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Attorneys for Cross-Defendants/Cross-Complainants,
ANTELOPE VALLEY UNITED MUTUALS 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
ABBNEY, INC., named as ROE 623; SERVICE ROCK
PRODUCTS, L.P.; and SHEEP CREEK WATER
COMPANY, INC.

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

Coordination Proceeding
Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

**ANTELOPE VALLEY
GROUNDWATER CASES**

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

Including **Consolidated** Actions:

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

) **MUTUALS' EVIDENTIARY OBJECTIONS
TO DECLARATIONS AND SUPPORTING
MATERIALS OF PUBLIC OVERLIERS IN
OPPOSITION TO MUTUALS' MOTION
FOR ORDER INTERPRETING JUDGMENT**

**Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.**
Superior Court of California, County of
Kern, Case No. S-1500-CV-254-348

) Judge: Hon. Jack Komar, Judge

**Wm. Bolthouse Farms, Inc. v. City of
Lancaster**
**Diamond Farming Co. v. City of
Lancaster**
**Diamond Farming Co. v. Palmdale
Water Dist.**

) DATE: MAY 25, 2016
) TIME: 9:00 a.m.
) DEPT: Room 222
) Los Angeles Superior Court
) 111 N. Hill Street
) Los Angeles, California

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

AND RELATED ACTIONS.

1 Cross-Defendants / Cross-Complainants, ANTELOPE VALLEY UNITED MUTUALS
2 GROUP and Cross-Defendants, ADAMS BENNETT INVESTMENTS, LLC and SERVICE
3 ROCK PRODUCTS, L.P. (collectively, “Moving Parties”) submit the following evidentiary
4 objections the declarations and accompanying exhibits filed by AVEK, LAWA, L.A. COUNTY
5 SANITATION DISTRICTS Nos. 14 and 20, BOLTHOUSE,
6 DIAMOND/GRIMMWAY/CRYSTAL ORGANIC/LAPIS LAND, TEJON RANCH, GRANITE
7 CONSTRUCTION, VAN DAMS and U.S. BORAX (“Opposing Parties”) in opposition to the
8 Moving Parties’ *Motion for Order Interpreting Judgment Regarding Watermaster Formation*.

9 As an initial matter, it is the preference and recommendation of the Moving Parties that
10 all of the evidence proffered by the Moving Parties and the Opposing Parties be admitted,
11 considered and weighed by the Court. However, in light of the evidentiary objections filed by
12 the Opposing Parties on the eve of the hearing on this Motion, the Moving Parties in turn raise
13 the following objections.

14 **A. DECLARATION OF AVEK GENERAL MANAGER DWAYNE CHISAM.**

15 1. Mr. Chisam’s opinion testimony that “AVEK did not intend to, and did not
16 dominate” the various Watermaster formation meetings organized by AVEK, “nor did it intend
17 or attempt to influence anyone as to who should be elected as the landowner representatives to
18 the Watermaster Board” (Chisam Dec., page 3, lines 3-5). Objection: improper opinion
19 testimony of lay witness not rationally based on the witness’ perception and not helpful to a clear
20 understanding of his testimony (Evid. Code § 800); lacks foundation (Evid. Code § 403).

21 2. Mr. Chisam’s statement that “Someone had to organize and publicize the
22 meetings and prepare agendas for the meetings. At the request of a number of landowner parties,
23 that lot fell to AVEK” (Chisam Dec., page 3, lines 7-8). Objection: improper opinion testimony
24 of lay witness not rationally based on the witness’ perception and not helpful to a clear
25 understanding of his testimony (Evid. Code § 800); lacks foundation (Evid. Code § 403);
26 inadmissible hearsay attributed to an undefined “number of landowner parties” (Evid. Code §
27 1200).

1 3. Mr. Chisam's statement that "No suggestion was made by Mr. Wagner or by
2 AVEK that Mr. Wagner should be appointed as the Watermaster Engineer for the Antelope
3 Valley Groundwater Adjudication" (Chisam Dec., page 3, lines 11-13). Objection: improper
4 opinion testimony of lay witness not rationally based on the witness' perception and not helpful
5 to a clear understanding of his testimony (Evid. Code § 800).

6 4. Mr. Chisam's statement that "Virtually all of the participants and the Landowner
7 Steering Committee have agreed to certain rules and procedures for nominating and electing the
8 two landowner representatives" (Chisam Dec., page 3, lines 18-19). Objection: lacks foundation
9 as to who "virtually all of the participants" are, and as to who comprises the "Landowner
10 Steering Committee" and what its function and authority is, if any (Evid. Code § 403).

11 5. Mr. Chisam's statement that "Virtually all of the landowner parties and groups
12 listed on Exhibit 4 appear to be quite anxious to get the nomination and election process
13 underway" (Chisam Dec., page 3, lines 25-26). Objection: lacks foundation as to who "virtually
14 all of the landowner parties and groups listed on Exhibit 4" are (Evid. Code § 403); Objection:
15 improper opinion testimony of lay witness not rationally based on the witness' perception and
16 not helpful to a clear understanding of his testimony (Evid. Code § 800).

17 6. Mr. Chisam's opinion testimony that "AVEK's role as facilitator and
18 intermediary between the landowner parties in this process has been neutral, entirely transparent
19 and fair to all" (Chisam Dec., page 4, lines 3-4). Objection: improper opinion testimony of lay
20 witness not rationally based on the witness' perception and not helpful to a clear understanding
21 of his testimony (Evid. Code § 800).

