Michael Duane Davis, SBN 093678 1 Marlene Allen-Hammarlund, SBN 126418 2 Derek R. Hoffman, SBN 285784 GRESHAM SAVAGE NOLAN & 3 TILDEN, A Professional Corporation 3750 University Avenue, Suite 250 Riverside, CA 92501-3335 4 (951) 684-2171 Telephone: 5 Facsimile: (951) 684-2150 6 Attorneys for Cross-Defendant, ADAMS BENNETT INVESTMENTS, LLC 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 IN AND FOR THE COUNTY OF LOS ANGELES 10 11 Coordination Proceeding Judicial Council Coordination Special Title (Rule 1550(b)) Proceeding No. 4408 12 ANTELOPE VALLEY GROUNDWATER Santa Clara Case No. 1-05-CV-049053 13 CASES Assigned to the Honorable Jack Komar Department 17 14 Including Actions: [PROPOSED; REVISED] STIPULATION 15 Los Angeles County Waterworks District REGARDING THE DEPOSITION AND No. 40 v. Diamond Farming Co. TRIAL TESTIMONY OF CROSS-16 Superior Court of California, County of Los DEFENDANT ADAMS BENNETT Angeles, Case No. BC 325 201 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 Lancaster 21 Diamond Farming Co. v. City of Lancaster Diamond Farming Co. v. Palmdale Water 22 Superior Court of California, County of 23 Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668 24 AND RELATED ACTIONS. 25 26 27 28 -1-

Gresham Savage Nolan & Tilden, a Professonal Corrobation 3750 University Ave., Ste 250 Riversidy, CA 92501-3335 (951) 684-2171 4

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CRESHAM SAVAGE NOLAN & TILDEN, A PROFESSIONAL COSPORATION 1730 UNIVERSITY AVE., STE 250 RIVERSION, CA. 92301.3335 (951) 684-2171 This Stipulation regarding the Deposition and Trial Testimony of Cross-Defendant ADAMS BENNETT INVESTMENTS, LLC ("Adams Bennett") is submitted pursuant to Paragraph 2 of the Court's January 17, 2013 First Amendment to Case Management Order for Phase Four Trial and in connection with the Phase 4 Trial which is currently scheduled for Tuesday, May 28, 2013, in the above-encaptioned matter.

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

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

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Assessor's Parcel Number:
                             3024 - 015 - 044;
Assessor's Parcel Number:
                             3024 - 015 - 009;
Assessor's Parcel Number:
                             3027 – 013 – 009;
Assessor's Parcel Number:
                             3027 - 013 - 011;
Assessor's Parcel Number:
                             3027 - 013 - 017;
Assessor's Parcel Number:
                             3027 - 013 - 051;
Assessor's Parcel Number:
                             3042 - 021 - 002;
Assessor's Parcel Number:
                             3042 - 021 - 003;
Assessor's Parcel Number:
                             3042 - 021 - 006;
Assessor's Parcel Number:
                             3042 - 021 - 008;
Assessor's Parcel Number:
                             3042 - 021 - 009;
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.
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Reference: Cross-Defendant, Adams Bennett Investments, LLC's (verified) Information and Materials Responsive to December 12, 2012 Discovery Order for 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.

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Adams Bennett claims an unexercised overlying right to the production of 7. 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 Adams Bennett's verified Discovery Responses posted on the Court's website on December 21, 2012, and in Adams Bennett's verified Supplemental Responses that were posted on the Court's website 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 May 28, 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, has been since withdrawn.

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

IT IS SO STIPULATED.

Dated: March 15, 2013.

