Minute Order from September 4, 2015 ([Click here to view document information](#))
 Type: Other
 Author: Jack Komar of Superior Court of California
 Parties: Superior Court of California

Document #114299:

Title: Cross-Defendant Northrop Grumman Systems Corporation's Amended Disclosure of Exhibits Regarding Prove-Up Trial Re: [Proposed] Stipulated Judgment And Physical Solution ([Click here to view document information](#))
 Type: Exhibits List
 Author: Andrew Brady of Alston & Bird LLP
 Parties: Northrop Grumman Corporation (Sued As Doe 534)

Document #114300:

Title: Cross-Defendant SGS Antelope Valley Development, LLC's Amended Disclosure of Exhibits Regarding Prove-Up Trial Re: [Proposed] Stipulated Judgment And Physical Solution ([Click here to view document information](#))
 Type: Exhibits List
 Author: Andrew Brady of Alston & Bird LLP
 Parties: SGS Antelope Valley Development LLC

Document #114301:

Title: Cross-Defendant Northrop Grumman Systems Corporation's Amended Disclosure of Exhibits Regarding Prove-Up Trial Re: [Proposed] Stipulated Judgment And Physical Solution ([Click here to view document information](#))
 Type: Exhibits List
 Author: Andrew Brady of Alston & Bird LLP
 Parties: eSolar, Inc.
 Red Dawn SunTower, LLC
 Tumbleweed SunTower, LLC
 Sierra SunTower, LLC

Document #114302:

Title: Cross-Defendant AV Solar Ranch 1, LLC's Amended Disclosure of Exhibits Regarding Prove-Up Trial Re: [Proposed] Stipulated Judgment And Physical Solution ([Click here to view document information](#))
 Type: Exhibits List
 Author: Andrew Brady of Alston & Bird LLP
 Parties: AV Solar Ranch 1, LLC

Document #114303:

Title: Cross-Defendant Southern California Edison Company's Amended Disclosure of Exhibits Regarding Prove-Up Trial Re: [Proposed] Stipulated Judgment And Physical Solution ([Click here to view document information](#))
 Type: Exhibits List
 Author: Andrew Brady of Alston & Bird LLP
 Parties: Southern California Edison Company

Service list:

Party name	Attorney/Representative Contact	Email address
40th St Mutual Water Company		
60th Street Assoc. Water System		
A. V. Materials, Inc.		tchester@smilandlaw.com

10/21/2015

	Chester, Theodore – Smland Chester Alden LLP	
	Lewis, James – Taylor & Ring	lewis@tayloring.com
A.C. Warnack, as Trustee of The A.C. Warnack Trust	Lewis, James – Taylor & Ring	lewis@tayloring.com
A.V. United Mutual Group	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
AV Solar Ranch 1, LLC	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Brunton, Daniel – Latham & Watkins LLP	daniel.brunton@lw.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Maguire, Neal	
Adams Bennett Investments, LLC	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
Ames, Tim: Desert Breeze Mobile Home Estates	Ames, Tim – Desert Breeze Mobile Home Estates	dbmhe@gmail.com [bad address]
Andrews, Franklin D.	Andrews, Franklin D.	
Andrews, Treba	Andrews, Treba	
Angelo and Dolores M. Cassara as Trustees of the Cassara Marital Trust	Kalfayan, Ralph – Krause, Kalfayan, Benink & Slavens, LLP	rkalfayan@kkbs-law.com
Antelope Valley Country Club Improvement Company, Inc.	Clark, William – Law Offices of William Allen Clark	lawyerbill@sbcglobal.net
Antelope Valley East-Kern Water Agency	Brunick, William – Brunick, McElhaney & Kennedy PLC	bbrunick@bmklawplc.com
Antelope Valley Ground Water Agreement Association	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
	Fife, Michael – Brownstein Hyatt Farber Schreck LLP	mfife@bhfs.com
	Herrema, Bradley – Brownstein Hyatt Farber Schreck LLP	bherrema@bhfs.com
	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Lane, Gina – Brownstein Hyatt Farber Schreck	glane@bhfs.com
	Sloan, William – Morrison & Foerster LLP	wsloan@mofo.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
Antelope Valley Joint Union High School District	Hall, Daphne Borromeo – Fagen Friedman & Fulfroost, LLP	dbhall@fagenfriedman.com [bad address]
	Smith, Kimberly – Fagen Friedman & Fulfroost LLP	ksmith@f3law.com
Antelope Valley Mobile Estates	Wilson, Walter – Law Offices of Walter J. Wilson	walterw1@aol.com
Antelope Valley Water Storage LLC	Zolezzi, Jeanne M. – Herum Crabtree Suntag	jzolezzi@herumcrabtree.com
Arklin Brothers Enterprises	Weitkamp, John – Weitkamp & Weitkamp	jweitkamp@aol.com
Arklin, Philip H.	Weitkamp, John – Weitkamp & Weitkamp	jweitkamp@aol.com
Balice, Maria	LaCilento, Michael – Law Office of Michael J. La Cilento	mjlacilento@yahoo.com
Balice, Norman	LaCilento, Michael – Law Office of Michael J. La Cilento	mjlacilento@yahoo.com
Barnes, William	Barnes, William	
Basner, William: M&M Peach Ranch		
	Basner, William – M&M Peach Ranch	lofelizoaks@msn.com
Baxter Mutual Water Co.	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com

10/21/2015

	Gorden, Larry – Baxter Mutual Water Co.	larry@baxterwater.com
Big Rock Mutual Water Company	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Lemieux, W Keith – Lemieux & O'Neill	keith@lemieux-oneill.com
	Lemieux, Wayne – Lemieux & O'Neill	wayne@lemieux-oneill.com
Blayney, Randall	Stein, Andrew – Andrew D. Stein & Associates, Inc.	ads@steinlawcorp.com
Bloom, Melody	Bloom, Melody	bloommelody@yahoo.com
Bolthouse Properties, LLC.	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
Boron Community Services District	Worth, James – MCMURTREY, HARTSOCK & WORTH	jim@mcmurtreyhartsock.com
Boruchin, as Trustee for the John and Dora Boruchin Living Trust, Dora	Aklufi, Joseph – Aklufi and Wysocki	aandwlaw@aol.com
Boruchin, as Trustee for the John and Dora Boruchin Living Trust, John	Aklufi, Joseph – Aklufi and Wysocki	aandwlaw@aol.com
Britton Associates, LLP	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Stone, Edward – Edward H. Stone, A Law Corporation	edstonelawoffice@sbcglobal.net [bad address]
Bujulian Brothers, Inc.	Kuney, Scott K. – Law Offices of Young Wooldridge LLP	skuney@youngwooldridge.com
Bujulian Brothers, Inc.	Kaia, Michael – Law Offices of Young Wooldridge LLP	mkaia@youngwooldridge.com
Burrows, Bruce: 300 A 40 H, LLC	Chester, Theodore – Smland Chester Alden LLP	tchester@smilandlaw.com
	Herrema, Bradley – Brownstein Hyatt Farber Schreck LLP	bherrema@bhfs.com
	Hoch, Steven – Brownstein Hyatt Farber Schreck LLP	mklachko-blair@bhfs.com
Bushnell Enterprises, LLC	Willis, Geoffrey K. – Sheppard Mullin Richter & Hampton LLC	adonoghue@sheppardmullin.com
CJR, a general partnership	Bilotti, Karen	karen_bilotti@yahoo.com
Cabahug, Jaime and Arlene	Cabahug, Jaime	jcabahug@cox.net [bad address]
California Water Service Company	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Markman, James – Richards, Watson & Gershon	jmarkman@rwglaw.com
	Morris, Stefanie – Best Best & Krieger, LLP	stefanie.morris@bbklaw.com [bad address]
	Tootle, John – California Water Service Company	jtootle@calwater.com [bad address]
Cameron Properties	Leckie, Bernard A. – Meserve, Mumper & Hughes LLP	bleckie@mmhllp.com
Chan, Hawk Nin: Self-Representing	Chan, Hawk Nin – Self-representing	sythm@earthlink.net [bad address]
Chavez, Efen	Herrema, Bradley – Brownstein Hyatt Farber Schreck LLP	bherrema@bhfs.com
City National Bank, Trustee	Brower, Neill – Jeffer Mangels Butler & Marmaro, LLP	nb4@jmbm.com
	Ehrlich, Kenneth – Jeffer Mangels Butler & Marmaro LLP	kae@jmbm.com
City of Lancaster	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Evertz, Douglas J. – Murphy & Evertz	devertz@murphyevertz.com

