Michael Duane Davis, SBN 093678 1 Marlene L. Allen-Hammarlund, SBN 126418 Derek R. Hoffman, SBN 285784 2 GRESHAM SAVAGE NOLAN & TILDEN, PC 3750 University Avenue, Suite 250 3 Riverside, CA 92501-3335 Telephone: (951) 684-2171 4 Facsimile: (951) 684-2150 5 Attorneys for Cross-Defendant SHEEP CREEK WATER COMPANY, INC. 6 7 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 IN AND FOR THE COUNTY OF LOS ANGELES 10 Coordination Proceeding Judicial Council Coordination 11 Special Title (Rule 1550(b)) Proceeding No. 4408 12 ANTELOPE VALLEY Santa Clara Case No. 1-05-CV-049053 GROUNDWATER CASES Assigned to the Honorable Jack Komar 13 Department 17C Including **Consolidated** Actions: 14 CROSS-DEFENDANT SHEEP CREEK WATER COMPANY, INC.'S NOTICE OF Los Angeles County Waterworks District 15 No. 40 v. Diamond Farming Co. INTENTION REGARDING Superior Court of California, County of Los ) PARTICIPATION IN PHASE 5 TRIAL 16 Angeles, Case No. BC 325 201 Date of Trial: February 10, 2014 17 Los Angeles County Waterworks District Time: 9:00 A.M. No. 40 v. Diamond Farming Co. 18 Superior Court of California, County of For Court's Use Only: Kern, Case No. S-1500-CV-254-348 Santa Clara County 19 Case No. 1-05-CV-049053 Wm. Bolthouse Farms, Inc. v. City of (For E-Posting/E-Service Purposes Only) 20 Lancaster Diamond Farming Co. v. City of 21 Lancaster Diamond Farming Co. v. Palmdale 22 Water Dist. 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

GRESHAM SAVAGE ATTORNEYS AT LAW 3750 UNIVERSITY AVE. STE. 250 RIVERSIDE, CA 92501-3335 (951) 684-2171

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

Cross-Defendant SHEEP CREEK WATER COMPANY INC., by and through their attorneys of record, Gresham Savage Nolan & Tilden, PC, by Michael Duane Davis and Marlene L. Allen-Hammarlund, hereby submits its NOTICE OF INTENTION REGARDING PARTICIPATION IN PHASE 5 TRIAL ("Notice") as follows:

- 1. **Federal Reserve Right**: SHEEP CREEK WATER COMPANY, INC. does not intend to participate in the Phase 5 Trial on the issue of the federal reserved right, unless an issue arises through discovery or otherwise that would affect its rights or place it at risk. To that extent, SHEEP CREEK WATER COMPANY, INC. reserves its right to participate in the Phase 5 Trial on this issue.
- 2. **Return Flows:** SHEEP CREEK WATER COMPANY, INC. does not intend to participate in the Phase 5 Trial on the issue of return flows, unless an issue arises through discovery or otherwise that would affect its rights or place it at risk. To that extent, SHEEP CREEK WATER COMPANY, INC. reserves its right to participate in the Phase 5 Trial on this issue.

DATED: October 15, 2013

Respectfully submitted,

GRESHAM SAVAGE NOLAN & TIDEN, PC

By:

MICHAEL DUANE DAVIS, ESQ

MARLENE L. ALLEN-HAMMARLUND, ESQ.

DEREK R. HOFFMAN, ESQ.

Attorneys for CROSS-DEFENDANT

SHEEP CREEK WATER COMPANY, INC.

## PROOF OF SERVICE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

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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 October 15, 2013, I served the foregoing document(s) described as CROSS-DEFENDANT SHEEP CREEK WATER COMPANY, INC.'S NOTICE OF INTENTION REGARDING PARTICIPATION IN PHASE 5 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, <a href="http://www.scefiling.org">http://www.scefiling.org</a>, 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 October 15, 2013, at Riverside, California.

DINA M. SNIDER

GRESHAM | SAVAGE ATTORNEYS AT LAW

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