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

8 Sunnyside Farms’ Witness List and Exhibit List will be submitted under separate cover.  
9

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

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

18 **a. 2011:** 73.5 acre feet; and

19 **b. Jan. – Nov. 2012:** 77.3 acre feet.  
20

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

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

23 **b. Overlyers’ Group** –There is no objection to Sunnyside Farms’ 2011 and  
24 2012 groundwater 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

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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:** Sunnyside Farms will make an offer of  
5 proof at the Phase 4 Trial, that its 2011 groundwater production was 73.5 acre feet, and that its  
6 2012 groundwater production was 77.3 acre feet. Sunnyside Farms will also submit a proposed  
7 order for the Court to make findings that Sunnyside Farms' claimed groundwater production for  
8 2011 was 73.5 acre feet, and that its claimed groundwater production for 2012 was 77.3 acre  
9 feet.

10  
11 Respectfully submitted,

GRESHAM SAVAGE NOLAN & TILDEN, PC

12  
13 By: 

MICHAEL DUANE DAVIS, ESQ.

MARLENE L. ALLEN-HAMMARLUND, ESQ.

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, SUNNYSIDE FARMS 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