

1 Michael Duane Davis, SBN 093678
2 Marlene Allen-Hammarlund, SBN 126418
3 Derek R. Hoffman, SBN 285784
4 **GRESHAM SAVAGE NOLAN &**
5 **TILDEN, A Professional Corporation**
6 3750 University Avenue, Suite 250
7 Riverside, CA 92501-3335
8 Telephone: (951) 684-2171
9 Facsimile: (951) 684-2150

10 Attorneys for Cross-Defendant,
11 ADAMS BENNETT INVESTMENTS, LLC

12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF LOS ANGELES**

15 Coordination Proceeding
16 Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

17 **ANTELOPE VALLEY GROUNDWATER**
18 **CASES**

) Santa Clara Case No. 1-05-CV-049053
) Assigned to the Honorable Jack Komar
) Department 17

19 Including Actions:

20 **Los Angeles County Waterworks District**
21 **No. 40 v. Diamond Farming Co.**

22 Superior Court of California, County of Los
23 Angeles, Case No. BC 325 201

) **[PROPOSED] STIPULATION**
) **REGARDING THE DEPOSITION AND**
) **TRIAL TESTIMONY OF CROSS-**
) **DEFENDANT ADAMS BENNETT**
) **INVESTMENTS, LLC**

24 **Los Angeles County Waterworks District**
25 **No. 40 v. Diamond Farming Co.**

26 Superior Court of California, County of Kern,
27 Case No. S-1500-CV-254-348

28 **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

AND RELATED ACTIONS.

1 This *Stipulation regarding the Deposition and Trial Testimony of Cross-Defendant*
2 **ADAMS BENNETT INVESTMENTS, LLC** (“Adams Bennett”) is submitted in connection
3 with the deposition currently scheduled for Monday, January 28, 2013, at 3:00 p.m. and the
4 Phase 4 Trial which is currently scheduled for Monday, February 11, 2013, in the above matter.

5 Adams Bennett has provided, under penalty of perjury, the facts, information and
6 documents submitted to the Court and posted on the Court’s website on December 21, 2012 and
7 on January 15, 2013 including, but not limited to, the following:

8 1. Adams Bennett is a California limited liability company, with an entity address of
9 200 S. Main St. Ste. 200, Corona, CA 92882. It was formed on October 22, 2010. Adams
10 Bennett holds fee title to the following-described parcels or real property, which are situated
11 within the area of adjudication, with the exception of Assessor’s Parcel Number (“APN”) 3042-
12 021-019, which is currently in escrow for purchase by Adams Bennett:

13 Assessor’s Parcel Number: 3024 – 015 – 044;
14 Assessor’s Parcel Number: 3024 – 015 – 009;
15 Assessor’s Parcel Number: 3027 – 013 – 009;
16 Assessor’s Parcel Number: 3027 – 013 – 011;
17 Assessor’s Parcel Number: 3027 – 013 – 017;
18 Assessor’s Parcel Number: 3027 – 013 – 051;
19 Assessor’s Parcel Number: 3042 – 021 – 002;
20 Assessor’s Parcel Number: 3042 – 021 – 003;
21 Assessor’s Parcel Number: 3042 – 021 – 006;
22 Assessor’s Parcel Number: 3042 – 021 – 008;
23 Assessor’s Parcel Number: 3042 – 021 – 009;
24 Assessor’s Parcel Number: 3042 – 021 – 019;
25 Assessor’s Parcel Number: 3042 – 021 – 020;
26 Assessor’s Parcel Number: 3042 – 021 – 023;
27 Assessor’s Parcel Number: 3042 – 021 – 024;
28 Assessor’s Parcel Number: 3042 – 021 – 026;
Assessor’s Parcel Number: 3042 – 021 – 027;
Assessor’s Parcel Number: 3042 – 023 – 001;
Assessor’s Parcel Number: 3042 – 023 – 008;
Assessor’s Parcel Number: 3042 – 023 – 009;
Assessor’s Parcel Number: 3042 – 023 – 011; and
Assessor’s Parcel Number: 3042 – 023 – 012.

Reference: *Cross-Defendant, Adams Bennett Investments, LLC’s* (verified)
Information and Materials Responsive to December 12, 2012 Discovery Order for
Phase 4 Trial (“Discovery Responses”), Paragraphs (“¶”) I.1.a., I.1.b.; Cross-

1 *Defendant, Adams Bennett Investments, LLC's First Supplemental Response to*
2 *December 12, 2012 Discovery Order for Phase 4 Trial ("Supplemental*
3 *Responses")* ¶¶ I.1.a., I.3.b.