GRESHAM-SAVAGE NOLAN & TILDEN, PC

Ву: Michael Duane Davis

Marlene L. Allen-Hammarlund

Derek R. Hoffman

Attorneys for Cross-Defendant, Adams Bennett

Investments, LLC

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| Dated: March (e), 2013.   | CHARLTON WEEKS LLP   |
| 3   |  |
| 4   | Bradley T. Weeks   |
| 5   | Attorneys for Cross-Complainant, Quartz Hill Water District  |
| 6 Dated: March, 2013.   | Dilomana   |
| 7   | BEST BEST & KRIEGER LLP  |
| 8   | Day Alla   |
| 9   | By: Eric II Chiner   |
| 10  | Jeffrey V. Dunn<br>Stefanie D. Hedlund   |
| II May  | Attorneys for Cross-Complainant, Los Angeles<br>County Waterworks District No. 40  |
| Dated: March 13, 2013.  | RICHARDS, WATSON & GERSHON   |
| 13  | C+A  |
| 14  | Ву:  |
| 15  | Steven Orr<br>James L. Markman   |
| 16  | Attorneys for Cross-Complainant, City of Palmdale  |
| 17  |  |
| 18 Dated: March, 2013.  | Adding the same of |
| . 19  | MURPHY & EVERTZ  |
| 20  | Ву:  |
| 21  | Douglas I Evertz   |
| 22  | Attorneys for Cross-Complainant, City of Lancaster and Rosamond Community  |
| 23  | Services District  |
| 24 Dated: January, 2013.  |  |
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|  | Dated: March, 2013.                     | CHARLTON WEEKS LLP   |
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|  | 2 3 4 5                                 | By:<br>Bradley T. Weeks<br>Attorneys for Cross-Complainant, Quartz Hill<br>Water District  |
| ·  | Dated: March, 2013.                     | BEST BEST & KRIEGER LLP  By:   |
|  | 9 0 1                                   | Eric Lightner Jeffrey V. Dunn Stefanie D. Hedlund Attorneys for Cross-Complainant, Los Angeles County Waterworks District No. 40 |
| 1  | Dated: March, 2013.                     | RICHARDS, WATSON & GERSHON   |
| 1<br>14<br>15  | 4                                       | By:  |
| 17<br>18   | Dated: March                            | MURPHY & EVERTZ  |
| 20<br>21<br>22<br>23   |   | By: Douglas J Evertz  Attorneys for Cross-Complainant, City of Lancaster and Rosamond Community Services District                |
| 24<br>25   | Dated: January, 2013.                   | 1  |
| 26<br>27   |   | By:  |
| 28   |   | Water Service Company -5-  |
| NOLAN & TILDEM, A PROFESSIONAL COSPORATION J734 UNIVERSITY AVE., 518 250 RIVERSIDE, CA 925(1-333) (951) 684-2171 | [PROPOSED, REVISED] STIPUI<br>CROSS-DEF | LATION REGARDING THE DEPOSITION AND TRIAL TESTIMONY OF SENDANT ADAMS BENNETT INVESTMENTS, LLC                                    |

| 1                          | Dated: March, 2013.   | CHARLTON WEEKS LLP  |
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| 2<br>3<br>4<br>5           |                       | By:Bradley T. Weeks Attorneys for Cross-Complainant, Quartz Hill Water District   |
| 6<br>7<br>8<br>9           | Dated: March, 2013.   | BEST BEST & KRYEGER LLP  By:  Bric Ll Guner  Jeffrey V. Dunn  Stefanie D. Hedlund  Attorneys for Cross Complement Lead to the |
| 11<br>12                   | Dated: March, 2013.   | Attorneys for Cross-Complainant, Los Angeles County Waterworks District No. 40 RICHARDS, WATSON & GERSHON                     |
| 13<br>14<br>15<br>16<br>17 |                       | By:Steven Orr<br>James L. Markman<br>Attorneys for Cross-Complainant, City of<br>Palmdale                                     |
| 18<br>19                   | Dated: March, 2013.   | MURPHY & EVERTZ   |
| 20<br>21<br>22<br>23       | Max 7                 | By:   |
| 15<br>6<br>7               | Dated: January, 2013. | By: John Jootle  Attorneys for Cross-Complainant, California  Water Service Company   |
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Greshan Savage Nolah R Tidder, A Panyenghan Comparation 1781 University Ave, 51, 250 division, CA 4220-1336 (951) M-2171

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

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LEMIEN & O'NEILE Wayne Lemieux Attorneys for Cross-Complainant, Littlerock Creek Irrigation District. Palnt Ranch Irrigation District, et al. Dated: Marrety-LAGERLOF SENECAL GOSNEY & KRUSE Thomas Burn III
Attorneys for Cross-Complainant, Palmdale
Water District u -(j. proposed, reviseo] stipulation regarding the deposition and trial testimony of

## 1 PROOF OF SERVICE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE 2 3 Re: ANTELOPE VALLEY GROUNDWATER CASES Los Angeles County Superior Court Judicial Council Coordinated 4 Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053 5 I am employed in the County of Riverside, State of California, I am over the age of 18 years and not a party to the within action; my business address is: 3750 University Avenue, Suite 250, Riverside, CA 92501-3335. 6 7 On May 15, 2013, I served the foregoing document(s) described **REVISED AND EXECUTED** STIPULATION REGARDING THE DEPOSITION AND TRIAL TESTIMONY OF CROSS-DEFENDANT ADAMS BENNETT INVESTMENTS, LLC on the interested parties 8 in this action in the following manner: 9 (X) BY ELECTRONIC SERVICE – I posted the document(s) listed above to the Santa Clara County Superior Court website, http://www.scefiling.org, in the action of the 10 Antelope Valley Groundwater Cases, 11 12 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. 13 Executed on May 15, 2013 at Riverside, California. 14 15 16 17 18 19 20 21 22 23 24 25 26

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