10/21/2015

City of Los Angeles	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Goldsmith, Janet – Kronick, Moskovitz, Tiedemann & Girard	jgoldsmith@kmtg.com
	Riley, Julie C. – Los Angeles City Attorney's Office	julie.riley@ladwp.com
City of Palmdale	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Kim, B. Tilden – Richards Watson & Gerson	tkim@rwglaw.com
	Markman, James – Richards, Watson & Gershon	jmarkman@rwglaw.com
	Markman, James – Richards, Watson & Gershon	jmarkman@rwglaw.com
	McDonald, Whitney – Richards, Watson & Gershon	wmcdonald@rwglaw.com [bad address]
Collicutt, Ikuku	Collicutt, Ikuko	bizo32f8@verizon.net [bad address]
Copa De Oro Land Company, a California general partnership	Bezerra, Ryan – Bartkiewicz Kronick & Shanahan, a professional corporation	rsb@bkslawfirm.com
	Ramos, Andrew – Bartkiewicz, Kronick & Shanahan	ajr@bkslawfirm.com
County Sanitation Districts Nos. 14 and 20 of Los Angeles County	Sanders, Christopher – Ellison, Schneider & Harris	cms@eslawfirm.com
	Sanders, Christopher M. – Ellison, Schneider & Harris	ps@eslawfirm.com
Crestmore Village Water Company		
Crystal Organic Farms LLC	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
Davis, Robert Glenn		
	Davis, Robert	imrdavis@gmail.com
Del Sur Ranch, LLC	Fife, Michael – Brownstein Hyatt Farber Schreck LLP	mfife@bhfs.com
Del Sur Ranch, LLC	Fife, Michael – Brownstein Hyatt Farber Schreck LLP	mfife@bhfs.com
Desert Lakes Community Services District	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Lemieux, W Keith – Lemieux & O'Neill	keith@lemieux-oneill.com
	Lemieux, Wayne – Lemieux & O'Neill	wayne@lemieux-oneill.com
Diamond Farming Company	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
E.C. Wheeler, LLC	Wheeler, Eugene – E.C. Wheeler, LLC	edi@genewheelerfarms.com
Eastley, Philip	eastley, philip	eastley@sopris.net
Epstein, Daniel: Desert Breeze MHP, LLC	Epstein, Daniel – Desert Breeze MHP, LLC	epstein14@yahoo.com
	Wilson, Walter – Law Offices of Walter J. Wilson	walterw1@aol.com
Estrada, David	Estrada, David	djestrada@cs.com
Estrada, Rita	Estrada, David	djestrada@cs.com
Eyherabide Land Co., LLC	Stead, Calvin – BORTON PETRINI, LLP	cstead@bortonpetrini.com
Eyherabide, Juanita		
	Stead, Calvin – BORTON PETRINI, LLP	cstead@bortonpetrini.com
First Mutual Water System		
Florence Cernicky as Trustee of the Cernicky Trust	Kalfayan, Ralph – Krause, Kalfayan, Benink & Slavens, LLP	rkalfayan@kkbs-law.com

10/21/2015

Frankie H. Salomon Trust	Salaman, Franklin – Franklin Salaman - Trustee - Frankie H. Salomon Trust	fssalaman9171@comcast.net [bad address]
Fredrichsen, Lewis		
Fry, Ron	Fry, Ron	roncfry@earthlink.net [bad address]
GOLDEN SANDS MOBILE HOME PARK	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
	Reinhard, David	rf4driver@cox.net
Gaskell SunTower, LLC	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Maguire, Neal	
Gateway Triangle Properties	Kia, Fred – Gateway Triangle Properties	fredkia@gmail.com
Goodyork Corporation	Wilson, Walter – Law Offices of Walter J. Wilson	walterw1@aol.com
Granite Construction Company	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Kuhs, Robert – Kuhs & Parker	rgkuhs@kuhsparkerlaw.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
Grimmway Enterprises, Inc.	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
H&N Development Co. West, Inc.	Hughes, Joseph – Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP	jhughes@kleinlaw.com
	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
Hancock, Catherine	Hancock, Catherine	chan365973@aol.com
Hancock, Timothy	Hancock, Timothy	timothy_hancock@paramount.com
Harbaugh, Barry	Harbaugh, Barry	bocabaugh@verizon.net [bad address]
Harris, Steven	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Stone, Edward – Edward H. Stone, A Law Corporation	edstonelawoffice@sbcglobal.net [bad address]
Healy Enterprises, Inc.	Fife, Michael – Brownstein Hyatt Farber Schreck LLP	mfife@bhfs.com
Herrmann, David	Herrmann, David – The Herrmann Family Trust	david@herrmannfinancial.com [bad address]
	Peffer, Ray – Greenan Peffer Sallander & Lally LLP	rpeffer@gpsllp.com
Hi-Grade Materials, Co.	Bilotti, Karen	karen_bilotti@yahoo.com
Hidden Valley Mutual Water Company		
High Desert Investments, LLC	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Brunton, Daniel – Latham & Watkins LLP	daniel.brunton@lw.com
Holliday Rock Co., Inc.	Chester, Theodore – Smland Chester Alden LLP	tchester@smilandlaw.com
	Lewis, James – Taylor & Ring	lewis@tayloring.com
Huth, Clinto	Hewitt, Stephen – HEWITT & TRUSZKOWSKI	slhewitt@hewittlegal.com
Iannaccone, Elizabeth: Pro-per	Iannaccone, Elizabeth	albers9601@aol.com
Joshua Acres Mutual Water Company		
Jung, Irene	Jung, Paul	jungphn@yahoo.com
Jung, Paul	Jung, Paul	jungphn@yahoo.com
		tchester@smilandlaw.com

10/21/2015

LITTLE ROCK SAND AND GRAVEL, INC.	Chester, Theodore – Smland Chester Alden LLP	
	Lewis, James – Taylor & Ring	lewis@taylorring.com
LV Ritter Ranch LLC	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
Lancaster Summit Properties, Ltd.	Wilson, Walter – Law Offices of Walter J. Wilson	walterw1@aol.com
Lancaster Water Company		
	Kearin, Arthur – Lancaster Water company	artkearin@rglobal.net
Landfield, Richard	Landfield, Richard	rl@go2fairway.com [bad address]
Landinv, Inc.	Chester, Theodore – Smland Chester Alden LLP	tchester@smilandlaw.com
Lands of Promise Mutual Water Association		
Lapis Land Company, LLC	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
Lebata, Inc.	Keces, Matthew – Law Office of Matthew A. Keces	makeces@yahoo.com
Leduc, Larry V.	Campbell, Clayton – The Campbell Law Firm	claytondcampbell@gmail.com
Leduc, Sonia S.	Campbell, Clayton – The Campbell Law Firm	claytondcampbell@gmail.com
Leisure Lake Mobile Estates	Wilson, Walter – Law Office of Walter Wilson	walterw1@aol.com
	Wilson, Walter – Law Offices of Walter J. Wilson	walterw1@aol.com
Leslie Property	Graf, Allan – Carlsmith Bal	agraf@carlsmith.com
Little Baldy Mutual Water Company	Elliott, Robert	robertelliott1960@yahoo.com
	Lemieux, W Keith – Lemieux & O'Neill	keith@lemieux-oneill.com
	Lemieux, Wayne – Lemieux & O'Neill	wayne@lemieux-oneill.com
	Stiefler, Kurt – Law Office of Kurt Stiefler	stieflerlaw@att.net
Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc.	Chester, Theodore – Smland Chester Alden LLP	tchester@smilandlaw.com
	Lewis, James – Taylor & Ring	lewis@taylorring.com
Littlerock Creek Irrigation District	Doerfler, Michelle – Lemieux & O'Neill	michelle@lemieux-oneill.com
	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Lemieux, W Keith – Lemieux & O'Neill	keith@lemieux-oneill.com
	Lemieux, Wayne – Lemieux & O'Neill	wayne@lemieux-oneill.com
	Markman, James – Richards, Watson & Gershon	jmarkman@rwglaw.com
Llano Mutual Water Company	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Lemieux, W Keith – Lemieux & O'Neill	keith@lemieux-oneill.com
	Lemieux, Wayne – Lemieux & O'Neill	wayne@lemieux-oneill.com
Llano-Del Rio Water Company	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Lemieux, W Keith – Lemieux & O'Neill	keith@lemieux-oneill.com
	Lemieux, Wayne – Lemieux & O'Neill	wayne@lemieux-oneill.com
Los Angeles County Waterworks District No. 40	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Garner, Eric – Best Best & Krieger, LLP	eric.garner@bbklaw.com
	Markman, James – Richards, Watson & Gershon	jmarkman@rwglaw.com

