

5 West Side Park 14

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5 Attorneys for Cross-Defendants/Cross-Complainants,
 6 El Dorado Mutual Water Co., Landale Mutual Water
 7 Co., Shadow Acres Mutual Water Co., Sunnyside
 8 Farms Mutual Water Co., Westside Park Mutual Water
 Co., and White Fence Farms Mutual Water Co., Inc.,
 [Six of the 16 Mutual Water Companies that Comprise
 A. V. United Mutual Group]

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

| | | | |
|----|---|---|---|
| 12 | Coordination Proceeding |) | Judicial Council Coordination |
| 13 | Special Title (Rule 1550(b)) |) | Proceeding No. 4408 |
| 14 | ANTELOPE VALLEY GROUNDWATER |) | Santa Clara Case No. 1-05-CV-049053 |
| 15 | CASES |) | Assigned to the Honorable Jack Komar |
| 16 | Including <u>Consolidated</u> Actions: |) | Department 17C |
| 17 | Los Angeles County Waterworks District |) | SUPPLEMENTAL RESPONSES TO |
| 18 | No. 40 v. Diamond Farming Co. |) | ANTELOPE VALLEY-EAST KERN |
| 19 | Superior Court of California, County of Los |) | WATER AGENCY'S FIRST SET OF |
| 20 | Angeles, Case No. BC 325 201 |) | SPECIAL INTERROGATORIES |
| 21 | Los Angeles County Waterworks District |) | PROPOUNDED TO CROSS- |
| 22 | No. 40 v. Diamond Farming Co. |) | DEFENDANTS / CROSS- |
| 23 | Superior Court of California, County of Kern, |) | COMPLAINANTS, EL DORADO |
| 24 | Case No. S-1500-CV-254-348 |) | MUTUAL WATER CO., LANDALE |
| 25 | Wm. Bolthouse Farms, Inc. v. City of |) | MUTUAL WATER CO., SHADOW |
| 26 | Lancaster |) | ACRES MUTUAL WATER CO., |
| 27 | Diamond Farming Co. v. City of Lancaster |) | SUNNYSIDE FARMS MUTUAL WATER |
| 28 | Diamond Farming Co. v. Palmdale Water |) | CO., WESTSIDE PARK MUTUAL |
| | Dist. |) | WATER CO., AND WHITE FENCE |
| | Superior Court of California, County of |) | FARMS MUTUAL WATER CO., INC., |
| | Riverside, consolidated actions, Case Nos. RIC |) | [SIX OF THE 16 MUTUAL WATER |
| | 353 840, RIC 344 436, RIC 344 668 |) | COMPANIES THAT COMPRISE A. V. |
| | AND RELATED ACTIONS. |) | UNITED MUTUAL GROUP] |
| | |) | For Court's Use Only: |
| | |) | Santa Clara County |
| | |) | Case No. 1-05-CV-049053 |
| | |) | (For E-Posting/E-Service Purposes Only) |

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1 **PROPOUNDING PARTY:** Antelope Valley-East Kern Water Agency

2 **SUPPLEMENTALLY RESPONDING PARTIES:** El Dorado Mutual Water Co.,
3 Landale Mutual Water Co., Shadow Acres Mutual Water Co., Sunnyside Farms Mutual Water
4 Co., Westside Park Mutual Water Co., and White Fence Farms Mutual Water Co., Inc., [Six of
5 the 16 Mutual Water Companies that Comprise A. V. United Mutual Group]

6 **SET NO.:** ONE

7
8 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

9 Cross-Defendants / Cross-Complainants, El Dorado Mutual Water Co., Landale Mutual
10 Water Co., Shadow Acres Mutual Water Co., Sunnyside Farms Mutual Water Co., Westside
11 Park Mutual Water Co., and White Fence Farms Mutual Water Co., Inc. [which are six of the 16
12 mutual water companies that comprise A. V. UNITED MUTUAL GROUP], by and through their
13 attorneys of record, Gresham Savage Nolan & Tilden, PC, by Michael Duane Davis, Marlene L.
14 Allen-Hammarlund, and Derek R. Hoffman submit the following supplemental responses to
15 Antelope Valley-East Kern Water Agency's First Set of Special Interrogatories, numbers 3, 11
16 and 18, pursuant to the provisions of *Code of Civil Procedure* section 2030.010.

