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6 Attorneys for Cross-Defendant, ADAMS
BENNETT INVESTMENTS, LLC; Cross-
7 Defendants and Cross-Complainants, ANTELOPE
VALLEY UNITED MUTUALS GROUP
8 [comprised of Antelope Park Mutual Water Co.,
Aqua-J Mutual Water Co., Averydale Mutual Water
9 Co., Baxter Mutual Water Co., Bleich Flat Mutual
Water Co., Colorado Mutual Water Co., Eldorado
10 Mutual Water Co., Evergreen Mutual Water Co.,
Land Projects Mutual Water Co., Landale Mutual
11 Water Co., Shadow Acres Mutual Water Co.,
Sundale Mutual Water Co., Sunnyside Farms
Mutual Water Co., Tierra Bonita Mutual Water Co.,
12 Westside Park Mutual Water Co. and White Fence
Farms Mutual Water Co.]; and Cross-Defendants,
13 MIRACLE IMPROVEMENT CORPORATION
DBA GOLDEN SANDS MOBILE HOME PARK,
14 AKA GOLDEN SANDS TRAILER PARK,
NAMED AS ROE 1121; SAINT ANDREW'S
15 ABBEY, INC., NAMED AS ROE 623; SERVICE
ROCK PRODUCTS, L.P.; and SHEEP CREEK
16 WATER COMPANY

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **IN AND FOR THE COUNTY OF LOS ANGELES**

19
20 Coordination Proceeding
Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

21 **ANTELOPE VALLEY GROUNDWATER**
22 **CASES**

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

23 Including Consolidated Actions:

24 **Los Angeles County Waterworks District No.**
40 v. Diamond Farming Co.
25 Superior Court of California, County of Los
Angeles, Case No. BC 325 201
26

) **PROVE-UP TRIAL BRIEF OF CROSS-**
DEFENDANT, ADAMS BENNETT
INVESTMENTS, LLC

27 **CAPTION CONTINUED ON NEXT PAGE**
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1 Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
2 Superior Court of California, County of
3 Kern, Case No. S-1500-CV-254-348

4 Wm. Bolthouse Farms, Inc. v. City of
5 Lancaster
6 Diamond Farming Co. v. City of Lancaster
7 Diamond Farming Co. v. Palmdale Water
8 Dist.

9 Superior Court of California, County of
10 Riverside, consolidated actions, Case Nos. RIC
11 353 840, RIC 344 436, RIC 344 668

12 AND RELATED ACTIONS

PROVE-UP

Trial Date: September 28, 2015

Time: 10:00 A.M.

Dept.: Dept. 1, Los Angeles

Judge: Hon. Jack Komar

13 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

14 Cross-Defendant, **ADAMS BENNETT INVESTMENTS, LLC** ("Adams Bennett") by
15 and through its attorneys of record, Michael Duane Davis, Esq., Marlene L. Allen-Hammarlund,
16 Esq. and Derek R. Hoffman, Esq. of Gresham Savage Nolan & Tilden, PC, hereby submits the
17 following Trial Brief for the Phase 6 [Prove-Up] Trial proceedings. Adams Bennett's Witness
18 List, Exhibit List and Declaration in Support of Phase 6 [Prove-Up] Trial have been separately
19 submitted.

20 **1. PARTY:** Adams Bennett is is an active California limited liability company,
21 with an entity address of 200 South Main Street, Suite 300, Corona, CA 92882. It was formed on
22 October 22, 2010.

23 **2. PROPERTY:** Adams Bennett's property, which is comprised of approximately
24 three hundred seventy-four point nine eight (374.98) acres, is located in the County of Los
25 Angeles, and is comprised of APNs 3024-015-009 [1.25 acres], 3024-015-044 [5 acres], 3027-
26 013-009 [9.55 acres], 3027-013-011 [10 acres], 3027-013-017 [82.03 acres], 3027-013-051 [9.24
27 acres], 3042-021-002 [10 acres], 3042-021-003 [10 acres], 3042-021-006 [20 acres], 3042-021-
28 008 [10.28 acres], 3042-021-009 [10.28 acres], 3042-021-019 [30.65 acres], 3042-021-020 [1.29
acres], 3042-021-023 [1.23 acres], 3042-021-024 [1.29 acres], 3042-021-026 [1.29 acres], 3042-
021-027 [1.29 acres], 3042-023-001 [40 acres], 3042-023-008 [10.065 acres], 3042-023-009