10/21/2015

	Moore, Michael L. – Los Angeles County Counsel's Office	mmoore@counsel.lacounty.gov
	Morris, Stefanie – Best Best & Krieger, LLP	stefanie.morris@bbklaw.com [bad address]
	Walker, Rowena – Superior Court of California	rwalker@scscourt.org
	Wellen, Warren – Los Angeles County Counsel's Office	wwellen@counsel.lacounty.gov
Lu, Clark C.	Chao, Lynn – Law Offices of Lynn Chao, A.P.C.	lawlynnchao@gmail.com
Lu, Danny C.	Chao, Lynn – Law Offices of Lynn Chao, A.P.C.	lawlynnchao@gmail.com
Lucky 18 on Rosamond, LLC		
Lyon, Alice	Kennedy, Terri	violeti@pacbell.net
Mason, David S.	Putnam, Vernon – Avila & Putnam, Professional Law Corporation	vputnam@avilaputnam.com
Mathis, Joe	Joe, Mathis	hollyrowton@marshallowens.com
Matsui, Jeanne	Matsui, Jeanne	pearldr@sbcglobal.net
Max Webb Trustee of the Webb Trust of 1978	Webb, Max	mwebb@740management.com
Melinda L. Gillman, Trustee of the Grubb Family Trust	Melinda L. Gillman, Trustee of the Grubb Family Trust	gvre@gvre.com [bad address]
Melvin Thomas Andrews and Margaret E. Andrews, Trustees of the Andrews Living Trust dated August 2, 2004	Andrews, Melvin T.	mandrews@lakesidecapital.com
Middle Butte Mine, Inc.	Kawar, Ramsey	rfkawar@yahoo.com
Monte Vista Building Sites Inc.	Lewis, James – Taylor & Ring	lewis@tayloring.com
Mountain Brook Ranch, LLC	Weitkamp, John – Weitkamp & Weitkamp	jweitkamp@aol.com
Murphy, Patty	Murphy, Pat – Law Offices of Pat Murphy	murphyslaw@qnet.com
NRG Solar Alpine, LLC (was Alta Vista)	Rusinek, Walter – Procopio, Cory, Hargreaves & Savitch LLP	walter.rusinek@procopio.com
New Anaverde, LLC	Goldman, James – Pircher, Nichols & Meeks	jgoldman@pircher.com [bad address]
Nibbelink Family Trust	Lewis, James – Taylor & Ring	lewis@tayloring.com
North Edwards Water District	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Lemieux, W Keith – Lemieux & O'Neill	keith@lemieux-oneill.com
	Lemieux, Wayne – Lemieux & O'Neill	wayne@lemieux-oneill.com
Northrop Grumman Corporation (Sued As Doe 534)	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Ramos, Yolanda – Alston & Bird LLP	yolie.ramos@alston.com
Palm Ranch Irrigation District	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Lemieux, W Keith – Lemieux & O'Neill	keith@lemieux-oneill.com
	Lemieux, Wayne – Lemieux & O'Neill	wayne@lemieux-oneill.com
	Markman, James – Richards, Watson & Gershon	jmarkman@rwglaw.com
Palmdale Hills Property LLC	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Maguire, Neal	
	Ramos, Yolanda – Alston & Bird LLP	yolie.ramos@alston.com
Palmdale Water District	Bunn III, Thomas – Lagerlof, Senecal, Gosney & Kruse, LLP	tombunn@lagerlof.com
	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com

10/21/2015

	Markman, James – Richards, Watson & Gershon	jmarkman@rwglaw.com
Phelan Pinon Hills Community Services District	Ailin, June – Aleshire & Wynder, LLP	jailin@awattorneys.com
	Hogan, Miles P. – Aleshire & Wynder LLP	mhogan@awattorneys.com
Pittman, Thomas	Kalfayan, Ralph – Krause, Kalfayan, Benink & Slavens, LLP	rkalfayan@kkbs-law.com
Qarmout, Elias	Rivas, Manuel – Law Offices of Manuel Rivas, Jr.	manuel@rivaslawoffices.com
Quartz Hill Water District	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Markman, James – Richards, Watson & Gershon	jmarkman@rwglaw.com
	Reed, Chad – Charlton Weeks	creed@qhwd.org
	Weeks, Bradley – Charlton Weeks LLP	brad@charltonweeks.com
Rafferty, Gary	Rafferty, Gary	grafferty@swinerton.com [bad address]
Rafferty, Nona	Rafferty, Nona	nmraff@aol.com
Raney, as Trustee for the Robert and Shirley Raney Living Trust , Robert D.	Aklufi, Joseph – Aklufi and Wysocki	aandwlaw@aol.com
Raney, as Trustee for the Robert and Shirley Raney Living Trust , Shirley B.	Aklufi, Joseph – Aklufi and Wysocki	aandwlaw@aol.com
Red Dawn SunTower, LLC	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Maguire, Neal	
Reesdale Mutual Water Company	John, Dani	chapjohn@verizon.net
	Stiefler, Kurt – Law Office of Kurt Stiefler	stieflerlaw@att.net
Ritter, Mark: successor trustee of the Ritter Family Trust	Brumfield, III, Robert H. – Brumfield & Hagan, LLP	bob@brumfield-haganlaw.com
Robar Enterprises, Inc.	Bilotti, Karen	karen_bilotti@yahoo.com
Rosamond Community Services District	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Evertz, Douglas J. – Murphy & Evertz	devertz@murphyevertz.com
	Markman, James – Richards, Watson & Gershon	jmarkman@rwglaw.com
Rosamond Mobile Home Park	Coldren, Robert – Coldren Law Offices	clo@coldrenlawoffices.com
Rosamond Ranch	Satalino, Frank – Law Offices of Frank Satalino	franksatalino@sbcglobal.net
Rosamond School Water System		
	Burger, Christopher – Schools Legal Service	chburger@kern.org
Rose Villa Apartments		
SGS Antelope Valley Development LLC	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Maguire, Neal	
SHAKIB, KAMRAM	Shokrian, Elias – Califco	elias@califco.com [bad address]
Saint Andrew's Abbey, Inc., Roe 623	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
Sempra Energy	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
		michael.davis@greshamsavage.com

