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ANTELOPE VALLEY WATER STORAGE, LLC

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

Included actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Company, a
corporation, Superior Court of California,
County of Los Angeles, Case No. BC325201;

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

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Company, a
corporation, v. City of Lancaster, Diamond
Farming Company, a corporation vs. Palmdale
Water District, Superior Court of California,
County of Riverside, Case Nos. RIC 353840,
RIC 344436, RIC 344668.

Judicial Council Coordination Proceeding No.
4408

Santa Clara Case No. 1-05-CV-049053
The Honorable Jack Komar, Dept. 17

**CROSS-DEFENDANT ANTELOPE
VALLEY WATER STORAGE, LLC'S
OBJECTION TO NOTICE AND
SUPPLEMENT TO NOTICE OF
DEPOSITION OF MARK BEUHLER AND
RESPONSE TO REQUEST FOR
PRODUCTION OF DOCUMENTS**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Cross-Defendant Antelope Valley Water Storage, LLC ("AVWS") hereby objects to
Public Water Supplier Notice of Deposition of Mark Beuhler dated March 22, 2013 and
Supplement to Public Water Supplier Notice of Deposition, dated April 5, 2013 on the

1 following grounds:

2 1. The deposition notice and supplement violate the Court's Third Amendment to
3 the Case Management Order for Phase Four Trial, dated March 7, 2013, which states that "[f]or
4 notices of deposition of non-expert parties who filed declarations by January 31, 2013, the
5 deposition notice shall specify by declaration item number which topics within the party's
6 declaration require further testimony by the declarant and the nature of such inquiry." As the
7 declaration of AVWS' general manager Mark Beuhler was filed on January 31, 2013, the Public
8 Water Supplier's ("PWS") notice of deposition must specify not only the declaration item
9 number of which topics require additional testimony, but also the nature of any such inquiry.
10 Although the supplement to PWS' notice of deposition identifies the declaration items numbers
11 at issue, it fails to sufficiently specify the nature of such inquiry.

12 2. AVWS will produce Mark Beuhler for deposition as requested in the deposition
13 notice. AVWS objects to PWS' request for production of documents pursuant to Code of Civil
14 Procedure §§ 2031.010, *et seq.* as follows:

15 **PRELIMINARY STATEMENT**

16 These responses are made solely for the purpose of, and in relation to, the Phase 4 trial of
17 this action. Discovery, investigation, and analysis are underway and continuing and have not yet
18 been completed. The following objections and responses are made in good faith based upon the
19 information and analysis known or readily available to AVWS. AVWS reserves the right to
20 modify or update these responses and objections.

21 **OBJECTIONS APPLICABLE TO ALL**
22 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

23 1. AVWS objects to PWS' definitions, instructions, and Request for Production of
24 Documents ("Requests") to the extent that PWS purports to require AVWS to provide
25 information beyond what is available to AVWS from a reasonable search of its files.

26 2. AVWS objects to PWS' definitions, instructions, and Requests to the extent that
27 PWS purports to require production of communications that are within the Attorney/Client
28 Privilege or are work product.

1 3. AVWS objects to PWS' definitions, instructions, and Requests to the extent that
2 PWS purports to impose on AVWS any obligation not imposed by the California Code of Civil
3 Procedure.

4 4. AVWS objects to PWS' Requests to the extent they purport to require disclosure
5 of facts or writings protected by the right to privacy of AVWS or third parties or demand other
6 private, confidential or proprietary information or trade secrets.

7 5. AVWS objects to PWS' Requests to the extent they are unreasonably and
8 unnecessarily overbroad, duplicative, burdensome, and oppressive.

9 6. AVWS objects to PWS' Requests to the extent they seek documents that are not
10 within AVWS' possession, custody or control.

11 These objections apply to all of AVWS' Responses given below. To the extent that
12 specific objections are cited in a specific Response, those specific objections are provided
13 because they are believed to be particularly applicable to that specific Request and are not to be
14 construed as a waiver of any other objection applicable to the scope of the Request. Subject to
15 and without waiver of the foregoing objections, AVWS submits the following objections and
16 responses to the stated specific Requests.

