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Attorneys for Cross-Defendant/Cross-Complainant,
A.V. UNITED MUTUAL GROUP; and Cross-
Defendants, ADAMS BENNETT INVESTMENTS,
LLC; MIRACLE IMPROVEMENT CORPORATION
dba GOLDEN SANDS MOBILE HOME PARK, aka
GOLDEN SANDS TRAILER PARK, named as ROE
1121; ST. ANDREW'S ABBEY, INC., named as ROE
623; SERVICE ROCK PRODUCTS, L.P.; and
SHEEP CREEK WATER COMPANY, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

**ANTELOPE VALLEY GROUNDWATER
CASES**

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

Including Consolidated Actions:

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

) **CROSS-DEFENDANT, EVERGREEN
MUTUAL WATER COMPANY, A
MEMBER OF THE ANTELOPE
VALLEY UNITED MUTUAL GROUP'S
TRIAL BRIEF FOR PHASE 4 TRIAL**

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

) Phase 4 Trial Date: May 28, 2013
) Time: 9:00 A.M.
) Dept.: TBD
) Judge: Hon. Jack Komar

**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 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Cross-Defendant, **EVERGREEN MUTUAL WATER COMPANY, A MEMBER OF**
3 **THE ANTELOPE VALLEY UNITED MUTUAL GROUP** ("Evergreen") by and through its
4 attorneys of record, Michael Duane Davis, Esq., Marlene L. Allen-Hammarlund, Esq. and Derek
5 R. Hoffman, Esq. of Gresham Savage Nolan & Tilden, PC, hereby submits the following Trial
6 Brief for the Phase 4 Trial proceedings, in accordance with the Court's Minute Order for the
7 May 17, 2013 Pre-Trial Conference.

8 Evergreen's Witness List and Exhibit List will be submitted under separate cover.
9

10 1. **Party:** EVERGREEN MUTUAL WATER COMPANY, a California mutual
11 benefit non-profit corporation, which is a member of the Antelope Valley United Mutual Group.
12

13 2. **Claims to Current Groundwater Production** [The following figures do not
14 account for any in-lieu water, any claimed return flows from imported water, any water from
15 natural springs, any water produced outside the Area of Adjudication, or any water other than the
16 groundwater produced within the Area of Adjudication during 2011 and 2012]:

17 a. **2011:** 66.4 acre feet; and

18 b. **Jan. – Nov. 2012:** 72.6 acre feet.
19

20 3. **Status of Stipulation to Claims:**

21 a. **Public Water Supplier** – Stipulation pending.

22 b. **Overlyers' Group** – There is no objection to Evergreen's 2011 and 2012
23 groundwater production by the Overlyers' Group.
24

25 4. **Supporting Information and Data:**

26 a. Responses to December 12, 2012 Discovery Order for Phase 4 Trial,
27 submitted under penalty of perjury, and filed by posting on December 21, 2012; and
28

1 b. First Supplemental Responses to December 12, 2012 Discovery Order for
2 Phase 4 Trial, submitted under penalty of perjury, and filed by posting on January 30, 2013.
3

4 **5. Offer of Proof / Proposed Order:** Evergreen will make an offer of proof at the
5 Phase 4 Trial, that its 2011 groundwater production was 66.4 acre feet, and that its 2012
6 groundwater production was 72.6 acre feet. Evergreen will also submit a proposed order for the
7 Court to make findings that Evergreen's claimed groundwater production for 2011 was 66.4 acre
8 feet, and that its claimed groundwater production for 2012 was 72.6 acre feet.
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10 Respectfully submitted,

GRESHAM SAVAGE NOLAN & TILDEN, PC

11
12 By: 

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DEREK R. HOFFMAN, ESQ.
Attorneys for CROSS-DEFENDANT / CROSS-
COMPLAINANT, A. V. UNITED MUTUAL GROUP;
and CROSS-DEFENDANTS, ADAMS BENNETT
INVESTMENTS, LLC, MIRACLE IMPROVEMENT
CORPORATION dba GOLDEN SANDS MOBILE
HOME PARK, aka GOLDEN SANDS TRAILER PARK
[ROE 1121], ST. ANDREW'S ABBEY, INC. [ROE
623], SERVICE ROCK PRODUCTS, L.P., and SHEEP
CREEK WATER COMPANY, INC.
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**PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

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

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.

On May 23, 2013, I served the foregoing document(s) described as **CROSS-DEFENDANT, EVERGREEN MUTUAL WATER COMPANY, A MEMBER OF THE ANTELOPE VALLEY UNITED MUTUAL GROUP'S TRIAL BRIEF FOR PHASE 4 TRIAL** on the interested parties in this action in the following manner:

(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 Antelope Valley Groundwater Cases,

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

Executed on May 23, 2013, at Riverside, California.


DINA M. SNIDER