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Service Rock Products, L.P. (originally named as Service Rock Products Corporation)	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	
Sheep Creek Water Company	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
Sheldon R. Blum, Trustee for the Sheldon R. Blum Trust	Blum, Sheldon R. – Law Offices of Sheldon R. Blum	blumlaw@sbcglobal.net
Shelton, Edward		
Shokrian, Elias	Satalino, Frank – Law Offices of Frank Satalino	franksatalino@sbcglobal.net
	Shokrian, Elias	aaron@califco.com [bad address]
Shokrian, Shirley	Satalino, Frank – Law Offices of Frank Satalino	franksatalino@sbcglobal.net
	Shokrian, Elias	aaron@califco.com [bad address]
Sierra SunTower, LLC	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Maguire, Neal	
Small, Frank A.		
Sorrento West Properties, Inc.	Martin, Brian – Pillsbury Winthrop Shaw Pittman LLP	brian.martin@pillsburylaw.com
Southern California Edison Company	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Gantvoort, Amy – Southern California Edison Company	amy.gantvoort@sce.com
	Luesebrink, Marc	marc.luesebrink@sce.com [bad address]
	Maguire, Neal	
Starros, John P.		
State of California; Santa Monica Mountains Conservancy; 50th District Agricultural Association	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Golden-Krasner, Noah – State of California Office of the Attorney General	noah.goldenkrasner@doj.ca.gov
	Levin, Marilyn H. – Office of the Attorney General	marilyn.levin@doj.ca.gov
Superior Court of California	Snyder, J.L. – Superior Court of California-County of Los Angeles	jlsnyder@lasuperiorcourt.org
	Walker, Rowena – Superior Court of California	rwalker@scscourt.org
Superior Court of California	Walker, Rowena – Superior Court of California	rwalker@scscourt.org
Superior Court of California	Walker, Rowena – Superior Court of California	rwalker@scscourt.org
Talley, Jr., Grover Lee: Antelope Valley Progressive Club	Talley, Jr., Grover Lee – Antelope Valley Progressive Club	thepiddler@msm.com [bad address]
Tapia, Charles	Brumfield, III, Robert H. – Brumfield & Hagan, LLP	bob@brumfield-haganlaw.com
Tejon Ranchcorp	Dunn, Jeffrey – Best Best & Krieger, LLP	jeffrey.dunn@bbklaw.com
	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Kuhs, Robert – Kuhs & Parker	rgkuhs@kuhsparkerlaw.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
The Eyherabide Sheep Company	Stead, Calvin – BORTON PETRINI, LLP	cstead@bortonpetrini.com
		tchester@smilandlaw.com

10/21/2015

The Frank and Yvonne Lane Family Trust, Dated March 5, 1993 as Restated July 20, 2000	Chester, Theodore – Smland Chester Alden LLP	
	Lewis, James – Taylor & Ring	lewis@tayloring.com
The George and Charlene Lane Family Trust	Chester, Theodore – Smland Chester Alden LLP	tchester@smilandlaw.com
	Lewis, James – Taylor & Ring	lewis@tayloring.com
The Nellie Tapia Family Trust	Brumfield, III, Robert H. – Brumfield & Hagan, LLP	bob@brumfield-haganlaw.com
The Philip H. Arklin Family Trust Dated April 28, 1994	Weitkamp, John – Weitkamp & Weitkamp	jweitkamp@aol.com
Three Arklin Limited Liability Company, The	Weitkamp, John – Weitkamp & Weitkamp	jweitkamp@aol.com
Tom, Jung N.	Allenby, Robert – Sullivan, Hill, Lewin, Rez & Engel	allenby@shlaw.com
Treacy, Patrick	Treacy, Patrick	ajhofs7719@sbcglobal.net [bad address]
Triple M Property F.K.A. 3M Property Investment Co	Lin, Mon-Wei – Triple M Property F.K.A. 3M Property Investment Co	michaelsoffice@gmail.com
Tumbleweed SunTower, LLC	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP.	ed.casey@alston.com
U.S. Borax, Inc.	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Sloan, William – Morrison & Foerster LLP	wsloan@mofo.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
United States Department of Justice	DuBois, James – U.S. Department of Justice, ENRD/NRS	james.dubois@usdoj.gov
	Leininger, Lee – U.S. Department of Justice	lee.leininger@usdoj.gov
Valentine, Roland	Valentine, Roland	rolandval@rglobal.net
Van Dam, Craig	Kuney, Scott K. – Law Offices of Young Wooldridge LLP	skuney@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	kmoen@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	pmcnemar@youngwooldridge.com [bad address]
Van Dam, Delmar D.	Kuney, Scott K. – Law Offices of Young Wooldridge LLP	skuney@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	kmoen@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	pmcnemar@youngwooldridge.com [bad address]
Van Dam, Gary	Kuney, Scott K. – Law Offices of Young Wooldridge LLP	skuney@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	kmoen@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	pmcnemar@youngwooldridge.com [bad address]
Van Dam, Gertrude J.	Kuney, Scott K. – Law Offices of Young Wooldridge LLP	skuney@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	kmoen@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	pmcnemar@youngwooldridge.com [bad address]

10/21/2015

WAGAS Land Company LLC	Renwick, Edward – Hanna and Morton LLP	erenwick@hanmor.com
WDS California II, LLC	Kuney, Scott K. – Law Offices of Young Wooldridge LLP	skuney@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	kmoen@youngwooldridge.com
	Kuney, Scott – Law Offices of Young Wooldridge, LLP	pmcnemar@youngwooldridge.com [bad address]
West Valley Country Water District		
West Valley County Water District	Graham, Arnold – GRAHAM VAAGE LLP	akgraham@grahamvaagelaw.com
White Fence Farms Mutual Water Co. Inc.	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
	Dougherty, Robert – Covington & Crowe, LLP	robertedougherty@yahoo.com
	White, Jessie – White Fence Farms Mutual Water No 3	whitefencefarms3@gmail.com
White Fence Farms Water Mutual Co. No. 3	Wilson, Walter – Law Offices of Walter J. Wilson	walterw1@aol.com
William Fisher Memorial Water Company		
William and Eldora Barnes Family Trust of 1989	William and Eldora Barnes Family Trust of 1989	
Willis, Rebecca Lee	Brennan, Lynne M. – Krause Kalfayan Benink & Slavens, LLP	lbrennan@kkbs-law.com
	Kalfayan, Ralph – Krause, Kalfayan, Benink & Slavens, LLP	rkalfayan@kkbs-law.com
	Zlotnick, David – Krause, Kalfayan, Benink & Slavens, LLP	dzlotnick@kkbs-law.com
Wm. Bolthouse Farms, Inc.	Davis, Michael Duane – Gresham Savage Nolan & Tilden, a Professional Corporation	michael.davis@greshamsavage.com
	Joyce, Bob – LeBeau-Thelen, LLP	bjoyce@lebeauthelen.com
	Zimmer, Richard G. – Clifford & Brown	rmyers@clifford-brownlaw.com
Wood, Richard A.	McLachlan, Michael – Law Offices of Michael D. McLachlan APC	mike@mclachlan-law.com
	O'Leary, Daniel M. – Law Office of Daniel M. O'Leary	dan@danolearylaw.com
	Wood, Richard A.	ralwoody@hotmail.com
eSolar, Inc.	Brady, Andrew – Alston & Bird LLP	andrew.brady@alston.com
	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Maguire, Neal	
enXco Development Corporation (Sued as Roe 452)	Casey, Edward J. – Alston & Bird LLP	ed.casey@alston.com
	Maguire, Neal	
	Ramos, Yolanda – Alston & Bird LLP	yolie.ramos@alston.com

Additional recipients of Electronic Service:

Service recipient	Email address
Ailin, June [cc]	lyarvis@awattorneys.com
Ailin, June [cc]	myoung@awattorneys.com
Ailin, June [cc]	mhogin@awattorneys.com [bad address]
Allenby, Robert [cc]	francis@shlaw.com [bad address]
Allenby, Robert [cc]	engel@shlaw.com