17 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**
18 **REQUEST FOR PRODUCTION NO. 1:**

19 Produce all DOCUMENTS identified in YOUR response to Discovery Order for Phase 4
20 Trial issued by Honorable Jack Komar December 12, 2012.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

22 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
23 ambiguous, and unintelligible based upon the lack of clear definition of the term/phrase
24 "response," which is subject to differing interpretations. AVWS further objects to this Request
25 as unreasonably and unnecessarily overbroad, duplicative, oppressive, and burdensome because
26 it seeks documents dating back many years, which are not in AVWS' possession, but may be in
27 the possession of other parties to this action or third parties who are not involved in this action,
28 and from whom PWS should seek such documents. AVWS objects to this Request to the extent

1 that it unreasonably and unnecessarily seeks documents equally available to the Propounding
2 Party, including documents already in Propounding Party's possession.

3 Without waiving such objections, AVWS responds as follows: AVWS has previously
4 produced responsive, non-privileged documents in its possession including the documents
5 attached to AVWS' Response to Discovery Order for Phase 4 Trial on December 21, 2012,
6 AVWS' Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and
7 the Declaration of Mark Beuhler on January 31, 2013. Any additional non-privileged documents
8 responsive to this Request will be produced at or before the deposition of Mark Beuhler
9 scheduled for April 19, 2013.

10 **REQUEST FOR PRODUCTION NO. 2:**

11 If YOU contend that the groundwater YOU pumped in the years 2011 and 2012 are not
12 representative of YOUR current pumping, produce all DOCUMENTS that relate to YOUR
13 current pumping.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

15 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
16 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
17 "representative," "current," and "relate," which are subject to differing interpretations. AVWS
18 further objects to this Request as unreasonably and unnecessarily overbroad, duplicative,
19 oppressive, and burdensome because it seeks documents dating back many years, which are not
20 in AVWS' possession, but may be in the possession of other parties to this action or third parties
21 who are not involved in this action, and from whom PWS should seek such documents. AVWS
22 objects to this Request to the extent that it unreasonably and unnecessarily seeks documents
23 equally available to the Propounding Party, including documents already in Propounding Party's
24 possession.

25 Without waiving such objections, AVWS responds as follows: AVWS has previously
26 produced responsive, non-privileged documents in its possession including the documents
27 attached to AVWS' Response to Discovery Order for Phase 4 Trial on December 21, 2012,
28 AVWS' Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and

1 the Declaration of Mark Beuhler on January 31, 2013. Any additional non-privileged documents
2 responsive to this Request will be produced at or before the deposition of Mark Beuhler
3 scheduled for April 19, 2013.

4 **REQUEST FOR PRODUCTION NO. 3:**

5 Produce all groundwater pump meter records for all groundwater YOU pumped in the
6 BASIN from January 1, 2000 through December 31, 2004 from real property YOU own or lease
7 in the BASIN.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

9 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
10 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
11 “own,” and “lease,” which are subject to differing interpretations. AVWS objects to this Request
12 because it seeks documents which are not relevant to the subject matter of this action, including
13 incomplete groundwater pumping data, and which are not reasonably calculated to lead to the
14 discovery of admissible evidence because the amount of groundwater produced from each parcel
15 of land can be determined based on crop duties and irrigated acreage information. AVWS
16 further objects to this Request as unreasonably and unnecessarily overbroad, duplicative,
17 oppressive, and burdensome because it seeks documents dating back many years, which are not
18 in AVWS' possession, but may be in the possession of other parties to this action or third parties
19 who are not involved in this action, and from whom PWS should seek such documents. AVWS
20 objects to this Request to the extent that it unreasonably and unnecessarily seeks documents
21 equally available to the Propounding Party, including documents already in Propounding Party's
22 possession.

23 Without waiving such objections, AVWS responds as follows: AVWS has previously
24 produced responsive, non-privileged documents in its possession including the documents
25 attached to AVWS' Response to Discovery Order for Phase 4 Trial on December 21, 2012,
26 AVWS' Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and
27 the Declaration of Mark Beuhler on January 31, 2013. AVWS has no other documents in its
28 possession responsive to this Request.

1 **REQUEST FOR PRODUCTION NO. 4:**

2 Produce all groundwater pump meter records for all groundwater YOU pumped in the
3 BASIN after December 31, 2010 from real property YOU own or lease in the BASIN.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

5 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
6 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
7 “after,” “own,” and “lease,” which are subject to differing interpretations. AVWS objects to this
8 Request because it seeks documents which are not relevant to the subject matter of this action,
9 including incomplete groundwater pumping data, and which are not reasonably calculated to lead
10 to the discovery of admissible evidence because the amount of groundwater produced from each
11 parcel of land can be determined based on crop duties and irrigated acreage information. AVWS
12 objects to this Request to the extent that it unreasonably and unnecessarily seeks documents
13 equally available to the Propounding Party, including documents already in Propounding Party’s
14 possession.