1 [10.065 acres], 3042-023-011 [5.05 acres], 3042-023-012 [5.05 acres], 3024-002-040 [1.29
2 acres], 3024-002-041 [1.29 acres], 3024-002-044 [1.29 acres], 3024-015-037 [2.55 acres], 3024-
3 015-042 [1.25 acres], 3024-015-046 [2.55 acres], 3024-015-053 [1.32 acres], 3024-015-054
4 [1.25 acres], 3027-013-012 [10.17 acres], 3027-013-042 [1.25 acres], 3027-013-043 [2.5 acres],
5 3042-015-053 [1.32 acres], 3042-021-013 [5.0 acres], 3042-021-015 [5.0 acres], 3042-021-018
6 [10.06 acres], 3042-023-005 [20.0 acres], 3042-023-007 [9.26 acres], 3042-023-010 [10.13
7 acres], 3042-021-028 [1.25 acres - partial ownership] and 3042-021-029 [1.25 acres - partial
8 ownership] ("Property").

9 **3. CLAIMS TO GROUNDWATER PRODUCTION WITHIN THE**
10 **ADJUDICATION AREA:** Adams Bennett produced no groundwater from, nor used any
11 produced groundwater on the parcels of real property described above, during the years 2000
12 through 2004 or 2011 through 2012. Adams Bennett claims the unexercised right to produce and
13 use groundwater with regard to the parcels of real property described above, and to the other
14 rights and benefits of stipulating to the [Proposed] Judgment and Physical Solution, in
15 accordance with the provisions of the [Proposed] Judgment and Physical Solution.

16 **4. SUPPORTING INFORMATION AND DATA:**

- 17 a. Responses to December 12, 2012 Discovery Order for Phase 4 Trial,
18 submitted under penalty of perjury, and filed by posting on December 21, 2012
19 [Court Website, Document No. 5494];
- 20 b. First Supplemental Responses to December 12, 2012 Discovery Order for
21 Phase 4 Trial, submitted under penalty of perjury, and filed by posting on January
22 15, 2013 [Court Website, Document No. 5823];
- 23 c. Second Supplemental Responses to December 12, 2012 Discovery Order
24 for Phase 4 Trial, submitted under penalty of perjury, and filed by posting on July
25 30, 2015 [Court Website, Document No. 5819]; and
- 26 d. Stipulation regarding the Deposition and Trial Testimony for Phase 4 Trial
27 of Cross-Defendant Adams Bennett Investments, LLC, filed by posting on May
28 15, 2013 [Court Website, Document No. 6597].

1 **5. OFFER OF PROOF:** On September 17, 2015, Adams Bennett posted its
2 *Declaration of Adams Bennett in Support of Prove-Up Trial* [Court Website, Document No.
3 10263] which details its existence as a California corporation; describes its Property; and states
4 that it has no production of groundwater from 2000 through 20014 and 2011 through 2012.

5 Adams Bennett will offer the *Declaration of Adams Bennett in Support of Prove-Up Trial*
6 to establish the facts declared therein and ask the Court, subject to proper objection(s) and cross-
7 examination(s), to admit the facts therein declared into evidence to establish Adams Bennett's
8 claims and rights under the [Proposed] Judgment and Physical Solution.

9 Should the Court require Adams Bennett to call its designated witness(es), it requests that
10 the Court give it time to arrange for the designated witness(es) to appear in Court and submit
11 their testimony, to the extent required.

12 Dated: September 22, 2015

GRESHAM SAVAGE NOLAN & TILDEN, PC

13
14 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 [comprised of Antelope Park Mutual
Water Co., Aqua-J Mutual Water Co., Averydale
Mutual Water Co., Baxter Mutual Water Co.,
Bleich Flat Mutual Water Co., Colorado Mutual
Water Co., Eldorado Mutual Water Co.,
Evergreen Mutual Water Co., Land Projects
Mutual Water Co., Landale Mutual Water Co.,
Shadow Acres Mutual Water Co., Sundale
Mutual Water Co., Sunnyside Farms Mutual
Water Co., Tierra Bonita Mutual Water Co.,
Westside Park Mutual Water Co. and White
Fence Farms Mutual Water Co.]; 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], WHITE FENCE FARMS PRODUCTS,
L.P., and SHEEP CREEK WATER COMPANY,
INC.

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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.

(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,

Executed on September 22, 2015, at San Bernardino, California.

DINA M. SNIDER