10/21/2015

Amanda Monchant	amanda.monchant@hklaw.com [bad address]
Barbara Stroud	barbara.stroud@bbklaw.com [bad address]
Bezerra, Ryan [cc]	kcg@bkslawfirm.com
Bilotti, Karen [cc]	office@jeffgarberlaw.com
Bilotti, Karen [cc]	jeff@jeffgarberlaw.com
Bob Joyce	bjoyce@lebeauthelen.com
Brad Herrema	bherrema@hatchparent.com
Brady, Andrew [cc]	Yolie.Ramos@alston.com
Brumfield, III, Robert H. [cc]	olga@brumfield-haganlaw.com
Brunick, William [cc]	lmcelhaney@bmklawplc.com
Brunick, William [cc]	jquihuis@bmklawplc.com
Brunton, Daniel [cc]	linda.bernstein@lw.com [bad address]
Brunton, Daniel [cc]	marina.durazo@lw.com [bad address]
Brunton, Daniel [cc]	marian.dulay@lw.com [bad address]
Bunn III, Thomas [cc]	llane@lagerlof.com
Bunn III, Thomas [cc]	jkim@lagerlof.com
Burger, Christopher [cc]	rofranco@kern.org
Campbell, Clayton [cc]	brandon@attorneycampbell.com [bad address]
Carol Davis	cdavis@lagerlof.com
Casey, Edward J. [cc]	yolie.amos@alston.com
Chan, Hawk Nin [cc]	wpoon@mdwh2o.com
Chester, Theodore [cc]	wsmiland@smilandlaw.com
Chris Sanders	cms@eslawfirm.com
Christine Carson, Lemieux & O'Neill	christine@lemieux-oneill.com
Claire Hervey Collins	hervey@bbslaw.com
Clark, William [cc]	lawyerbill@sbcglobal.net
Clark, William [cc]	lawyerbill@sbcglobal.net
Clark, William [cc]	lawyerbill@sbcglobal.net
Clark, William [cc]	lawyerbill@sbcglobal.net
Davis, Michael Duane [cc]	sundalemutual@gmail.com
Davis, Michael Duane [cc]	marlene.allen@greshamsavage.com
Davis, Michael Duane [cc]	dina.snider@greshamsavage.com
Davis, Michael Duane [cc]	edwin.carranza@greshamsavage.com
Davis, Michael Duane [cc]	derek.hoffman@greshamsavage.com
Donna Luis	dluis@lebeauthelen.com [bad address]
Douglas J. Evertz	devertz@sycr.com [bad address]
Dougherty, Robert [cc]	acabrerarios@covcrowe.com [bad address]
Dougherty, Robert [cc]	jmorrison@covcrowe.com [bad address]
Dunn, Jeffrey [cc]	wendy.wang@bbklaw.com
Dunn, Jeffrey [cc]	sandra.rosales@bbklaw.com
Dunn, Jeffrey [cc]	elsa.morales@bbklaw.com
Dunn, Jeffrey [cc]	kira.johnson@bbklaw.com
Dunn, Jeffrey [cc]	kerry.keefe@bbklaw.com

10/21/2015

Dunn, Jeffrey [cc]	jennifer.maguire@bbklaw.com
Dunn, Jeffrey [cc]	rosanna.perez@bbklaw.com
E.L. Garner	elgarner@bbklaw.com [bad address]
ENebeker	enebeker@adelphia.net
Ehrlich, Kenneth	kae@jmbm.com
Eric Garner	eric.garner@bbklaw.com
Erin Powers	epowers@rwglaw.com [bad address]
Estrada, David [cc]	djestrada@cs.com
Evertz, Douglas J. [cc]	spattis@murphyvertz.com
Fife, Michael [cc]	lminky@bhfs.com
Fife, Michael [cc]	orittershaus@bhfs.com
Garner, Eric [cc]	Kerry.Keefe@bbklaw.com
Garner, Eric [cc]	Elgarner@bbklaw.com
Golden-Krasner, Noah [cc]	gwen.blanchard@doj.ca.gov
Goldman, James [cc]	tgates@pircher.com [bad address]
Goldsmith, Janet [cc]	spowell@kmtg.com
Goldsmith, Janet [cc]	twhitman@kmtg.com
Goldsmith, Janet [cc]	sramirez@kmtg.com
Gosling, Douglas (Young Wooldridge)	dgosling@youngwooldridge.com
Graham, Arnold [cc]	ben@grahamvaagelaw.com
Graham, Arnold [cc]	abrenot@GrahamVaageLaw.com
Hall, Daphne Borrromeo [cc]	rsoll@f3law.com [bad address]
Hall, Daphne Borrromeo [cc]	cperez@fagenfriedman.com
Harbaugh, Barry [cc]	nmahaley@yahoo.com
Herrema, Bradley [cc]	arobitaille@bhfs.com
Herrema, Bradley [cc]	lminky@bhfs.com
Hewitt, Stephen [cc]	mtcrahe@hewittlegal.com
Hoch, Steven [cc]	rdrake@bhfs.com
Hoch, Steven [cc]	icapili@bhfs.com
Horowitz, Joshua M. (Bartkiewicz, Kronick & Shanahan)	jmh@bkslawfirm.com
Huangfu, Kimberly	huangfu@lbbslaw.com [bad address]
Hughes, Joseph [cc]	Tgarcia@kleinlaw.com
Hughes, Joseph [cc]	shildebrand@kleinlaw.com
Hughes, Joseph [cc]	dlampkins@kleinlaw.com
Hughes, Joseph [cc]	RPatel@KleinLaw.com
Hyde	hyde@lbbslaw.com
J. Markman	jmarkman@rwglaw.com
Janet Goldsmith	jgoldsmith@kmtg.com
Jeffrey Dunn	jeffrey.dunn@bbklaw.com
John, Dani [cc]	trishparker21@gmail.com
John, Dani [cc]	Mdmarchitects@yahoo.com
Joyce, Bob [cc]	dhansen@lebeauthelen.com [bad address]
Joyce, Bob [cc]	dhansen@lebeauthelen.com [bad address]
Joyce, Bob [cc]	dhansen@lebeauthelen.com [bad address]
Judy Tetreault	judy.tetreault@usdoj.gov [bad address]

10/21/2015

Julie Gomez	julie.gomez@doj.ca.gov [bad address]
Jung, Paul [cc]	irenetabithaoh@hotmail.com
Kathi M.	kathi@lemieux-oneill.com
Kearin, Arthur [cc]	res0u62i@verizon.net
Kearin, Arthur [cc]	shanjo1313@gmail.com
Kerry Keefe	kerry.keefe@bbklaw.com
Kim, B. Tilden [cc]	lpomatto@rwglaw.com
Kuhs, Robert [cc]	lluna@kuhsparserlaw.com
Kuhs, Robert [cc]	vhanners@kuhsparserlaw.com
Kuhs, Robert [cc]	wck@kuhsparserlaw.com
Kuhs, Robert [cc]	lluna@kuhsparserlaw.com
Kuhs, Robert [cc]	vhanners@kuhsparserlaw.com
Kuhs, Robert [cc]	wck@kuhsparserlaw.com
Kuney, Scott K. [cc]	pmcnemar@youngwooldridge.com
Kuney, Scott K. [cc]	Antelope@youngwooldridge.com
Kuney, Scott [cc]	dgosling@youngwooldridge.com
Kuney, Scott [cc]	pmcnemar@youngwooldridge.com
Kuney, Scott [cc]	pmcnemar@youngwooldridge.com
Kuney, Scott [cc]	dgosling@youngwooldridge.com
L. Slaton	lslaton81@aol.com [bad address]
LaCiento, Michael [cc]	suarezcruz1@yahoo.com
Lane, Gina [cc]	RSaperstein@bhfs.com
Leininger, Lee [cc]	laurie.himebaugh@usdoj.gov
Leininger, Lee [cc]	lee.leininger@yahoo.com
Leininger, Lee [cc]	james.dubois@usdoj.gov
Leininger, Lee [cc]	edwin.oyarzo@us.af.mil
Leininger, Lee [cc]	nancy.brazil@usdoj.gov
Lemieux, W Keith [cc]	kathi@lemieux-oneill.com
Lemieux, W Keith [cc]	michelle@lemieux-oneill.com
Lemieux, Wayne [cc]	kathi@lemieux-oneill.com
Lemieux, Wayne [cc]	michelle@lemieux-oneill.com
Levin, Marilyn H. [cc]	gwen.blanchard@doj.ca.gov
Lewis, James [cc]	jlewis@walshdelaney.com [bad address]
Lin, Mon-Wei [cc]	monwei@gmail.com
Lin, Mon-Wei [cc]	michaelsoffice@gmail.com
Linda Shumard	linda.shumard@usdoj.gov [bad address]
Linda	linda@lemieux-oneill.com [bad address]
Lorin Moreno	lmoreno@sycr.com [bad address]
Lynda Kocis	lynda.kocis@bbklaw.com
M. Fife	mfife@hatchparent.com
M. Klachko-blair (AGWA)	mklachko-blair@bhfs.com
Malissa Hathaway McKeith	mckeith@lbbslaw.com
Markman, James [cc]	jmarkman@rwglaw.com
Markman, James [cc]	ncollins@rwglaw.com