15 Without waiving such objections, AVWS responds as follows: AVWS has previously
16 produced responsive, non-privileged documents in its possession including the documents
17 attached to AVWS’ Response to Discovery Order for Phase 4 Trial on December 21, 2012,
18 AVWS’ Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and
19 the Declaration of Mark Beuhler on January 31, 2013. Further, as AVWS explained in the
20 Declaration of Mark Beuhler submitted January 31, 2013, although groundwater meters were
21 previously used to track groundwater production on some of the properties AVWS now owns,
22 AVWS does not currently measure groundwater production on any of its properties using
23 groundwater meters. As a result, no such records exist.

24 **REQUEST FOR PRODUCTION NO. 5:**

25 Produce all groundwater pump electrical meter records from January 1, 2000 through
26 December 31, 2004 from real property YOU own or lease in the BASIN.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

28 AVWS objects to this Request because it is unreasonably and unnecessarily vague,

1 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
2 “own,” and “lease,” which are subject to differing interpretations. AVWS objects to this Request
3 because it seeks documents which are not relevant to the subject matter of this action, including
4 incomplete electricity usage information, and which are not reasonably calculated to lead to the
5 discovery of admissible evidence because the amount of groundwater produced from each parcel
6 of land can be determined based on crop duties and irrigated acreage information. AVWS
7 further objects to this Request as unreasonably and unnecessarily overbroad, duplicative,
8 oppressive, and burdensome because it seeks documents dating back many years, which are not
9 in AVWS' possession, but may be in the possession of other parties to this action or third parties
10 who are not involved in this action, and from whom PWS should seek such documents. AVWS
11 objects to this Request to the extent that it unreasonably and unnecessarily seeks documents
12 equally available to the Propounding Party, including documents already in Propounding Party's
13 possession.

14 Without waiving such objections, AVWS responds as follows: Any non-privileged
15 documents responsive to this Request will be produced at or before the deposition of Mark
16 Beuhler scheduled for April 19, 2013.

17 **REQUEST FOR PRODUCTION NO. 6:**

18 Produce all electrical meter records for all groundwater YOU pumped in the BASIN after
19 December 31, 2010 from real property YOU own or lease in the BASIN.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

21 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
22 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
23 “after,” “own,” and “lease,” which are subject to differing interpretations. AVWS objects to this
24 Request because it seeks documents which are not relevant to the subject matter of this action,
25 including electricity usage information, and which are not reasonably calculated to lead to the
26 discovery of admissible evidence because the amount of groundwater produced from each parcel
27 of land can be determined based on crop duties and irrigated acreage information. AVWS
28 further objects to this Request as unreasonably and unnecessarily overbroad, duplicative,

1 oppressive, and burdensome because it seeks documents that are in the possession of other
2 parties in this action, and from whom PWS should seek such documents. AVWS objects to this
3 Request to the extent that it unreasonably and unnecessarily seeks documents equally available
4 to the Propounding Party, including documents already in Propounding Party's possession.

5 Without waiving such objections, AVWS responds as follows: Any non-privileged
6 documents responsive to this Request will be produced at or before the deposition of Mark
7 Beuhler scheduled for April 19, 2013.

8 **REQUEST FOR PRODUCTION NO. 7:**

9 Produce all groundwater pump diesel records from January 1, 2000 through December
10 31, 2004 from real property YOU own or lease in the BASIN.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

12 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
13 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
14 "own," and "lease," which are subject to differing interpretations. AVWS objects to this Request
15 because it seeks documents which are not relevant to the subject matter of this action, including
16 diesel records, and which are not reasonably calculated to lead to the discovery of admissible
17 evidence because the amount of groundwater produced from each parcel of land can be
18 determined based on crop duties and irrigated acreage information. AVWS further objects to
19 this Request as unreasonably and unnecessarily overbroad, duplicative, oppressive, and
20 burdensome because it seeks documents dating back many years, which are in the possession of
21 other parties in this action, and from whom PWS should seek such documents. AVWS objects to
22 this Request to the extent that it unreasonably and unnecessarily seeks documents equally
23 available to the Propounding Party, including documents already in Propounding Party's
24 possession.

