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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included Actions:
Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
Court of California, County of Los
Angeles, Case No. BC 325201

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
No. S-1500-CV-254348

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053

**OBJECTIONS OF H&N
DEVELOPMENT CO. WEST, INC. TO
THE PUBLIC WATER SUPPLIER
NOTICE OF TAKING DEPOSITIONS
WITH REQUESTS FOR PRODUCTION
OF DOCUMENTS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that H&N DEVELOPMENT CO. WEST, INC.
("H&N"), hereby objects to the Public Water Supplier Notice of Deposition ("the Notice")
filed on January 7, 2013 on the grounds that the Notice fails to comply with (1) the California
Code of Civil Procedure, (2) the December 12, 2012 Case Management Order For Phase 4
Trial ("Order"), and (3) the requirements of statutory and Constitutional due process in that the
Notice directs the scheduling of over 130 depositions with the required production of
documents during the period of January 10-31, 2013, which requests provide insufficient time

1 to investigate, conduct discovery and prepare the necessary response essential to protection of
2 valuable land and water rights at issue in the Antelope Adjudication.

3 Specifically, H&N objects to the Notice on the following grounds:

4 1. All those grounds stated in the separate objections to the Notice filed by
5 Diamond Farming Company, Inc., Crystal Organic Farming, LLC, Grimmway Enterprises, Inc.,
6 LAPIS Land Company, LLC, and Bolthouse Properties, LLC, and Wm. Bolthouse Farms, Inc.;

7 2. The Requests for Production are unduly burdensome, oppressive and
8 unreasonable in that the requests are not reasonably calculated to lead to discovery of admissible
9 evidence to the extent the requests duplicate the information requested in the Court's Order;

10 3. Request for Production No. 2 is overly broad, vague, ambiguous, and therefore
11 is uncertain as to the scope of the request with regard to the phrase "all DOCUMENTS THAT
12 relate to YOUR current pumping.". In light of the extremely limited time constraints required by
13 the Notice it is unreasonable and unduly oppressive to require H&N to complete the necessary
14 investigation for such a multiple and broad request within the few days prior to the deposition;

15 4. The documents and other related information sought in Request for Production
16 Nos. 3, 5, 7, 9, 11, 13, 14 and 18 are not relevant to the subject matter of the Phase 4 trial and
17 their requests are not reasonably calculated to lead to discovery of admissible evidence. The
18 Order provides in Paragraph 2 that, "The Phase 4 trial will address the issue of current
19 groundwater production of all parties for the calendar year 2011 and January 1 through November
20 30, 2012." The foregoing requests demand the production of documents and related information
21 concerning groundwater production for years other than 2011 and 2012, and the Notice fails to
22 establish how such information is relevant to the issues to be litigated during the Phase 4 trial;

23 5. Request for Production Nos. 13 and 14 request the production of documents
24 existing in the public domain, and which are equally and readily available and accessible to the
25 Public Water Suppliers;

26 6. Request for Production No. 18 unreasonably requests the production of
27 documents and related information which is not relevant and is not reasonably calculated to lead
28 to discovery of admissible evidence insofar as it pertains to pumping of groundwater by unrelated
parties that are not included in the claims of H&N;

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1 7. The scheduling of an excess of 130 percipient and expert depositions within the
2 timeframe of 15 business days in conjunction with the production of 18 separate requests for
3 documents is patently unreasonable and constitutes a substantial violation of statutory and
4 Constitutional due process in that such a process provides insufficient notice, reasonable time to
5 investigate, conduct discovery and prepare the necessary response essential to protection of
6 valuable land and water rights at issue in the litigation.

7 Date: January 10, 2013

KLEIN, DeNATALE, GOLDNER, COOPER,
ROSENLIEN & KIMBALL, LLP

/s/ Joseph D. Hughes

By: _____
Joseph D. Hughes,
Attorneys for
H&N DEVELOPMENT CO. WEST, INC.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF KERN

I am employed in the county of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 4550 California Avenue, Bakersfield, California 93309. My e-mail address is shildebrand@kleinlaw.com.

On **January 10, 2013**, I served the foregoing document described as follows:
**OBJECTIONS OF H&N DEVELOPMENT CO. WEST, INC. TO THE PUBLIC
WATER SUPPLIER NOTICE OF TAKING DEPOSITIONS WITH REQUESTS FOR
PRODUCTION OF DOCUMENTS**

☒ by placing the true copies thereof
☐ by placing the original

addressed as stated below.

☐ **BY MAIL** I enclosed such document in sealed envelope(s) with the name(s) and address(s) of the person(s) served as shown on the envelope(s) and caused such envelope(s) to be deposited in the mail at Bakersfield, California. The envelope(s) was/were mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY POSTING** the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Ground Water Matter.

☐ **BY ELECTRONIC MAIL**

☐ **BY OVERNIGHT MAIL SERVICE** I am readily familiar with the business practice at my place of business for collection and processing of documents and correspondence for overnight delivery by _____. Documents and correspondence so collected and processed is deposited with this overnight courier service on the same day in the ordinary course of business. On the below date, the said envelope was collected for this overnight courier service, following ordinary business practices and deposited at this overnight courier service drop/pickup location in Bakersfield, California by ____ P.M.

☐ **BY PERSONAL SERVICE** I caused such envelope(s) to be delivered by hand to the offices of the addressee(s).

Executed on January 10, 2013, at Bakersfield, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

SHONTICE HILDEBRAND

Type or Print Name



Signature