10/21/2015

Markman, James [cc]	pskahan@rwglaw.com
Martin, Brian [cc]	karen.costa@pillsburylaw.com
McLachlan, Michael [cc]	dan@danolearylaw.com
McLachlan, Michael [cc]	carol@danolearylaw.com
Michael Crow	michael.crow@doj.ca.gov
Michael D. Gross	mgjg7777@aol.com [bad address]
Michael L. Moore	mmoore@counsel.lacounty.gov
Morris, Stefanie [cc]	patricia.alshabazz@bbkllaw.com
Morris, Stefanie [cc]	Barbara.Stroud@bbkllaw.com [bad address]
Nancy Collins	ncollins@rwglaw.com
O'Leary, Daniel M. [cc]	carol@danolearylaw.com
O'Leary, Daniel M. [cc]	mike@mclachlanlaw.com [bad address]
Patrick J. Treacy	treacy@vill.com [bad address]
Peffer, Ray [cc]	hpeffer@gpsllp.com
Peter Kiel	pjk@eslawfirm.com
Priya Mohan (with Lamb and Kawakami LLP)	pmohan@lamb-kawami.com [bad address]
Putnam, Vernon [cc]	dmartinez@avilaputnam.com
R. Drake (AGWA)	rdrake@bhfs.com
Rachel Robledo	rrobledo@hatchparent.com [bad address]
Rafferty, Nona [cc]	grafferty@swinerton.com [bad address]
Reinhard, David [cc]	rf4driver@cox.net
Reinhard, David [cc]	rf4driver@cox.net
Reinhard, David [cc]	rf4driver@cox.net
Reinhard, David [cc]	rf4driver@cox.net
Reinhard, David [cc]	rf4driver@cox.net
Reinhard, David [cc]	rf4driver@cox.net
Renwick, Edward [cc]	aaguilar@hanmor.com
Riley, Julie C. [cc]	lillian.catena@ladwp.com
Rivas, Manuel [cc]	manuelrivas_jr@yahoo.com
Rowena Walker	rwalker@scscourt.org
Rusinek, Walter [cc]	sarai.dejesus@procopio.com
Rusinek, Walter [cc]	calendaring@procopio.com
Salaman, Franklin [cc]	fsalaman@lanl.gov [bad address]
Sloan, William [cc]	mmcilhargie@mofo.com
Sloan, William [cc]	amcafee@mofo.com
Smith, Kimberly [cc]	jsalt@f3law.com
Smith, Kimberly [cc]	jforrette@fagenfriedman.com
Smith, Kimberly [cc]	khriczo@f3law.com
Snyder, J.L. [cc]	rechon@lasuperiorcourt.org
Snyder, J.L. [cc]	lismael@lasuperiorcourt.org
Stefanie Hedlund	stefanie.hedlund@bbkllaw.com [bad address]
Stein, Andrew [cc]	rds@steinlawcorp.com
Stein, Andrew [cc]	dl@steinlawcorp.com

System administrator	ajam@glotrans.com
Tom Bunn	tombunn@lagerlof.com
Treacy, Patrick [cc]	dzlotnick@kkbs-law.com
Treacy, Patrick [cc]	aimee@kkbs-law.com [bad address]
Wayne K. Lemieux	wayne@lemieux-oneill.com
Webb, Max [cc]	tliu@740management.com
Weeks, Bradley [cc]	gayle@charltonweeks.com
Weeks, Bradley [cc]	gayle@charltonweeks.com
Weeks, Bradley [cc]	CReed@qhwd.org
Weeks, Bradley [cc]	CReed@qhwd.org
Willis, Geoffrey K. [cc]	dwade@sheppardmullin.com [bad address]
Wilson, Walter [cc]	lowalterwilson@aol.com
Zimmer, Richard G. [cc]	shays@clifford-brownlaw.com
Zimmer, Richard G. [cc]	rzimmer@clifford-brownlaw.com
Zimmer, Richard G. [cc]	sgiven@cifford-brownlaw.com [bad address]
Zolezzi, Jeanne M. [cc]	pgarcia@herumcrabtree.com
Zolezzi, Jeanne M. [cc]	cambriz@herumcrabtree.com
Zolezzi, Jeanne M. [cc]	adutra@herumcrabtree.com

10/21/2015

Exhibit 18

Mike McLachlan

From: Bob Brumfield <bob@brumfield-haganlaw.com>
Sent: Tuesday, January 19, 2016 3:30 PM
To: Mike McLachlan
Cc: Dan Oleary; Jeffrey Dunn; rgkuhs@kuhsparkerlaw.com; Richard Zimmer; Scott K. Kuney (skuney@youngwooldridge.com); Michael Davis (Michael.Davis@greshamsavage.com); Sloan, William M.; Bill Brunick (bbrunick@bmklawplc.com); Tom Bunn; 'Stan Powell (spowell@kmtg.com)' (spowell@kmtg.com); Chris Sanders (cms@eslawfirm.com); James DuBois (james.dubois@usdoj.gov); Lee McElhaney (lmcElhaney@bmklawplc.com); Lee Leininger (Lee.Leininger@usdoj.gov); BJoyce@lebeauthelen.com; Joe Werner; Chris Hagan; Cyndy Biggs
Subject: RE: Antelope Valley, Mark Ritter deposition

Thank you for the heads up, Mike. When are you filing your ex parte application?

Very Truly Yours,



Robert H. Brumfield, III
2031 F Street
Bakersfield, CA 93301
Tele (661) 215-4980 | Fax (661) 215-4989
www.Brumfield-HaganLaw.com

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From: Mike McLachlan [mailto:mike@mclachlan-law.com]
Sent: Tuesday, January 19, 2016 3:23 PM
To: Bob Brumfield
Cc: Dan Oleary; Jeffrey Dunn; rgkuhs@kuhsparkerlaw.com; Richard Zimmer; Scott K. Kuney (skuney@youngwooldridge.com); Michael Davis (Michael.Davis@greshamsavage.com); Sloan, William M.; Bill Brunick (bbrunick@bmklawplc.com); Tom Bunn; 'Stan Powell (spowell@kmtg.com)' (spowell@kmtg.com); Chris Sanders (cms@eslawfirm.com); James DuBois (james.dubois@usdoj.gov); Lee McElhaney (lmcElhaney@bmklawplc.com); Lee Leininger (Lee.Leininger@usdoj.gov); BJoyce@lebeauthelen.com; Joe Werner; Chris Hagan; Cyndy Biggs
Subject: RE: Antelope Valley, Mark Ritter deposition

Bob,

I have scheduled an informal discovery conference for Thursday, January 21 at 1:30 p.m. on this matter. At that time, there will also be a hearing on our ex parte application to continue the hearing date on your Motion to Set Aside the Judgment.

If we are forced to file a noticed motion to compel the deposition of Mr. Ritter, you should expect the hearing date on your motion to be continued for some time (assuming the Court agrees with our position that the deposition is appropriate). I would again suggest that you reconsider your position. Please feel free to call me if you would like to discuss this further.

Mike McLachlan

Law Offices of Michael D. McLachlan, APC
44 Hermosa Avenue
Hermosa Beach, CA 90254
Office: 310-954-8270
Fax: 310-954-8271

From: Bob Brumfield [<mailto:bob@brumfield-haganlaw.com>]
Sent: Friday, January 15, 2016 4:11 PM
To: Mike McLachlan
Cc: Dan Oleary; Jeffrey Dunn; rgkuhs@kuhsparkerlaw.com; Richard Zimmer; Scott K. Kunej (skuney@youngwooldridge.com); Michael Davis (Michael.Davis@greshamsavage.com); Sloan, William M.; Bill Brunick (bbrunick@bmklawplc.com); Tom Bunn; 'Stan Powell (spowell@kmtg.com)' (spowell@kmtg.com); Chris Sanders (cms@eslawfirm.com); James DuBois (james.dubois@usdoj.gov); Lee McElhaney (lmcelhaney@bmklawplc.com); Lee Leininger (Lee.Leininger@usdoj.gov); BJoyce@lebeauthelen.com; Joe Werner; Chris Hagan; Cyndy Biggs
Subject: Re: Antelope Valley, Mark Ritter deposition

I have left the office for today but will get back to you by next Tuesday when we reopen. Under no stretch of the imagination am I traveling for a deposition that is highly irrelevant and very questionable.