25 Without waiving such objections, AVWS responds as follows: AVWS has no documents
26 in its possession responsive to this Request.

27 **REQUEST FOR PRODUCTION NO. 8:**

28 Produce all groundwater pump diesel records for all groundwater YOU pumped in the

1 BASIN after December 31, 2010 from real property YOU own or lease in the BASIN.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

3 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
4 ambiguous and unintelligible based upon the lack of clear definitions of the terms/phrases
5 “after,” “own,” and “lease,” which are subject to differing interpretations. AVWS objects to this
6 Request because it seeks documents which are not relevant to the subject matter of this action,
7 including diesel records, and which are not reasonably calculated to lead to the discovery of
8 admissible evidence because the amount of groundwater produced from each parcel of land can
9 be determined based on crop duties and irrigated acreage information. AVWS further objects to
10 this Request as unreasonably and unnecessarily overbroad, duplicative, oppressive, and
11 burdensome because it seeks documents which are not in AVWS' possession, but may be in the
12 possession of other parties to this action or third parties who are not involved in this action, and
13 from whom PWS should seek such documents. AVWS objects to this Request to the extent that
14 it unreasonably and unnecessarily seeks documents equally available to the Propounding Party,
15 including documents already in Propounding Party's possession.

16 Without waiving such objections, AVWS responds as follows: AVWS has no documents
17 in its possession responsive to this Request.

18 **REQUEST FOR PRODUCTION NO. 9:**

19 Produce all DOCUMENTS which indicate the amount of groundwater pumped from
20 January 1, 2000 through December 31, 2004 from real property YOU own or lease in the
21 BASIN.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

23 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
24 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
25 “indicate,” “own,” and “lease,” which are subject to differing interpretations. AVWS further
26 objects to this Request as unreasonably and unnecessarily overbroad, duplicative, oppressive,
27 and burdensome because it seeks documents dating back many years, which are not in AVWS'
28 possession, but may be in the possession of other parties to this action or third parties who are

1 not involved in this action, and from whom PWS should seek such documents. AVWS objects
2 to this Request to the extent that it unreasonably and unnecessarily seeks documents equally
3 available to the Propounding Party, including documents already in Propounding Party's
4 possession.

5 Without waiving such objections, AVWS responds as follows: AVWS has previously
6 produced responsive, non-privileged documents in its possession including the documents
7 attached to AVWS' Response to Discovery Order for Phase 4 Trial on December 21, 2012,
8 AVWS' Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and
9 the Declaration of Mark Beuhler on January 31, 2013. Any additional non-privileged documents
10 responsive to this Request will be produced at or before the deposition of Mark Beuhler
11 scheduled for April 19, 2013.

12 **REQUEST FOR PRODUCTION NO. 10:**

13 Produce all DOCUMENTS which indicate the amount of groundwater pumped from after
14 December 31, 2010 from real property YOU own or lease in the BASIN.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

16 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
17 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
18 "indicate," "after," "own," and "lease," which are subject to differing interpretations. AVWS
19 further objects to this Request as unreasonably and unnecessarily overbroad, duplicative,
20 oppressive, and burdensome because it seeks documents dating back many years, which are not
21 in AVWS' possession, but may be in the possession of other parties to this action or third parties
22 who are not involved in this action, and from whom PWS should seek such documents. AVWS
23 objects to this Request to the extent that it unreasonably and unnecessarily seeks documents
24 equally available to the Propounding Party, including documents already in Propounding Party's
25 possession.

26 Without waiving such objections, AVWS responds as follows: AVWS has previously
27 produced responsive, non-privileged documents in its possession including the documents
28 attached to AVWS' Response to Discovery Order for Phase 4 Trial on December 21, 2012,

1 AVWS' Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and
2 the Declaration of Mark Beuhler on January 31, 2013. Any additional non-privileged documents
3 responsive to this Request will be produced at or before the deposition of Mark Beuhler
4 scheduled for April 19, 2013.

