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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF SANTA CLARA**

12 **ANTELOPE VALLEY GROUNDWATER**
13 **CASES:**

14 **Included Actions:**

15 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
16 County of Los Angeles, Case No. BC325201

17 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
18 County of Kern, Case No. S-1500-CV-254-
19 348

20 Wm. Bolthouse Farms, Inc. v. City of
Lancaster
21 Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
22 Superior Court of California
County of Riverside, consolidated actions
23 Case Nos. RIC 353840, RIC 344436,
RIC 344668

Judicial Council Coordination
Proceeding No. 4408

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

**NOTICE OF CROSS-DEFENDANT
ANAVERDE LLC's EX PARTE MOTION
TO:**

**(1) COMPEL RESPONSES TO
OUTSTANDING DISCOVERY
REQUESTS AGAINST LACWW;**

**(2) REQUEST CONTINUANCE OF
DEPOSITION OF JOHN LAMBIE; AND**

**(3) REQUEST DATE CERTAIN FOR
ANAVERDE TRIAL BRIEFING AND
PRESENTATION**

DATE: September 23, 2008
TIME: 8:15 a.m.
DEPT: 17C

Telephonic Hearing
Conference call-in: (866) 844-4955
Passcode: 9554462#

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that at 8:15 a.m. on September 23, 2008, a telephonic ex parte
3 motion by Cross-Defendant Anaverde LLC ("Anaverde"), call-in number (866) 844-4955, passcode
4 9554462#, will be heard in Dept. 17C. Anaverde will move the Court for an order compelling Los
5 Angeles County Waterworks District No. 40 ("LACWW") to produce discovery. Anaverde will also
6 request a brief continuance of the deposition of Anaverde's retained expert, Mr. John Lambie,
7 currently calendared for September 30, 2008, to accommodate his review of LACWW discovery, once
8 produced, and for an order that Anaverde's case in chief be presented later in October to accommodate
9 new deposition dates and to allow adequate time to prepare. Depending upon other rulings of the
10 Court on September 23, 2008, Anaverde would propose that the deposition of Mr. Lambie proceed on
11 October 11, 2008, that Anaverde's trial brief be due on October 15, 2008, and that Anaverde present
12 its case the week of October 21 or 28 at the latest.
13

14 This motion is made on the grounds that LACWW failed to properly respond to discovery and
15 failed to produce critical data despite extensive efforts by Anaverde. LACWW's actions have
16 prejudicially impacted Anaverde's ability to prepare its case for trial. This motion will be based upon
17 the memorandum of points and authorities, declaration in support thereof, and the records and files in
18 this action to be filed in accordance with California Rules of Court Rule 3.1206, as well as arguments
19 made at the time of this hearing.
20
21

22
23 DATED: September 22, 2008

Respectfully submitted,
MALISSA MCKEITH
JOSEPH SALAZAR, JR.
KIMBERLY A. HUANGFU
LEWIS BRISBOIS BISGAARD & SMITH LLP

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25
26 By: 
27 KIMBERLY A. HUANGFU
28 Attorneys for ANAVERDE LLC.

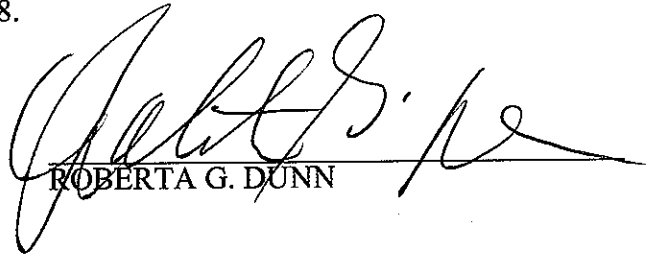
PROOF OF SERVICE

I declare that:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

On September, I served **NOTICE OF CROSS-DEFENDANT ANAVERDE LLC's EX PARTE MOTION TO: (1) COMPEL RESPONSES TO OUTSTANDING DISCOVERY REQUESTS AGAINST LACWW; (2) REQUEST CONTINUANCE OF DEPOSITION OF JOHN LAMBIE; AND (3) REQUEST DATE CERTAIN FOR ANAVERDE TRIAL BRIEFING AND PRESENTATION** by posting the document(s) listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, executed on September 22, 2008.



ROBERTA G. DUNN