4 **2.** Adams Bennett did not own the properties during the years 2000 through 2004
5 and knows of no wells owned by the former owners during the Base Period years of 2000 to
6 2004. Adams Bennett has constructed no wells on any of these properties since having acquired
7 title. Further, Adams Bennett did not operate any wells on these properties during the recent
8 years of 2011 to 2012. Adams Bennett has not produced any groundwater from or used any
9 groundwater on these properties during the years 2000 to 2004 or 2011 to 2012.

10 Reference: *Discovery Responses* ¶¶ I.1.c., I.1.d., I.1.e.

11 **3.** Adams Bennett's properties have not yet been put to use; however, it is planning
12 to engage in the process of permitting these properties for use.

13 Reference: *Discovery Responses* ¶ I.1.h.

14 **4.** Littlerock Creek Wash flows adjacent to and, at times, through the Adams
15 Bennett properties. Though not the subject of this general groundwater adjudication, Adams
16 Bennett asserts that it has riparian rights to the seasonal flow and underflow of waters in the
17 Littlerock Creek Wash.

18 Reference: *Discovery Responses* ¶ I.1.i.

19 **5.** Adams Bennett did not lease property to anyone during the Base Period years of
20 2000 to 2004 or the recent years of 2011 to 2012.

21 Reference: *Discovery Responses* ¶ I.2.a.

22 **6.** Adams Bennett did not import or acquire any imported water from the Antelope
23 Valley – East Kern Water Agency, Palmdale Water District, Littlerock Creek Irrigation District
24 or any other entity having rights to State Water Project water, during the Base Period years of
25 2000 to 2004 or the recent years of 2011 to 2012.

26 Reference: *Discovery Responses* ¶ III.1.d.

27 ///

7. Adams Bennett claims an unexercised overlying right to the production of groundwater from its properties, in addition to the riparian rights claim set forth above. Adams Bennett is making no present claim to any return flows.

Reference: *Discovery Responses* ¶¶ I.1.h., I.1.l., III.1.a., III.1.b.

STIPULATION


The parties hereto stipulate and agree that the facts, information and documents provided herein and in the verified Discovery Responses posted on the Court's website on December 21, 2012 and on January 15, 2013, will not be contested, and are therefore deemed accepted, for purposes of the Phase 4 Trial which is currently scheduled for February 11, 2013; and that the Notice of Taking the Deposition of Adams Bennett, which was posted by Quartz Hill Water District on the behalf of the Public Water Suppliers on January 7, 2013, is hereby withdrawn.

The parties therefore further stipulate and agree that neither deposition testimony nor trial testimony will be required of Adams Bennett for purposes of the Phase 4 Trial.

IT IS SO STIPULATED.

Dated: January 15, 2013.

GRESHAM SAVAGE NOLAN & TILDEN, PC

By: 
Michael Duane Davis
Marlene L. Allen-Hammarlund
Derek R. Hoffman
Attorneys for Cross-Defendant, Adams Bennett
Investments, LLC

Dated: January , 2013.

CHARLTON WEEKS LLP

By: _____
Bradley T. Weeks
Attorneys for Defendant and Cross-Complainant,
Quartz Hill Water District

1 Dated: January ___, 2013.

BEST BEST & KRIEGER LLP

2
3 By: _____
4 Eric L. Garner
5 Jeffrey V. Dunn
6 Stefanie D. Hedlund
7 Attorneys for Cross-Complainant, Los Angeles
8 County Waterworks District No. 40

9 Dated: January ___, 2013.

RICHARDS, WATSON & GERSHON

10 By: _____
11 Steven Orr
12 James L. Markman
13 Attorneys for Cross-Defendant, City of Palmdale

14 Dated: January ___, 2013.

MURPHY & EVERTZ

15 By: _____
16 Douglas J. Evertz
17 Attorneys for Cross-Defendant, City of Lancaster
18 and Rosamond community Services District

19 Dated: January ___, 2013.

20 By: _____
21 John Tootle
22 Attorneys for Cross-Defendant, California Water
23 Service Company

24 Dated: January ___, 2013.

LEMIEUX & O'NEILL

25 By: _____
26 Wayne Lemieux
27 Attorneys for Littlerock Creek Irrigation District,
28 Palm Ranch Irrigation District, et al.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: January __, 2013.

LAGERLOF SENEAL GOSNEY & KRUSE

By: _____
Thomas Bunn III
Attorneys for Cross-Defendant, Palmdale Water
District

Re: *ANTELOPE VALLEY GROUNDWATER CASES*
Los Angeles County Superior Court Judicial Council Coordinated
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

On January 15, 2013, I served the foregoing document(s) described as **[PROPOSED] STIPULATION REGARDING THE DEPOSITION AND TRIAL TESTIMONY OF CROSS-DEFENDANT ADAMS BENNETT INVESTMENTS, LLC** on the interested parties in this action in the following manner:

Executed on January 15, 2013, at Riverside, California.

DINA M. SNIDER