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6 Attorney for QUARTZ HILL WATER DISTRICT
7 Defendant/Cross Complainant

8 [See Next Page for Additional Counsel]

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES-CENTRAL DISTRICT

11 ANTELOPE VALLEY GROUNDWATER
12 CASES

13 Included Actions:

14 Los Angeles County Waterworks District No.
15 40 v. Diamond Farming Co.
16 Superior Court of California, County of Los
17 Angeles, Case No. BC325201;

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

23 Wm. Bolthouse Farms, Inc. v. City of
24 Lancaster
25 Diamond Farming Co. v. City of Lancaster
26 Diamond Farming Co. v. Palmdale Water Dist.
27 Superior Court of California
28 County of Riverside, consolidated actions
Case Nos. RIC 353840, RIC 344436,
RIC 344668.

**Judicial Council Coordination Proceeding No.
4408**

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

OPPOSITION TO RICHARD WOOD AND
AGWA EX PARTE APPLICATION
REGARDING TESTIMONY OF JOSEPH
SCALMANINI

24 RICHARDS WATSON & GERSHON
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7 and
8 Palm Ranch Irrigation District

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28 Attorneys for Cross-Complainant
29 LOS ANGELES COUNTY WATERWORKS
30 DISTRICT NO. 40

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42 COUNTY WATERWORKS DISTRICT NO. 40

1 CITY OF LOS ANGELES
2 JULIE C. RILEY, Bar No. 197407
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10 Attorneys for Cross-Complainant CITY OF LOS
11 ANGELES DEPARTMENT OF WATER AND
12 POWER

13 Public Water Suppliers oppose Richard Wood's and the Antelope Valley Ground Water
14 Agreement Association's ex parte application regarding the testimony of Joseph Scalmanini as
15 follows:

16 **I. INTRODUCTION**

17 Richard Wood and the Antelope Valley Ground Water Agreement Association have set
18 and ex parte application to be heard on December 31, 2010, a court holiday. December 31, 2010 is
19 a court holiday in both Los Angeles and Santa Clara counties, see Exhibit One.

20 **II. DECEMBER 31, 2010 IS A COURT HOLIDAY AND CLOSED TO JUDICIAL
21 BUSINESS**

22 California Government Code section 6700(b) states that January 1st is a California holiday.
23 In the year 2011, January 1st falls on a Saturday, so pursuant to California Rule of Court 1.11, this
24 is observed on the proceeding Friday, which is December 31, 2011. This recognized by the Los
25 Angeles and Santa Clara counties, as stated on Exhibit 1.

1 Pursuant to California Civil Code section 134(a) the courts are closed to judicial business
2 on holidays. This court cannot hear Mr. Wood's or AGWA's ex parte application on December 31,
3 2010, since that day is a court holiday.

4
5 **III. THE COURT ACTS IN EXCESS OF ITS JURISDICTION TO PROCEED ON A**
6 **HOLIDAY**

7
8 When a court purports to conduct business on a judicial holiday, all rulings of the court on
9 that day are nullities. This goes so far as to included pronouncing judgment in a criminal case.
10 "There is no doubt that a judgment of conviction which is pronounced on a holiday over the
11 express objection of an accused person is void." *People v. Browning* (1933) 132 Cal.App. 136,
12 141. In *Browning*, the Court observed that rendering a judgment on over the express objection of
13 a party was void; in the particular case, the objection had been waived, but without such a waiver,
14 entry of judgment would have been void.

15
16 Here, the Public Water Suppliers explicitly object to the *ex parte* application of Mr. Wood
17 and AGWA, or any other judicial business to take place on December 31, 2010 because that day is
18 a Court holiday. Additionally, the relief requested in the *ex parte* is not of such a pressing nature
19 that the Court's decision on a holiday is needed. Not all counsel will be able to attend as many will
20 have scheduled personal activities away from work and therefore their parties will be prejudiced
21 by the holding of a hearing on a holiday. The issue can be fully addressed on Monday, January 3,
22 2011, which is a regularly-scheduled day for holding court business.

23
24 **IV. CONCLUSION**

25
26 The Public Water Suppliers respectfully request that the Court not conduct any hearing on
27 December 31, 2010. If this objection is overruled, the Public Water Suppliers request the
28 proceedings be stenographically recorded.

