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 (951) 684-2171 Telephone: 4 (951) 684-2150 Facsimile: 5 Attorneys for Cross-Defendant ADAMS BENNETT INVESTMENTS, LLC 6 7 SUPERIOR COURT OF THE STATE OF CALIFORNIA 8 IN AND FOR THE COUNTY OF LOS ANGELES 9 10 Coordination Proceeding Judicial Council Coordination Special Title (Rule 1550(b)) Proceeding No. 4408 11 ANTELOPE VALLEY Santa Clara Case No. 1-05-CV-049053 12 **GROUNDWATER CASES** Assigned to the Honorable Jack Komar Department 17C 13 Including Consolidated Actions: CROSS-DEFENDANT ADAMS BENNETT 14 Los Angeles County Waterworks District ) INVESTMENTS, LLC'S NOTICE OF No. 40 v. Diamond Farming Co. INTENTION REGARDING 15 Superior Court of California, County of Los ) PARTICIPATION IN PHASE 5 TRIAL Angeles, Case No. BC 325 201 16 Date of Trial: February 10, 2014 Los Angeles County Waterworks District ) 9:00 A.M. Time: 17 No. 40 v. Diamond Farming Co. Superior Court of California, County of For Court's Use Only: 18 Kern, Case No. S-1500-CV-254-348 Santa Clara County Case No. 1-05-CV-049053 19 Wm. Bolthouse Farms, Inc. v. City of (For E-Posting/E-Service Purposes Only) Lancaster 20 Diamond Farming Co. v. City of Lancaster 21 Diamond Farming Co. v. Palmdale Water Dist. 22 Superior Court of California, County of Riverside, consolidated actions, Case Nos. 23 RIC 353 840, RIC 344 436, RIC 344 668 24 AND RELATED ACTIONS. 25 26

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

Cross-Defendant ADAMS BENNETT INVESTMENTS, LLC, 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**: ADAMS BENNETT INVESTMENTS, LLC 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, ADAMS BENNETT INVESTMENTS, LLC reserves its right to participate in the Phase 5 Trial on this issue.
- 2. **Return Flows:** ADAMS BENNETT INVESTMENTS, LLC 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, ADAMS BENNETT INVESTMENTS, LLC 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:

MCHAEL DUANE DAVIS, ESQ.

MARLENE L. ALLEN-HAMMARLUND, ESQ.

DEREK R. HOFFMAN, ESQ.

Attorneys for CROSS-DEFENDANT ADAMS

BENNETT INVESTMENTS, LLC

## 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 ADAMS BENNETT INVESTMENTS, LLC'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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