

1 BRADLEY T. WEEKS, Bar No. 173745  
CHARLTON WEEKS LLP  
2 1031 West Avenue M-14, Suite A  
Palmdale, CA 93551  
3 (661) 265-0969  
4 Attorney for Quartz Hill Water District  
5 Defendant/Cross Complainant  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10 ANTELOPE VALLEY GROUNDWATER  
11 CASES

12 Included Actions:

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

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

18 Wm. Bolthouse Farms, Inc. v. City of  
19 Lancaster  
20 Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water Dist.  
21 Superior Court of California  
County of Riverside, consolidated actions  
22 Case Nos. RIC 353840, RIC 344436,  
RIC 344668.  
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**Judicial Council Coordination Proceeding  
No. 4408**

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

Date: February 14, 2012  
Time: 9:00 a.m.  
Location: Room 1515  
Judge Jack Komar

Points and Authorities in Support of Motion  
to:

1. Compel Answers to Special Interrogatories
2. Compel Answers to Form Interrogatories
3. Deem the Truth of Matters Admitted and Conclusively Established
4. Compel Responses to Demand for Production Document

For Order Reserving Award Monetary Sanctions

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.  
STATEMENT OF FACTS**

On November 10 and November 11<sup>th</sup> Quartz Hill Water District served discovery pursuant to the Civil Discovery Act of 1986, California Code of Civil Procedure § 2016 et seq., upon all of the parties listed in Exhibit One to the notice of this motion to compel.

None of the parties listed on Exhibit One responded to the propounded discovery. Nor did they obtain an extension to respond to the discovery. Accordingly, Quartz Hill Water District requests an order from this court compelling response and deeming the requests for admission admitted.

**II.  
METHOD OF SERVICE OF DISCOVERY**

This discovery was E-Filed with the Santa Clara Superior Court on November 10<sup>th</sup> and 11<sup>th</sup>, 2011. A copy of the proof of service of each discovery is attached to the respective discovery, which is attached to the Declaration of Bradley T. Weeks. Bradley T. Weeks has reviewed the E-Service list and the discovery. This motion is only directed at parties who are on the E-Service list and all parties on Exhibit One to the notice of this motion are on the E-Service list. Pursuant to the Santa Clara Superior Court’s Electronic Filing and Service Standing Order dated August 28, 2006, section V.A., electronic service of a document shall have the same legal effect as an original paper document.

Since parties are not required to participate in the e-filing system, discovery against those parties who have appeared in this matter, but who have not registered with the e-filing system, will not be addressed in this motion.

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**III.  
THE PARTIES ON EXHIBIT ONE TO THE NOTICE HAVE FAILED TO  
RESPOND TO QUARTZ HILL'S DISCOVERY; THUS THIS COURT  
SHOULD MAKE AN ORDER COMPELLING RESPONSE**

**A. Party may move for order compelling response.**

When a party makes a discovery demand under Code of Civil Procedure section 2016 et seq. and the party to whom the demand is directed fails to respond, the demanding party may move for an order compelling response.<sup>1</sup>

**B. The discovery demand has been served and no response had been made.**

All that need be shown in the moving papers is that the discovery demand was properly served on the opposing party, the time to respond has expired, and that no response of any kind has been served. *Leach v. Sup. Ct.* (1980) 111 Ca 3d 902, 906.

The discovery was electronically served on November 10 and 11, 2011. [Weeks Dec ¶1], the time to respond therefore expired December 13, 2011. The time set for production of the documents was set for December 12, 2011. No response has been received as of today's date [Weeks Dec ¶2].

**C. This court ought to compel response to the written interrogatories and inspection demands and deem the request for admissions admitted.**

The appropriate remedy for a party who does not respond to propounded discovery is an order compelling response. "The party propounding the interrogatories may move for an order compelling response to the interrogatories" *Cal. Code Civ. Proc.* § 2030.300. "The party making the demand may move for an order compelling response to the inspection demand" *Cal. Code Civ. Proc.* § 2031.300.

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<sup>1</sup>Written Interrogatories, *Cal. Civ. Proc. Code* § 2030.300; Request for Production of Documents, *Cal. Civ. Proc. Code* § 2031.300; Request for Admission, *Cal. Civ. Proc. Code* § 2033.280

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The appropriate remedy for a party who does not respond to propounded requests for admission is an order deeming the requests admitted. “The requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted” *Cal. Code Civ. Proc.* § 2033.280.

The parties on Exhibit One to the notice of this motion failed to respond, thus this court ought to compel them to respond to the interrogatories and production requests and deem the request for admissions admitted.

**IV.  
THIS COURT MUST IMPOSE A MONETARY SANCTION FOR THE  
FAILURE TO RESPOND.**

**A. Failure to respond is a misuse of discovery**

The parties on Exhibit One have misused the discovery process. “Misuses of the discovery process include, but are not limited to, the following: . . . (4) Failing to respond or to submit to an authorized method of discovery.” *Cal. Code Civ. Proc.* § 2023(a).

Each discovery section also requires the imposition of sanctions. “The court shall impose a monetary sanction under Section 2023 against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel a response” *Cal. Code Civ. Proc.* §§ 2030.300(d), 2031.300(c). “It is mandatory that the court impose a monetary sanction under Section 2023 on the party or attorney, or both, whose failure to serve a timely response to requests for admission necessitated this motion” *Cal. Code Civ. Proc.* § 2033.280(b).

**B. Defendants failed to respond.**

The Exhibit One parties failed to respond, ask for any extension, or offer any excuse or explanation for their failure to respond.

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**C. Sanctions should be in an amount to compensate Quartz Hill’s reasonable expenses, deferred to a later date**

As a consequence of the Exhibit One parties’ misconduct, this court should impose a monetary sanction. The amount of the sanction should be an amount to pay Quartz Hill for the reasonable expenses, including attorney fees, incurred by Defendants’ misconduct, *Cal. Civ. Proc. Code* § 2023(b)(1).

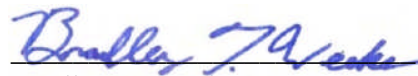
Due to the great number of parties subject to this motion, Quartz Hill Water District request the court defer the award of sanction until a time as may be just.

**V.  
CONCLUSION**

For all the foregoing reasons, Quartz Hill respectfully requests that the Court grant its’ motion to compel response and for sanctions.

Dated: January 10, 2012

CHARLTON WEEKS LLP



Bradley T. Weeks  
Attorney for Quartz Hill Water District

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**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 1031 West Avenue M-14, Suite A, Palmdale, California, 93551.

On January 10, 2012, at my place of business at Palmdale, California, a copy of the following DOCUMENT(s):

- Points and Authorities in Support of Motion to:**
- 1. Compel Answers to Special Interrogatories**
  - 2. Compel Answers to Form Interrogatories**
  - 3. Deem the Truth of Matters Admitted and Conclusively Established**
  - 4. Compel Responses to Demand for Production Document**

**For Order Reserving Award Monetary Sanctions**

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 January 10, 2012

\_\_\_\_\_  
/s/Gayle Fenald