17 All prior objections and responses are incorporated herein by this reference as though
18 fully set forth herein. Although this additional information is being provided at this time, these
19 responding parties are still investigating the facts relating to this case, and have not fully
20 completed their discovery in this action and have not completed their preparation for the Phase 5
21 Trial. All of the answers contained herein are based upon such information and documents
22 which are presently available to and specifically known to these responding parties and disclose
23 only those contentions which presently occur to such supplementally responding parties. It is
24 anticipated that further discovery, independent investigation, legal research and analysis will
25 supply additional facts, add meaning to the known facts, as well as establish entirely new factual
26 conclusions and legal contentions, all of which may lead to substantial additions to, changes in,
27 and variations from the contentions herein set forth. The following supplemental interrogatory

1 responses are given without prejudice to supplementally responding parties' rights to produce
2 evidence of any subsequently discovered fact or facts which these supplementally responding
3 parties may later recall. Supplementally responding parties accordingly reserve the right to
4 change any and all answers herein as additional facts are ascertained, analysis are made, legal
5 research is completed and contentions are made. The answers contained herein are made in a
6 good faith effort to supply as much factual information and as much specification of legal
7 contentions as is presently known but should in no way be to the prejudice of the supplementally
8 responding parties in relation to further discovery, research or analysis.

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1 **WESTSIDE PARK MUTUAL WATER COMPANY**

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3 **SPECIAL INTERROGATORY NO. 3:**

4 Describe in detail all WRITINGS which support YOUR response to Special Interrogatory
5 No. 1 above.

6 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

7 Westside Park Mutual Water Company (hereafter “this Supplementally Responding
8 Party”) objects to this interrogatory on the grounds that it is overbroad and the documents
9 requested are equally available to the propounding party, and, to the extent the documents are not
10 available, it would be unduly burdensome and oppressive for this Supplementally Responding
11 Party to obtain the documents. This Supplementally Responding Party further objects to this
12 interrogatory on the grounds that the documents have already been produced, have been posted
13 to the Court’s website, or are protected by the attorney-client privilege, attorney work product
14 doctrine, or the right of privacy. This Supplementally Responding Party further objects to this
15 interrogatory on the grounds that this Supplementally Responding Party has not yet completed
16 discovery and has not yet completed preparation for the Phase 5 Trial, and specifically reserves
17 the right to supplement its responses to include additional information as it becomes available.

18 Without waiving its objections, and after reasonable inquiry and a diligent search for
19 documents, this Supplementally Responding Party supplements its prior response by describing
20 some of the documents that are currently known or believed to be responsive to this
21 interrogatory, including, but not limited to:

- 22 1) The organizational documents of the California State Water Project (“State Water
23 Project”).
24 2) Contracts and agreements between and among the State of California, the State Water
25 Project, the State Water Project participants, the State Water Project providers, the
26 State Water Project contractors, the State Water Project suppliers, the State Water
27 Project recipients, and this supplementally responding Mutual Water Company.

- 1 3) Policies and procedures established by the State Water Project and its contractors
2 under which this supplementally responding Mutual Water Company acquires water
3 (subject to the Court's interpretation of the legal effect of those documents).
4 4) Documents evidencing the quantities and sources of water purchased and delivered
5 from the State Water Project for this this supplementally responding Mutual Water
6 Company.
7 5) Invoices and other evidence of payments for State Water Project water purchased and
8 delivered to or for the benefit of this supplementally responding Mutual Water
9 Company
10 6) Communications between and among the State Water Project, its contractors, and
11 others regarding the acquisition, delivery and payment for State Water Project water.
12 7) Contracts, agreements and explanatory communications involving and referencing
13 AVEK in connection with the acquisition, distribution and sale of State Water Project
14 water and/or right to return flows.
15 8) The organizational documents, policies, procedures, ordinances, rules and regulations
16 of AVEK (subject to the Court's interpretation of the legal effect of those
17 documents).
18 9) Documents evidencing the sources of water sold by AVEK.
19 10) Documents evidencing the allocation and/or allotment of water sold by AVEK.