22 7. Exhibit 15 to Chisam Declaration – "Antelope Valley Watermaster Meeting –
23 Notes Wednesday, April 13, 2016", specifically under the section entitled "Steering Committee
24 Report," second bullet point, which reads, "Initial election the 2 nominees with the most votes
25 will be seated as representatives and the 3 highest will be the alternate representative and the
26 Chairperson of a 9 member advisory committee. *It was noted that everyone was in agreement*
27 *with this and that Jon [sic] Ukkstad [sic] abstained.*" (emphasis in original). Objection: hearsay
28 (Evid. Code § 1200); lacks foundation (Evid. Code § 403). Also in Exhibit 15, on the second to

1 last page, the sentence which reads, “It was a consensus of those present in the room to move
2 forward as recommended by the Steering Committee.” Objection: hearsay (Evid. Code § 1200);
3 lacks foundation (Evid. Code § 403).

4 **B. DECLARATION OF CITY OF LOS ANGELES WATERWORKS ENGINEER**
5 **GREGORY REED.**

6 1. Mr. Reed’s opinion testimony that AVEK representatives provided “helpful
7 informational presentations and discussions among the meeting participants” (Reed Dec., page 1,
8 lines 15-17). Objection: improper opinion testimony of lay witness not rationally based on the
9 witness’ perception and not helpful to a clear understanding of his testimony (Evid. Code § 800).

10 2. Mr. Reed’s statement that the March 16, 2016, March 31, 2016 and April 13,
11 2016 meetings “were organized by landowner parties listed on Exhibit 4 of the Judgment that
12 participated in these meetings” and that the meetings were “facilitated by a ‘steering committee’
13 selected by landowners that attended the March 16, 2016 meeting” (Reed Dec., page 1, lines 18-
14 21). Objection: lacks foundation as to who the “landowner” participants and attendees were,
15 and as to how the “steering committee” was “selected”. (Evid. Code § 403).

16 **C. DECLARATION OF AVEK BOARD MEMBER ROBERT A. PARRIS.**

17 1. Mr. Parris’ statement that the meeting notices for each of the AVEK-facilitated
18 Watermaster formation meetings in January, February, March and April 2016 were “e-mailed to
19 all known interested parties” (Parris Dec., page 2, lines 20-21). Objection: lacks foundation as to
20 who the “all known interested parties” were (Evid. Code § 403).

21 2. Mr. Parris’ opinion testimony that “AVEK did not dominate” the AVEK-
22 facilitated Watermaster formation meetings, “nor did it intend or attempt to influence anyone as
23 to who should be elected as the landowner representatives to the Watermaster Board” (Parris
24 Dec., page 3, lines 7-9). Objection: improper opinion testimony of lay witness not rationally
25 based on the witness’ perception and not helpful to a clear understanding of his testimony (Evid.
26 Code § 800); lacks foundation (Evid. Code § 403).

27 3. Mr. Parris’ statement that “Someone had to organize and publicize the meetings
28 and prepare agendas for the meetings. At the request of a number of landowner parties, that lot

1 fell to AVEK” (Parris Dec., page 3, lines 9-10). Objection: improper opinion testimony of lay
2 witness not rationally based on the witness’ perception and not helpful to a clear understanding
3 of his testimony (Evid. Code § 800); lacks foundation (Evid. Code § 403); inadmissible hearsay
4 attributed to an undefined “number of landowner parties” (Evid. Code § 1200).

5 4. Mr. Parris’ statement that “the basic rules and procedures for nominating and
6 electing the two landowner representatives have now been agreed to by almost all of the
7 participants and the appointed Landowner Steering Committee” (Parris Dec., page 3, lines 20-
8 22). Objection: lacks foundation as to who “almost all of the participants” are, as to who
9 comprises the “Landowner Steering Committee”, what its function and authority is, if any, and
10 how the “Landowner Steering Committee” was “appointed”. (Evid. Code § 403).

11 5. Mr. Parris’ opinion testimony that “AVEK’s actions during each of the meetings
12 were neutral as to the competing landowner interests, entirely transparent, and fair to all” (Parris
13 Dec., page 4, lines 1-2). Objection: improper opinion testimony of lay witness not rationally
14 based on the witness’ perception and not helpful to a clear understanding of his testimony (Evid.
15 Code § 800).

16
17 DATED: May 24, 2016.

Respectfully submitted,

18 GRESHAM SAVAGE NOLAN & TILDEN, PC

19
20 By:


21 MICHAEL DUANE DAVIS, ESQ.
22 DEREK R. HOFFMAN, ESQ.
23 Attorneys for A. V. UNITED MUTUALS GROUP,
24 ADAMS BENNETT INVESTMENTS, LLC, and
25 SERVICE ROCK PRODUCTS, L.P.
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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 May 24, 2016, I served the foregoing document(s) described **MUTUALS' EVIDENTIARY OBJECTIONS TO DECLARATIONS AND SUPPORTING MATERIALS OF PUBLIC OVERLIERS IN OPPOSITION TO MUTUALS' MOTION FOR ORDER INTERPRETING JUDGMENT** 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 24, 2016 at San Bernardino, California.



DINA M. SNIDER