

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

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, AVERYDALE  
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, **AVERYDALE MUTUAL WATER COMPANY, A MEMBER OF**  
3 **THE ANTELOPE VALLEY UNITED MUTUAL GROUP** ("Averydale") 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 Averydale's Witness List and Exhibit List will be submitted under separate cover.

9  
10 1. **Party:** AVERYDALE 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:** 247.9 acre feet; and

18 b. **Jan. – Nov. 2012:** 268.0 acre feet.

19  
20 3. **Status of Stipulation to Claims:**

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

22 b. **Overlyers' Group** – Objection to Paragraph 3, only. Production claim is  
23 in Paragraph 4. Therefore, there is no objection to Averydale's 2011 and 2012 groundwater  
24 production by the Overlyers' Group.

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

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

-2-

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:** Averydale will make an offer of proof at the  
5 Phase 4 Trial, that its 2011 groundwater production was 247.9 acre feet, and that its 2012  
6 groundwater production was 268.0 acre feet. Averydale will also submit a proposed order for  
7 the Court to make findings that Averydale's claimed groundwater production for 2011 was 247.9  
8 acre feet, and that its claimed groundwater production for 2012 was 268.0 acre feet.  
9

10 Respectfully submitted,

GRESHAM SAVAGE NOLAN & TILDEN, PC

11  
12 By: 

13 MICHAEL DUANE DAVIS, ESQ.  
14 MARLENE L. ALLEN-HAMMARLUND, ESQ.  
15 DEREK R. HOFFMAN, ESQ.  
16 Attorneys for CROSS-DEFENDANT / CROSS-  
17 COMPLAINANT, A. V. UNITED MUTUAL GROUP;  
18 and CROSS-DEFENDANTS, ADAMS BENNETT  
19 INVESTMENTS, LLC, MIRACLE IMPROVEMENT  
20 CORPORATION dba GOLDEN SANDS MOBILE  
21 HOME PARK, aka GOLDEN SANDS TRAILER PARK  
22 [ROE 1121], ST. ANDREW'S ABBEY, INC. [ROE  
23 623], SERVICE ROCK PRODUCTS, L.P., and SHEEP  
24 CREEK WATER COMPANY, INC.  
25  
26  
27  
28

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

**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, AVERYDALE 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