5 **REQUEST FOR PRODUCTION NO. 11:**

6 Produce all tests that relate to groundwater pumps that are located in the BASIN, wherein
7 the tests were performed After December 31, 1982. Included in this request are all pump tests
8 that are used by YOU to calculate the amount of groundwater pumped. Also included is any test
9 that has any of the following information (1) Standing water level; (2) Drawdown; (3) Discharge;
10 (4) Total Head; Capacity; (5) Acre Feed Pumped; kW input to Motor; (6) kWh per Acre Foot;
11 (7) Overall Plant Efficiency.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

13 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
14 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
15 "tests," "after," "relate," "wherein," "calculate," "used by YOU to calculate the amount of
16 groundwater pumped," and "information," which are subject to differing interpretations. AVWS
17 objects to this Request because it seeks documents which are not relevant to the subject matter of
18 this action, and which are not reasonably calculated to lead to the discovery of admissible
19 evidence because the amount of groundwater produced from each parcel of land can be
20 determined based on crop duties and irrigated acreage information. AVWS further objects to
21 this Request as unreasonably and unnecessarily overbroad, duplicative, oppressive, and
22 burdensome because it seeks documents dating back many years, which are not in AVWS'
23 possession, but may be in the possession of other parties to this action or third parties who are
24 not involved in this action, and from whom PWS should seek such documents. AVWS objects
25 to this Request to the extent that it unreasonably and unnecessarily seeks documents equally
26 available to the Propounding Party, including documents already in Propounding Party's
27 possession.

28 Without waiving such objections, AVWS responds as follows: AVWS has previously

1 produced responsive, non-privileged documents in its possession including the documents
2 attached to AVWS' Response to Discovery Order for Phase 4 Trial on December 21, 2012,
3 AVWS' Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and
4 the Declaration of Mark Beuhler on January 31, 2013. Any additional non-privileged documents
5 responsive to this Request will be produced at or before the deposition of Mark Beuhler
6 scheduled for April 19, 2013.

7 **REQUEST FOR PRODUCTION NO. 12:**

8 Produce all DOCUMENTS which relate to YOUR calculation of the amount of
9 groundwater pumped or used by YOU or YOUR predecessors in the BASIN since December 31,
10 1999 from the real property YOU own in the BASIN, with the exception of the years 2005
11 through 2010.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

13 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
14 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
15 "relate," "calculation," "since December 31, 1999," "own," and "with the exception of the years
16 2005 through 2010," which are subject to differing interpretations. AVWS further objects to this
17 Request as unreasonably and unnecessarily overbroad, duplicative, oppressive, and burdensome
18 because it seeks documents dating back many years, which are not in AVWS' possession, but
19 may be in the possession of other parties to this action or third parties who are not involved in
20 this action, and from whom PWS should seek such documents. AVWS objects to this Request to
21 the extent that it unreasonably and unnecessarily seeks documents equally available to the
22 Propounding Party, including documents already in Propounding Party's possession.

23 Without waiving such objections, AVWS responds as follows: AVWS has previously
24 produced responsive, non-privileged documents in its possession including the documents
25 attached to AVWS' Response to Discovery Order for Phase 4 Trial on December 21, 2012,
26 AVWS' Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and
27 the Declaration of Mark Beuhler on January 31, 2013. Any additional non-privileged documents
28 responsive to this Request will be produced at or before the deposition of Mark Beuhler

1 scheduled for April 19, 2013.

2 **REQUEST FOR PRODUCTION NO. 13:**

3 Produce all First and Annual Notices for Groundwater Extraction YOU have filed with
4 the California State Water Reassurances Control Board for all groundwater pumped in the
5 BASIN since December 31, 1999.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

7 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
8 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases “First
9 and Annual Notices for Groundwater Extraction,” and “since December 31, 1999,” which are
10 subject to differing interpretations. AVWS objects to this Request because it seeks documents
11 which are not relevant to the subject matter of this action, and which are not reasonably
12 calculated to lead to the discovery of admissible evidence because the amount of groundwater
13 produced from each parcel of land can be determined based on crop duties and irrigated acreage
14 information. AVWS further objects to this Request as unreasonably and unnecessarily
15 overbroad, duplicative, oppressive, and burdensome because it seeks documents dating back
16 many years, which are not in AVWS' possession, but may be in the possession of other parties to
17 this action or third parties who are not involved in this action, and from whom PWS should seek
18 such documents. AVWS objects to this Request to the extent that it unreasonably and
19 unnecessarily seeks documents equally available to the Propounding Party, including documents
20 already in Propounding Party's possession.

21 Without waiving such objections, AVWS responds as follows: AVWS has no documents
22 in its possession responsive to this Request.

