

EXHIBIT 2

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ROSAMOND COMMUNITY SERVICES
12 DISTRICT and LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES – CENTRAL DISTRICT
15

16 **ANTELOPE VALLEY**
17 **GROUNDWATER CASES**

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

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

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

Judicial Council Coordination No. 4408

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

**DECLARATION OF JEFFREY V. DUNN
RE STATUS OF SERVICE OF PROCESS**

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1 I, Jeffrey V. Dunn, declare:

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3 1. I am an attorney duly admitted to practice before the California courts and I am
4 partner with Best, Best & Krieger LLP, attorneys for Rosamond Community Services District and
5 Los Angeles County Waterworks District No. 40. I have personal knowledge of each fact herein
6 and would testify competently thereto under oath.

7 2. As shown by the latest County Assessor Office records for Los Angeles and Kern
8 Counties, respectively, there are more than 75,000 landowners outside the boundaries of Public
9 Water Suppliers¹ within the Antelope Valley Adjudication Area.

10 3. All landowners are members of the Willis or Wood Classes except for those
11 parties for whom the Court has ordered personal service of process. The latter group includes
12 approximately 630 landowners each of whom owns at least 100 acres within the Adjudication
13 Area. As a group, they constitute less than 1 percent of the total number of parties in the
14 Adjudication.

15 4. The Court also ordered personal service upon parties known to pump more than 25
16 acre feet annually according to reports filed with the State of California pursuant to Water Code
17 Section 5001. Based upon the State's records, there are approximately 38 parties who report their
18 groundwater production but own less than 100 acres within the Adjudication Area.

19 5. As explained below, certification of the Willis and Wood Classes together with the
20 personal service of certain landowner parties results in personal jurisdiction over 99.99 percent of
21 the landowners within the Adjudication Area who are not within the Public Water Supplier
22 service areas.

23 LANDOWNERS OF LEAST 100 ACRES

24 6. Pursuant to Court Order, the Public Water Suppliers initiated personal service
25 attempts beginning on October 28, 2005 on over 630 parties. Initial service resulted in 110
26 landowner parties signing and returning their mailed Notice of Acknowledgment of service of

27 ¹ The Public Water Suppliers include California Water Company, Little Rock Creek Irrigation District, City of
28 Lancaster, City of Palmdale, Los Angeles County Waterworks District No. 40, Palmdale Water District, Rosamond
Community Services District, and Quartz Hill Water District.

1 process. Pursuant to a further Court order, the Public Water Suppliers sent a letter to these parties
2 to notify them that they must answer or otherwise appear within 30 days of the letter's date,
3 December 13, 2006.

4 7. Subsequently, service was halted on several occasions as the Court and the parties
5 concerned themselves with lengthy class certification proceedings.

6 8. In July of 2007, pursuant to Court order, the Public Water Suppliers resumed
7 personal service on the approximately 520 remaining parties who had not yet returned their
8 signed Notice of Acknowledgment, answered or otherwise appeared. Pursuant to the Court's
9 direction at the July 20, 2007 Case Management Conference, the Public Water Suppliers halted
10 service of these parties until the Court certified a class of landowners and determined if personal
11 service would be necessary. As the Court certified the Willis and Wood Classes, the Court
12 directed that personal service be completed upon the landowners owning at least 100 acres and/or
13 known to pump more than 25 acre feet annually.

14 9. Of the approximately 630 landowners owning at least 100 acres, 449 landowners
15 have been personally served. Repeated personal service attempts have been made as to the
16 remaining 181 landowners except for 70 parties whose correct addresses cannot be located.
17 Numerous attempts were made by both the process server company and by my office to obtain
18 the correct address or otherwise locate the 70 parties.

19 10. There are 87 parties that the process service company is still attempting to
20 complete personal serve. After several weeks of attempting to serve the 87 parties, however, the
21 service company has been unable to complete service and personal service of process has been
22 halted due to at least 3 attempts to complete personal service upon each those parties.

23 11. Throughout the many rounds of service, our law firm has received numerous
24 phone calls from personally-served parties. Our attorneys have spent many hours explaining the
25 history of the case and answering various questions relating to the case. A majority of the calls
26 received have been from landowners who do not currently pump, do not have an interest in
27 personally participating in this litigation and who are interesting in obtaining information on how
28 they might be able to join the Willis Class. Although, these parties own parcels of land of

1 approximately 100 acres or more, they have indicated that they do not want to hire an attorney
2 and appear in these proceedings.

3 SERVICE OF MUTUAL WATER COMPANIES

4 12. Pursuant to the Court's direction at the March 12, 2007, Case Management
5 Conference, the Public Water Suppliers identified potentially 36 mutual water companies within
6 the Adjudication Area. There were only 25 mutual water companies that were located as
7 continuing viable companies. The Public Water Suppliers were unable to complete service on the
8 other 11 mutual water companies due to either wrong addresses and/or insufficient information.

9 SERVICE OF PARTIES PUMPING 25 AFY OR MORE

10 13. California Water Code section 5001 requires that any person in Los Angeles
11 County who extracts groundwater in excess of 25 acre feet a year to file a Notice of Extraction
12 with the State Water Resources Control Board. The Public Water Suppliers obtained a
13 compilation of the Annual Notices of Extraction for Los Angeles County from the State Water
14 Resources Control Board. Using this information, the Public Water Suppliers identified an
15 additional 38 parties that were pumping water in the Adjudication Area but had not yet been
16 served or had not appeared in the personal service of landowners owning at least 100 acres. 29 of
17 these parties were successfully served. As previously reported to the Court, the remaining 9
18 parties cannot be located to due to wrong addresses and/or other incomplete or missing
19 information despite repeated efforts to locate these persons.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed this 12 day of September 2008, at Irvine, California.

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24 _____
25 Jeffrey V. Dunn
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1 **PROOF OF SERVICE**

2 I, Roberta Hoffner, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza,
Suite 1500, Irvine, California 92614. On September 12, 2008, I served the within document(s):

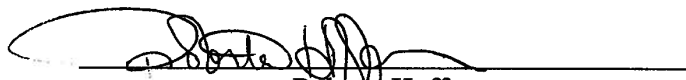
5 **DECLARATION OF JEFFREY V. DUNN RE STATUS OF SERVICE OF PROCESS**

- 6 7 by posting the document(s) listed above to the Santa Clara County Superior Court
website in regard to the Antelope Valley Groundwater matter.
- 8 9 by placing the document(s) listed above in a sealed envelope with postage thereon
fully prepaid, in the United States mail at Irvine, California addressed as set forth
below.
- 10 11 by causing personal delivery by ASAP Corporate Services of the document(s)
listed above to the person(s) at the address(es) set forth below.
- 12 13 by personally delivering the document(s) listed above to the person(s) at the
address(es) set forth below.
- 14 15 I caused such envelope to be delivered via overnight delivery addressed as
indicated on the attached service list. Such envelope was deposited for delivery
by Federal Express following the firm's ordinary business practices.

16
17 I am readily familiar with the firm's practice of collection and processing
18 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
19 Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
am aware that on motion of the party served, service is presumed invalid if postal cancellation
date or postage meter date is more than one day after date of deposit for mailing in affidavit.

20 I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

21 Executed on September 12, 2008, at Irvine, California.

22
23 
24 Roberta Hoffner