Bob Brumfield

On Jan 15, 2016, at 4:01 PM, Mike McLachlan <mike@mclachlan-law.com> wrote:

Bob,

My opposition will obviously take into consideration the larger history and context regarding the Ritter Trust's claim, and its status as a party in this lawsuit. Mr. Ritter sat on his hands for years. As trustee, Mr. Ritter had a fiduciary duty to take steps to protect the trusts interests in this litigation, and to meet the necessary deadlines for presenting his claim. You have seen my prior filings on the Ritter claim, so you understand my thinking and my position. These facts are relevant to your motion. I am certainly not limited to fighting this on the narrow patch of ground you have selected.

If you refuse to produce Mr. Ritter for deposition, I will proceed for relief with the Court, and ask that the hearing on your motion be continued until the deposition occurs.

If the deposition occurs next Thursday, I will agree to hold it in the Antelope Valley. The deposition will not occur in Bakersfield.

Please let me know how you wish to proceed.

Mike McLachlan

Law Offices of Michael D. McLachlan, APC
44 Hermosa Avenue
Hermosa Beach, CA 90254
Office: 310-954-8270
Fax: 310-954-8271

From: Bob Brumfield [<mailto:bob@brumfield-haganlaw.com>]

Sent: Friday, January 15, 2016 3:52 PM

To: Mike McLachlan

Cc: Dan O'leary; Jeffrey Dunn; rgkuhs@kuhsparkerlaw.com; Richard Zimmer; Scott K. Kune (skuney@youngwooldridge.com); Michael Davis (Michael.Davis@greshamsavage.com); Sloan, William M.; Bill Brunick (bbrunick@bmklawplc.com); Jeffrey Dunn; 'Tom Bunn'; Bill Brunick (bbrunick@bmklawplc.com); 'Stan Powell (spowell@kmtg.com)' (spowell@kmtg.com); Chris Sanders (cms@eslawfirm.com); James DuBois (james.dubois@usdoj.gov); Lee McElhaney (lmcelhaney@bmklawplc.com); Lee Leininger (Lee.Leininger@usdoj.gov); BJoyce@lebeauthelen.com; Joe Werner; Chris Hagan; Cyndy Biggs

Subject: RE: Antelope Valley, Mark Ritter deposition

Mike,

I have just had the opportunity to review the request for a deposition and find the request quite odd. The motion is solely based upon the court's representation on September 21, 2015 that the Ritter Parties would trail and have a later opportunity to present evidence once we had gathered all supporting records. There is no other basis of the motion other than the Court's own representation and the motion is not based on anything that happened before September 21, 2015. Other counsel besides Mr. Fife have verified that this was discussed and was what the Court said at the September 21, 2015 Case Management Conference.

I see no reason for a deposition in these circumstances (and also note the untimeliness of the request). I further note that you and all other parties have had the opportunity for over eight years to take the deposition of the Ritter's.

However, and as an accommodation in the context of meeting and conferring in an effort to avoid unnecessary litigation and/or discovery disputes, if you would explain in detail the relevance of the request for a deposition in the context of this motion and all detailed reasons therefor including, but not limited to, a definitive scope of inquiry at the deposition, I will consider the same.

I will give you advance warning that even if we consent to participate in a deposition after vetting all of the issues, I will only agree that it occur here in Bakersfield. I do not have the time open to travel 4+ hours roundtrip this next week for a deposition.

I hope you have a nice weekend, and I look forward to hearing from you.

Very Truly Yours,

<image001.jpg>

Robert H. Brumfield, III
2031 F Street
Bakersfield, CA 93301
Tele (661) 215-4980 | Fax (661) 215-4989
www.Brumfield-HaganLaw.com

NOTICE: THE INFORMATION CONTAINED IN THIS E-MAIL IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE DELETE THIS MESSAGE FROM YOUR COMPUTER AND IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE AT (661) 215-4980. THANK YOU.

Please consider the environment before printing this e-mail.

From: Mike McLachlan [<mailto:mike@mclachlan-law.com>]
Sent: Friday, January 15, 2016 2:52 PM
To: Bob Brumfield
Cc: Dan Oleary; Jeffrey Dunn; rgkuhs@kuhsparkerlaw.com; Richard Zimmer; Scott K. Kuney (skuney@youngwooldridge.com); Michael Davis (Michael.Davis@greshamsavage.com); Sloan, William M.; Bill Brunick (bbrunick@bmklawplc.com); Jeffrey Dunn; 'Tom Bunn'; Bill Brunick (bbrunick@bmklawplc.com); 'Stan Powell' (spowell@kmtg.com)' (spowell@kmtg.com); Chris Sanders (cms@eslawfirm.com); James DuBois (james.dubois@usdoj.gov); Lee McElhaney (lmcelhaney@bmklawplc.com); Lee Leininger (Lee.Leininger@usdoj.gov); BJoyce@lebeauthelen.com
Subject: RE: Antelope Valley, Mark Ritter deposition

Bob,

Following on my email below, I have served a deposition notice with a request for documents for next Friday, January 22, 2016. In the even your assistant handles the electronic service notices, I am attaching a courtesy copy of the deposition notice.

Mike McLachlan

Law Offices of Michael D. McLachlan, APC
44 Hermosa Avenue
Hermosa Beach, CA 90254
Office: 310-954-8270
Fax: 310-954-8271

From: Mike McLachlan
Sent: Friday, January 15, 2016 11:33 AM
To: 'Bob Brumfield' (bob@brumfield-haganlaw.com)
Cc: Dan Oleary; Jeffrey Dunn; rgkuhs@kuhsparkerlaw.com; Richard Zimmer; Scott K. Kuney (skuney@youngwooldridge.com); Michael Davis (Michael.Davis@greshamsavage.com); 'Sloan, William M.'; Bill Brunick (bbrunick@bmklawplc.com); Jeffrey Dunn; 'Tom Bunn'; Bill Brunick (bbrunick@bmklawplc.com); 'Stan Powell' (spowell@kmtg.com)' (spowell@kmtg.com); Chris Sanders (cms@eslawfirm.com); James DuBois (james.dubois@usdoj.gov); Lee McElhaney (lmcelhaney@bmklawplc.com); Lee Leininger (Lee.Leininger@usdoj.gov); BJoyce@lebeauthelen.com
Subject: Antelope Valley, Mark Ritter deposition

Bob,

I am in receipt of your motion to set aside the judgment. I am rather surprised the motion does not contain a declaration from Mark Ritter. On three occasions you have told me that you would file a declaration that explains the facts surrounding Mr. Ritter's failure to act during the more than five year period after his mother's passing.

I would like to take Mr. Ritter's deposition in a sufficient time prior to having to file my opposition papers. I see two options. If we use the current hearing and opposition dates (the latter being January 28) then the deposition would have to proceed next week. I am available most days next week. If it occurred on the morning of January 21, and I can find a conference room in the Antelope Valley, the deposition could occur there. Otherwise, it would be at my office, or perhaps Mr. O'Leary's if it is available.

If this does not work, then the hearing date on your motion would need to be continued.

My intent with this deposition is just to address the issues effecting the motion. If you agree to leave open the possibility of a future deposition on the substantive issues effecting the water right claim should your motion be granted, then I do not plan to ask those questions. I do not have authority in that regard to other parties.