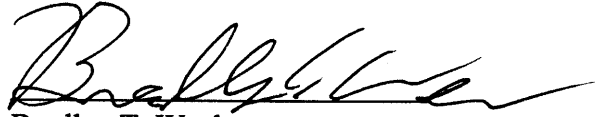
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Dated: December 30, 2010

Respectfully Submitted,

CHARLTON WEEKS LLP



Bradley T. Weeks
Attorney for Quartz Hill Water District

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EXHIBIT ONE

Superior Court of California
County of Santa Clara



Court Info: Civil | Criminal | Family | Juvenile | Probate | Small Claims | Traffic | Jury/Court Services

Court Holidays & Court Closure Days

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- Court Holidays & Closure Days
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- Useful Links

Due to the financial crisis in the State of California, the state Judicial Council has ordered all Superior Court locations in this county and all State courts to be closed one day a month (the third Wednesday of each month) through June 16, 2010. Court closure days are noted below. Please see the [8/12/09 Court Closure News Release](#) for more information. Read about [how to make payments and file papers during holidays and court closure dates](#).

2010 Holidays & Court Closure Days	Date
New Year's Day	Friday, January 1
Martin Luther King, Jr. Day	Monday, January 18
Court closure day	Wednesday, January 20
Lincoln's Birthday	Friday, February 12
Washington's Birthday	Monday, February 15
Court closure day	Wednesday, February 17
Court closure day	Wednesday, March 17
Cesar Chavez Day	Wednesday, March 31
Court closure day	Wednesday, April 21
Court closure day	Wednesday, May 19
Memorial Day	Monday, May 31
Court closure day	Wednesday, June 16
Independence Day	Monday, July 5
Labor Day	Monday, September 6
Columbus Day	Monday, October 11
Veterans' Day	Thursday, November 11
Thanksgiving	Thursday, November 25
Day after Thanksgiving	Friday, November 26
Christmas	Friday, December 24
New Year's Day (2011)	Friday, December 31

2011 Holidays	Date
Martin Luther King, Jr. Day	Monday, January 17
Lincoln's Birthday	Friday, February 11
Washington's Birthday	Monday, February 21
Cesar Chavez Day	Thursday, March 31
Memorial Day	Monday, May 30
Independence Day	Monday, July 4
Labor Day	Monday, September 5
Columbus Day	Monday, October 10
Veterans' Day	Friday, November 11
Thanksgiving	Thursday, November 24
Day after Thanksgiving	Friday, November 25
Christmas	Monday, December 26

Los Angeles Superior Court Holidays

Judicial Holidays in 2010		
Friday	January 01, 2010	New Year's Day (2010)
Monday	January 18, 2010	Martin Luther King, Jr. Birthday
Wednesday	January 20, 2010	Court Closure
Friday	February 12, 2010	Lincoln Day
Monday	February 15, 2010	President's Day
Wednesday	February 17, 2010	Court Closure
Wednesday	March 17, 2010	Court Closure
Wednesday	March 31, 2010	Cesar Chavez Day
Wednesday	April 21, 2010	Court Closure
Wednesday	May 19, 2010	Court Closure
Monday	May 31, 2010	Memorial Day
Wednesday	June 16, 2010	Court Closure
Monday	July 05, 2010	Independence Day
Monday	September 06, 2010	Labor Day
Monday	October 11, 2010	Columbus Day
Thursday	November 11, 2010	Veterans Day
Thursday	November 25, 2010	Thanksgiving Day
Friday	November 26, 2010	Day after Thanksgiving
Friday	December 24, 2010	Christmas Day
Friday	December 31, 2010	New Year's Day (2011)

Judicial Holidays in 2011		

PROOF OF SERVICE

I am employed in the aforesaid county, State of California; I am over eighteen years of age and not a party to the within action; my business address is 1007 West Avenue M-14, Suite A, Palmdale, California, 93551.

On December 30, 2010, at my place of business at Palmdale, California, a copy of the following DOCUMENT(s):

OPPOSITION TO RICHARD WOOD EX PARTE APPLICATION REGARDING TESTIMONY OF JOSEPH SCALMANINI

By posting the DOCUMENT listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Matter:

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

Executed on December 30, 2010


Gayle Fenald

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