20
21 **SPECIAL INTERROGATORY NO. 11:**

22 Prior to January 18, 2006, did YOU participate in any communication with AVEK
23 regarding the right to use return flows from State Water Project water AVEK imports into the
24 area of adjudication?

25 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

26 This Supplementally Responding Party objects to this interrogatory on the grounds that
27 this Supplementally Responding Party has not yet completed discovery and has not yet

1 completed preparation for the Phase 5 Trial. This Supplementally Responding Party further
2 objects to this interrogatory on the grounds that it seeks information and documents equally
3 available to and in the possession of the propounding party. This Supplementally Responding
4 Party specifically reserves the right to supplement its responses to include additional information
5 as it becomes available.

6 In addition to documents which have already been and are being produced in this action,
7 and without waiving its objections, after further reasonable inquiry and a diligent search for
8 additional documents, this Supplementally Responding Party has not located any written
9 communications that are responsive to this interrogatory.

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11 **SPECIAL INTERROGATORY NO. 18:**

12 In any non-privileged WRITINGS YOU have prepared from 1974 to present (excluding
13 pleadings filed in this Action), have YOU stated that return flows from State Water Project
14 water AVEK imports into the area of adjudication is a source of water available to YOU?

15 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 18:**

16 This Supplementally Responding Party objects to this interrogatory on the grounds that it
17 is overbroad and the documents requested are equally available to the propounding party, and, to
18 the extent the documents are not available, it would be unduly burdensome and oppressive for
19 this Supplementally Responding Party to obtain the documents. This Supplementally
20 Responding Party further objects to this interrogatory on the grounds that the documents have
21 already been produced, have been posted to the Court's website, or are protected by the attorney-
22 client privilege, attorney work product doctrine, or the right of privacy. This Supplementally
23 Responding Party also objects to this interrogatory in that it calls for a legal conclusion, expert
24 opinion, and/or information that is protected by the attorney work product doctrine and the
25 attorney-client privilege. This Supplementally Responding Party further objects to this
26 interrogatory on the grounds that this Supplementally Responding Party has not yet completed

1 discovery and has not yet completed preparation for the Phase 5 Trial, and specifically reserves
2 the right to supplement its responses to include additional information as it becomes available.

3 In addition to documents which have already been and are being produced in this action,
4 and without waiving its objections, after further reasonable inquiry and a diligent search for
5 additional documents, this Supplementally Responding Party has not located any written
6 communications that are responsive to this interrogatory.

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Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Mary Wood, am the Board Member of the Westside Park Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 20 day of December, 2013 at Palmdale, CA.



MARY WOOD

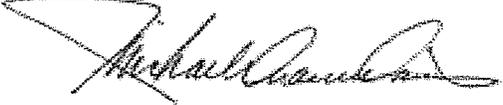
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SIGNED BY ATTORNEY AS TO OBJECTIONS ONLY.

DATED: December 23, 2013

Respectfully submitted,

GRESHAM SAVAGE NOIAN & TIDEN, PC



By: _____
MICHAEL DUANE DAVIS, ESQ.
MARLENE L. ALLEN-HAMMARLUND, ESQ.
DEREK R. HOFFMAN, EQ.
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
ABBAY, INC., named as 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 SAN BERNARDINO

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 San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 550 East Hospitality Lane, Suite 300, San Bernardino, CA 92408-4205.

On December 23, 2013, I served the foregoing document(s) described as **SUPPLEMENTAL RESPONSES TO ANTELOPE VALLEY-EAST KERN WATER AGENCY'S FIRST SET OF SPECIAL INTERROGATORIES PROPOUNDED TO CROSS-DEFENDANTS / CROSS-COMPLAINANTS, EL DORADO MUTUAL WATER CO., LANDALE MUTUAL WATER CO., SHADOW ACRES MUTUAL WATER CO., SUNNYSIDE FARMS MUTUAL WATER CO., WESTSIDE PARK MUTUAL WATER CO., AND WHITE FENCE FARMS MUTUAL WATER CO., INC., [SIX OF THE 16 MUTUAL WATER COMPANIES THAT COMPRISE A. V. UNITED MUTUAL GROUP]** 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 December 23, 2013, at San Bernardino, California.



DINA M. SNIDER