

1 Michael Duane Davis, SBN 093678
Marlene L. Allen-Hammarlund, SBN 126418
2 Derek R. Hoffman, SBN 285784
3 **GRESHAM SAVAGE NOLAN & TILDEN,**
4 **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/Cross-Complainant,
A.V. UNITED MUTUAL GROUP; and Cross-
7 Defendants, ADAMS BENNETT INVESTMENTS,
LLC; MIRACLE IMPROVEMENT CORPORATION
8 dba GOLDEN SANDS MOBILE HOME PARK, aka
GOLDEN SANDS TRAILER PARK, named as ROE
9 1121; ST. ANDREW'S ABBEY, INC., named as ROE
623; WHITE FENCE FARMS PRODUCTS, L.P.; and
10 SHEEP CREEK WATER COMPANY, INC.

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

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

) Judicial Council Coordination
) Proceeding No. 4408

14 **ANTELOPE VALLEY GROUNDWATER**
15 **CASES**

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

16 Including Consolidated Actions:

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

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

19 **Los Angeles County Waterworks District**
20 **No. 40 v. Diamond Farming Co.**
Superior Court of California, County of Kern,
21 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

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

26 **AND RELATED ACTIONS.**
27

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Cross-Defendant, **WHITE FENCE FARMS MUTUAL WATER COMPANY, A**
3 **MEMBER OF THE ANTELOPE VALLEY UNITED MUTUAL GROUP** (“White Fence
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 White Fence Farms’ Witness List and Exhibit List will be submitted under separate
9 cover.

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

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

19 **a. 2011:** 809.0 acre feet; and

20 **b. 2012:** 746.3 acre feet.

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

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

24 **b. Overlyers’ Group** –There is no objection to White Fence Farms’ 2011
25 and 2012 groundwater production by the Overlyers’ Group.

26 ///

27 ///

28 ///

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

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

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

6
7 **5. Offer of Proof / Proposed Order:** White Fence Farms will make an offer of
8 proof at the Phase 4 Trial, that its 2011 groundwater production was 809.0 acre feet, and that its
9 2012 groundwater production was 746.3 acre feet. White Fence Farms will also submit a
10 proposed order for the Court to make findings that White Fence Farms' claimed groundwater
11 production for 2011 was 809.0 acre feet, and that its claimed groundwater production for 2012
12 was 746.3 acre feet.

13
14 Respectfully submitted,

GRESHAM SAVAGE NOLAN & TILDEN, PC

15
16 By: 

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

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 28, 2013, I served the foregoing document(s) described as **CROSS-DEFENDANT, WHITE FENCE 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 28, 2013, at Riverside, California.


DINA M. SNIDER