

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

6 Attorneys for Cross-Defendant,
ADAMS BENNETT INVESTMENTS, LLC
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES**
10

11 Coordination Proceeding
Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

12 **ANTELOPE VALLEY GROUNDWATER**
13 **CASES**

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

14 Including Actions:

15 **Los Angeles County Waterworks District**
16 **No. 40 v. Diamond Farming Co.**
Superior Court of California, County of Los
Angeles, Case No. BC 325 201

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

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

20 **Wm. Bolthouse Farms, Inc. v. City of**
21 **Lancaster**
22 **Diamond Farming Co. v. City of Lancaster**
23 **Diamond Farming Co. v. Palmdale Water**
24 **Dist.**
Superior Court of California, County of
Riverside, consolidated actions, Case Nos. RIC
353 840, RIC 344 436, RIC 344 668

25 **AND RELATED ACTIONS.**
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1 This *Stipulation regarding the Deposition and Trial Testimony of Cross-Defendant*
2 **ADAMS BENNETT INVESTMENTS, LLC** ("Adams Bennett") is submitted pursuant to
3 Paragraph 2 of the Court's January 17, 2013 *First Amendment to Case Management Order for*
4 *Phase Four Trial* and in connection with the Phase 4 Trial which is currently scheduled for
5 Tuesday, May 28, 2013, in the above-encaptioned matter.

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

9 1. Adams Bennett is a California limited liability company. It was formed on
10 October 22, 2010. Adams Bennett holds fee title to the following-described parcels or real
11 property, which are situated within the area of adjudication, with the exception of Assessor's
12 Parcel Number ("APN") 3042-021-019, which is currently in escrow for purchase by Adams
13 Bennett:

14 Assessor's Parcel Number: 3024 - 015 - 044;
15 Assessor's Parcel Number: 3024 - 015 - 009;
16 Assessor's Parcel Number: 3027 - 013 - 009;
17 Assessor's Parcel Number: 3027 - 013 - 011;
18 Assessor's Parcel Number: 3027 - 013 - 017;
19 Assessor's Parcel Number: 3027 - 013 - 051;
20 Assessor's Parcel Number: 3042 - 021 - 002;
21 Assessor's Parcel Number: 3042 - 021 - 003;
22 Assessor's Parcel Number: 3042 - 021 - 006;
23 Assessor's Parcel Number: 3042 - 021 - 008;
24 Assessor's Parcel Number: 3042 - 021 - 009;
25 Assessor's Parcel Number: 3042 - 021 - 019;
Assessor's Parcel Number: 3042 - 021 - 020;
Assessor's Parcel Number: 3042 - 021 - 023;
Assessor's Parcel Number: 3042 - 021 - 024;
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.

26 Reference: *Cross-Defendant, Adams Bennett Investments, LLC's* (verified)
27 *Information and Materials Responsive to December 12, 2012 Discovery Order for*
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Phase 4 Trial (the “*Discovery Responses*”), Paragraphs (“¶”) I.1.a., I.1.b.; *Cross-Defendant, Adams Bennett Investments, LLC’s First Supplemental Response to December 12, 2012 Discovery Order for Phase 4 Trial* (the “*Supplemental Responses*”) ¶¶ I.1.a., I.3.b.

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

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

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

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

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

Reference: *Discovery Responses* ¶ I.1.1.

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

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

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

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

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

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

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6 **STIPULATION**

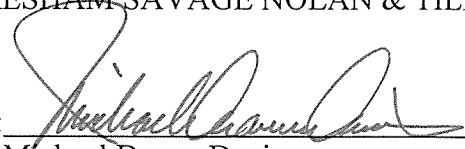
7 The parties hereto stipulate and agree that the facts, information and documents provided
8 herein and in Adams Bennett's verified *Discovery Responses* posted on the Court's website on
9 December 21, 2012, and in Adams Bennett's verified *Supplemental Responses* that were posted
10 on the Court's website on January 15, 2013, will not be contested, and are therefore deemed
11 accepted, for purposes of the Phase 4 Trial which is currently scheduled for May 28, 2013; and
12 that the Notice of Taking the Deposition of Adams Bennett, which was posted by Quartz Hill
13 Water District on the behalf of the Public Water Suppliers on January 7, 2013, has been since
14 withdrawn.

15 The parties therefore further stipulate and agree that neither deposition testimony nor trial
16 testimony will be required of Adams Bennett or any of its designated witnesses for purposes of
17 the Phase 4 Trial.

18 IT IS SO STIPULATED.

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21
22 Dated: March 15, 2013.

GRESHAM SAVAGE NOLAN & TILDEN, PC

23
24 By: 
25 Michael Duane Davis
26 Marlene L. Allen-Hammarlund
27 Derek R. Hoffman
28 Attorneys for Cross-Defendant, Adams Bennett
 Investments, LLC

1 Dated: March ___, 2013.

CHARLTON WEEKS LLP

2
3 By: _____
4 Bradley T. Weeks
5 Attorneys for Cross-Complainant, Quartz Hill
6 Water District

7 Dated: March ___, 2013.

BEST BEST & KRIEGER LLP

8 By: _____
9 Eric L. Garner
10 Jeffrey V. Dunn
11 Stefanie D. Hedlund
12 Attorneys for Cross-Complainant, Los Angeles
13 County Waterworks District No. 40

14 Dated: March ___, 2013.

RICHARDS, WATSON & GERSHON

15 By: _____
16 Steven Orr
17 James L. Markman
18 Attorneys for Cross-Complainant, City of
19 Palmdale

20 Dated: March ___, 2013.

MURPHY & EVERTZ

21 By: _____
22 Douglas J. Evertz
23 Attorneys for Cross-Complainant, City of
24 Lancaster and Rosamond Community
25 Services District

26 Dated: January ___, 2013.

27 By: _____
28 John Tootle
Attorneys for Cross-Complainant, California
Water Service Company

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Dated: March __, 2013.

LEMIEUX & O’NEILL

By: _____
Wayne Lemieux
Attorneys for Cross-Complainant, Littlerock
Creek Irrigation District, Palm Ranch Irrigation
District, et al.

Dated: March __, 2013.

LAGERLOF SENEAL GOSNEY & KRUSE

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

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