23 **REQUEST FOR PRODUCTION NO. 14:**

24 Produce all First and Annual Notices for Groundwater Extraction YOU have filed with
25 Los Angeles County for all groundwater pumped in the BASIN since December 31, 1999.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

27 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
28 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases “First

1 and Annual Notices for Groundwater Extraction,” and “since December 31, 1999,” which are
2 subject to differing interpretations. AVWS objects to this Request because it seeks documents
3 which are not relevant to the subject matter of this action, and which are not reasonably
4 calculated to lead to the discovery of admissible evidence because the amount of groundwater
5 produced from each parcel of land can be determined based on crop duties and irrigated acreage
6 information. AVWS further objects to this Request as unreasonably and unnecessarily
7 overbroad, duplicative, oppressive, and burdensome because it seeks documents dating back
8 many years, which are not in AVWS' possession, but may be in the possession of other parties to
9 this action or third parties who are not involved in this action, and from whom PWS should seek
10 such documents. AVWS objects to this Request to the extent that it unreasonably and
11 unnecessarily seeks documents equally available to the Propounding Party, including documents
12 already in Propounding Party's possession.

13 Without waiving such objections, AVWS responds as follows: AVWS has no documents
14 in its possession responsive to this Request.

15 **REQUEST FOR PRODUCTION NO. 14:**

16 For the year 2011, all DOCUMENTS that reflect the following:

- 17 a) For each parcel of property YOU owned or leased, the amount of acres of crops
18 grown on that parcel and the type of crop.
- 19 b) The total amount of water used on each parcel.
- 20 c) The total amount of groundwater used on each parcel.
- 21 d) For each crop identified above the amount of crop produced on each parcel for the
22 year 2011.
- 23 e) For each crop identified above, the amount of water per acre used for that crop.
- 24 f) All DOCUMENTS that relate to the amount of water used by YOU for all
25 purposes for all agriculture in the BASIN.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

27 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
28 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases

1 “reflect,” “owned,” “leased,” “relate,” and “for all purposes for all agriculture,” which are
2 subject to differing interpretations. AVWS objects to this Request because it seeks documents
3 which are not relevant to the subject matter of this action, and which are not reasonably
4 calculated to lead to the discovery of admissible evidence because the amount of groundwater
5 produced from each parcel of land can be determined based on crop duties and irrigated acreage
6 information. AVWS further objects to this Request as unreasonably and unnecessarily
7 overbroad, duplicative, oppressive, and burdensome because it seeks documents which are not in
8 AVWS' possession, but may be in the possession of other parties to this action or third parties
9 who are not involved in this action, and from whom PWS should seek such documents. AVWS
10 objects to this Request to the extent that it unreasonably and unnecessarily seeks documents
11 equally available to the Propounding Party, including documents already in Propounding Party's
12 possession.

13 Without waiving such objections, AVWS responds as follows: AVWS has previously
14 produced responsive, non-privileged documents in its possession including the documents
15 attached to AVWS' Response to Discovery Order for Phase 4 Trial on December 21, 2012,
16 AVWS' Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and
17 the Declaration of Mark Beuhler on January 31, 2013. Any additional non-privileged documents
18 responsive to this Request will be produced at or before the deposition of Mark Beuhler
19 scheduled for April 19, 2013.

20 **REQUEST FOR PRODUCTION NO. 15:**

21 For the year 2012, all DOCUMENTS that reflect the following:

- 22 a) For each parcel of property YOU owned or leased, the amount of acres of crops
23 grown on that parcel and the type of crop.
- 24 b) The total amount of water used on each parcel.
- 25 c) The total amount of groundwater used on each parcel.
- 26 d) For each crop identified above the amount of crop produced on each parcel for the
27 year 2011
- 28 e) For each crop identified above, the amount of water per acre used for that crop.

1 f) All DOCUMENTS that relate to the amount of water used by YOU for all
2 purposes for all agriculture in the BASIN.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

4 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
5 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
6 “reflect,” “owned,” “leased,” “relate,” and “for all purposes for all agriculture,” which are
7 subject to differing interpretations. AVWS objects to this Request because it seeks documents
8 which are not relevant to the subject matter of this action, and which are not reasonably
9 calculated to lead to the discovery of admissible evidence because the amount of groundwater
10 produced from each parcel of land can be determined based on crop duties and irrigated acreage
11 information. AVWS further objects to this Request as unreasonably and unnecessarily
12 overbroad, duplicative, oppressive, and burdensome because it seeks documents which are not in
13 AVWS' possession, but may be in the possession of other parties to this action or third parties
14 who are not involved in this action, and from whom PWS should seek such documents. AVWS
15 objects to this Request to the extent that it unreasonably and unnecessarily seeks documents
16 equally available to the Propounding Party, including documents already in Propounding Party's
17 possession.