Please call me to discuss this at your earliest convenience. Thanks,

Mike McLachlan

Law Offices of Michael D. McLachlan, APC
44 Hermosa Avenue
Hermosa Beach, CA 90254
Office: 310-954-8270
Fax: 310-954-8271

Exhibit 19

1 Michael D. McLachlan (State Bar No. 181705)
2 **LAW OFFICES OF MICHAEL D. McLACHLAN, APC**
3 44 Hermosa Avenue
4 Hermosa Beach, California 90254
5 Phone: (310) 954-8270
6 Fax: (310) 954-8271

7 Daniel M. O'Leary (State Bar No. 175128)
8 **LAW OFFICE OF DANIEL M. O'LEARY**
9 2300 Westwood Boulevard, Suite 105
10 Los Angeles, California 90064
11 Phone: (310) 481-2020
12 Fax: (310) 481-0049

13 Attorneys for Plaintiff Richard Wood and the Class

14 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
15 **COUNTY OF LOS ANGELES**

16 Coordination Proceeding
17 Special Title (Rule 1550(b))
18 ANTELOPE VALLEY GROUNDWATER
19 CASES

20 RICHARD A. WOOD, an individual, on
21 behalf of himself and all others similarly
22 situated,

23 Plaintiff,

24 v.

25 LOS ANGELES COUNTY
26 WATERWORKS DISTRICT NO. 40; et
27 al.

28 Defendants.

Judicial Council Coordination
Proceeding No. 4408
(Honorable Jack Komar)

Case No.: BC 391869

**NOTICE OF DEPOSITION OF
MARK RITTER, TRUSTEE**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiff Richard Wood will take the
3 deposition of Mark Ritter (the "DEPONENT"), in his capacity of successor trustee
4 of the Edgar Carl Ritter and Paula Elaine Ritter Family Trust dated October 6,
5 1987 (the "RITTER FAMILY TRUST"), on January 22, 2016, at 10:00 a.m., at 34
6 Hermosa Avenue, Hermosa Beach, California 90254.

7 The deposition shall be taken before a Certified Shorthand Reporter or
8 other qualified notary, and each shall continue from day to day or to some other
9 stipulated date until completed.

10 Plaintiff reserves the right to videotape the deposition for possible use at
11 trial under Code of Civil Procedure Sections 2025.220, 2025.340 and 2025.620,
12 specifically including, but not limited to, 2025.620(d).

13 If for any reason, the taking of said deposition is not completed at said time
14 and place, the taking of said deposition will be continued from day to day until
15 completed.

16 PLEASE TAKE FURTHER NOTICE that the DEPONENT is requested to
17 bring and produce at the time of his or her deposition all discoverable reports and
18 writings, but not limited to, the following documents:

19 1. All correspondence and other written communication, including
20 without limitation electronic mail, between the DEPONENT and the Antelope
21 Valley Groundwater Agreement Association ("AGWA"), or any of its members or
22 representatives, regarding this litigation.

23 2. All correspondence and other written communication, including
24 without limitation electronic mail, with anyone employed by the law firm of
25 Brownstein, Hyatt, Farber Schreck, LLP.

26 3. All records, documents, and other writings relating to the
27 administration of the RITTER FAMILY TRUST after the death of Paula Ritter,
28 including without limitation the appointment of Mark Ritter as successor trustee.

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4. All correspondence and other written communication, including without limitation electronic mail, with any beneficiaries of the RITTER FAMILY TRUST after the death of Paula Ritter.

5. The trust instrument for the RITTER FAMILY TRUST, including any amendments or modifications thereto.

6. All documents relating to the ownership real property in the Antelope Valley Area of Adjudication, as defined by Court order in this lawsuit, owned by the RITTER FAMILY TRUST, including without limitation deeds or other documents regarding the transfer of title.

DATED: January 15, 2016

LAW OFFICES OF MICHAEL D. McLACHLAN
LAW OFFICE OF DANIEL M. O'LEARY

By: _____
Michael D. McLachlan
Attorneys for Plaintiff

**THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING - WWW.SCEFILING.ORG**

c/o Glotrans
2915 McClure Street
Oakland, CA94609
TEL: (510) 208-4775
FAX: (510) 465-7348
EMAIL: Info@Glotrans.com

**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA**

Coordination Proceeding Special Title (Rule 1550(b)) ANTELOPE VALLEY GROUNDWATER CASES (JCCP 4408) Included Actions: Los Angeles County Waterworks District No. 40)	Antelope Valley Groundwater Cases (JCCP 4408)
)	
)	Lead Case No.1-05-CV-049053
)	
Plaintiff,)	Hon. Jack Komar
vs.)	
)	
Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201 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. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668)	
)	
Defendant.)	
<hr/>)	PROOF OF SERVICE
AND RELATED ACTIONS)	Electronic Proof of Service
<hr/>)	

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the worldwide web on Fri. January 15, 2016 at 2:47 PM PST and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.scefiling.org>, on Fri. January 15, 2016 at 2:47 PM PST

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties on the electronic service list maintained for this case. The message identified the document and provided instructions for accessing the document on the worldwide web.

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

correct. Executed on January 15, 2016 at Oakland, California.

Dated: January 15, 2016

For WWW.SCEFILING.ORG

Andy Jamieson

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2 **Electronic Proof of Service**
3 **Page 2**

4 **Document(s) submitted by Michael McLachlan of Law Offices of Michael D. McLachlan APC on Fri. January 15, 2016**
5 **at 2:47 PM PST**

6 1. Deposition/In Calif: NOTICE OF DEPOSITION OF MARK RITTER, TRUSTEE
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Exhibit 20

1 Robert H. Brumfield, III (State Bar No. 114467)
2 bob@brumfield-haganlaw.com
3 BRUMFIELD & HAGAN, LLP
4 A Limited Liability Partnership
5 2031 F Street
6 Bakersfield, CA 93301
7 Telephone: (661) 215-4980
8 Facsimile: (661) 215-4989

9 Attorneys for Mark Ritter, Successor Trustee of the
10 Ritter Family Trust and Mark S. Ritter and Dana E.
11 Ritter

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

14 ANTELOPE VALLEY
15 GROUNDWATER CASES

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

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

25 Wm. Bolthouse Farms, Inc. v. City of
26 Lancaster, Diamond Farming Co. v. City of
27 Lancaster, Diamond Farming Co. v.
28 Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053

**OBJECTIONS TO NOTICE OF
DEPOSITION OF MARK RITTER,
TRUSTEE**

Date: January 22, 2016

Time: 10:00 a.m.

**Location: 34 Hermosa Avenue, Hermosa
Beach, CA 90254**

29 COMES NOW MARK RITTER, SUCCESSOR TRUSTEE OF THE RITTER
30 FAMILY TRUST, AND SUBMITS THE FOLLOWING OBJECTIONS TO THE NOTICE
31 OF DEPOSITION OF MARK RITTER, TRUSTEE:

32 1. **OBJECTION:** The Notice of Deposition is defective in that it was served after the
33 time all discovery is required to have been completed in this case. Further, the Ritter Family
34 Trust has been a party to this litigation since early 2007. Yet, in over eight years of the time that
35 discovery was open, neither Deponent's attorney, nor any other party or attorney, sought to take

1 the deposition of any trustee of the Ritter Family Trust. Discovery closed long ago (likely on or
2 about August 24, 2015, which date is 30 days before the commencement of the Phase 6 trial).
3 See, Code of Civil Procedure §2024.020(a). As such, requesting a deposition at this point is
4 inappropriate and without authority under California law.

5 2. **OBJECTION:** Even if noticed within the time discovery is allowed, the Notice of
6 Deposition was only noticed on 7 calendar days notice. Depositions are required to be noticed on
7 at least 10 days notice assuming that the Notice is hand served. Hence, this defective noticing
8 that renders the Notice of Deposition entirely and wholly defective. See, Code of Civil Procedure
9 §2025.270(a).

10 Based on the foregoing, the Notice of Deposition is entirely and wholly defective.
11 Accordingly, Mark Ritter, Trustee, will not appear and testify pursuant to the defectively noticed
12 and served Notice of Deposition of Mark Ritter, Trustee.

13 Dated: January 19, 2016

BRUMFIELD & HAGAN, LLP
A Limited Liability Partnership

14
15
16 By: 

Robert H. Brumfield, III
Attorneys for Mark Ritter, Successor Trustee
of the Ritter Family Trust and Mark S. Ritter
and Dana E. Ritter