18 Without waiving such objections, AVWS responds as follows: AVWS has previously
19 produced responsive, non-privileged documents in its possession including the documents
20 attached to AVWS' Response to Discovery Order for Phase 4 Trial on December 21, 2012,
21 AVWS' Supplemental Response to Discovery Order for Phase 4 Trial on January 8, 2013, and
22 the Declaration of Mark Beuhler on January 31, 2013. Any additional non-privileged documents
23 responsive to this Request will be produced at or before the deposition of Mark Beuhler
24 scheduled for April 19, 2013.

25 **REQUEST FOR PRODUCTION NO. 16:**

26 All DOCUMENTS that show how groundwater is used by YOU in mining of minerals
27 from the BASIN, and the separation, and processing of the minerals.

28 / / /

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

2 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
3 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
4 “show,” “mining,” “separation,” “processing,” which are subject to differing interpretations.
5 AVWS objects to this Request because it seeks documents which are not relevant to AVWS’
6 claim because AVWS does not mine minerals from the BASIN. AVWS further objects to this
7 Request as unreasonably and unnecessarily overbroad, duplicative, oppressive, and burdensome
8 because it seeks documents without any temporal limitation. AVWS objects to this Request to
9 the extent that it unreasonably and unnecessarily seeks documents equally available to the
10 Propounding Party, including documents already in Propounding Party’s possession.

11 Without waiving such objections, AVWS responds as follows: AVWS has no documents
12 in its possession responsive to this request.

13 **REQUEST FOR PRODUCTION NO. 17:**

14 Produce all DOCUMENTS that indicate how much groundwater any party to this
15 litigation, other than YOU, has pumped in the BASIN since 1945. Documents provided by other
16 parties pursuant to previous discovery demands, responses to expert witness designations, or
17 disclosed in any previous phase of trial need not be provided.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

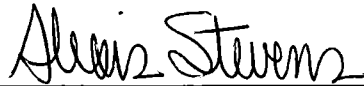
19 AVWS objects to this Request because it is unreasonably and unnecessarily vague,
20 ambiguous, and unintelligible based upon the lack of clear definitions of the terms/phrases
21 “indicate,” and “since 1945,” which are subject to differing interpretations. AVWS objects to
22 this Request because it seeks documents which are not relevant to the subject matter of this
23 action, including documents outside of the relevant time periods (2000-2004 and 2011-2012)
24 designated by the Court. AVWS further objects to this Request as unreasonably and
25 unnecessarily overbroad, duplicative, oppressive, and burdensome because it seeks documents
26 which are not in AVWS’ possession, but may be in the possession of other parties to this action
27 or third parties who are not involved in this action, and from whom PWS should seek such
28 documents. AVWS objects to this Request to the extent that it unreasonably and unnecessarily

1 seeks documents equally available to the Propounding Party, including documents already in
2 Propounding Party's possession.

3 Without waiving such objections, AVWS responds as follows: AVWS has no documents
4 in its possession responsive to this Request.

5 Dated: April 5, 2013

HERUM \ CRABTREE
A California Professional Corporation

6
7 By: 
8 ALEXIS K. STEVENS
9 Attorneys for Cross-Defendant
10 ANTELOPE VALLEY WATER STORAGE, LLC
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PROOF OF SERVICE

I, Carol Bracken, certify and declare:


I am over the age of 18 years and not a party to this action. My business address is:
HERUM CRABTREE, 5757 Pacific Avenue, Suite 222, Stockton, California 95207. On the date
set forth below, I served the following document(s):

**CROSS-DEFENDANT ANTELOPE VALLEY WATER STORAGE, LLC'S
OBJECTION TO NOTICE AND SUPPLEMENT TO NOTICE OF DEPOSITION
OF MARK BEUHLER AND RESPONSE TO REQUEST FOR PRODUCTION OF
DOCUMENTS**

[X] BY ELECTRONIC SERVICE. By posting the document(s) listed above to the Santa
Clara Superior Court website regarding the Antelope Valley Groundwater matter (Judicial
Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053)
pursuant to the Court's Clarification Order.

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

Dated: April 5, 2013


CAROL BRACKEN