

EXHIBIT C

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

**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-254-348

Wm. Bolthouse Farms, Inc. v. City of
Lancaster

Diamond Farming Co. v. City of Lancaster

Diamond Farming Co. v. Palmdale Water
District

Superior Court of California, County of
Riverside, consolidated actions, Case Nos.
RIC 353840, RIC 344436, RIC 344668

Judicial Council Coordination
Proceeding No. 4408

**RESPONSE TO SPECIAL
INTERROGATORIES**

(SET NO. ONE)

Phase 2 Trial: October 6, 2008
(Hon. Jack Komar)

[Exempt from Filing Fees Pursuant to Govt. Code
§6103]

PROPOUNDING PARTY: REBECCA LEE WILLIS

RESPONDING PARTY: CITY OF PALMDALE

SET NO. ONE

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

The following responses by the City of Palmdale ("Palmdale") to the first set of special interrogatories propounded by the Rebecca Lee Willis ("Willis") are made solely for the purpose of this action and are based on information presently available to Palmdale. Given the early stages of discovery, Palmdale anticipates that it may discover further information after the date of service of these responses and hereby reserves the right to amend, supplement or modify these responses to reflect the result of ongoing investigation, discovery, document review and analysis. However, nothing in these responses shall be construed to impose a duty on Willis voluntarily to update these responses, absent a formal request by Palmdale pursuant to the applicable provisions of the Code of Civil Procedure.

Palmdale objects to each and every special interrogatory to the extent it requests information protected from disclosure by the attorney-client privilege (Evidence Code §§ 950, *et seq.*) and/or information immune from discovery under the attorney work product doctrine (Code of Civil Procedure §§ 2018.010, *et seq.*). Palmdale further objects to the extent the responses are the subject of expert witness investigation and may be answered at the time such expert witness investigation is appropriately disclosed pursuant to Court Order and the Code of Civil Procedure. Each response contained herein is subject to all applicable objections (including, but not limited to, objections concerning competency, relevancy, materiality, propriety, and admissibility), which require the exclusion of any said response in any court hearing or proceeding. All such objections and grounds are reserved and may be interposed at the time of trial.

Palmdale incorporates all of these objections (the "General Objections") into each of the responses herein. Subject to and without waiving any of the foregoing, Palmdale responds as follows:

1 **RESPONSE TO SPECIAL INTERROGATORIES**

2
3 **SPECIAL INTERROGATORY NO. 1:**

4 State the date when YOU first started pumping water from the Basin.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

6 Objection. Assumes facts not in evidence.

7 Subject to the foregoing objection, Palmdale responds as follows: Not applicable;
8 Palmdale has never pumped water from the Basin.

9
10 **SPECIAL INTERROGATORY NO. 2:**

11 State by month and year, the quantity of groundwater YOU have pumped from
12 each well that YOU have operated in the Basin during the RELEVANT PERIOD.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

14 Objection. Assumes facts not in evidence.

15 Subject to the foregoing objection, Palmdale responds as follows: Not applicable;
16 Palmdale has never pumped water from the Basin.

17
18 **SPECIAL INTERROGATORY NO. 3:**

19 State by month and year the amount of State Project water, i.e. imported water,
20 YOU have purchased from the Antelope Valley-East Kern Water Agency, over the
21 Relevant Period.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

23 Objection. Palmdale objects to this interrogatory on the grounds that it is vague
24 and ambiguous as to the terms "State Project water" and "imported water."

25 Subject to the foregoing objections, Palmdale responds as follows: None.

1 **SPECIAL INTERROGATORY NO. 4:**

2 State by month and year, the average cost of water YOU have purchased from
3 Antelope Valley-East Kern Water Agency for each year from 1990 to the present.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

5 Objection. Palmdale objects to this interrogatory on the grounds that it is
6 compound and that it is vague and ambiguous as to the term "average cost." This
7 interrogatory also assumes facts not in evidence.

8 Subject to the foregoing objections, Palmdale responds as follows: Not applicable;
9 Palmdale has never purchased water from the Antelope Valley-East Kern Water Agency
10

11 **SPECIAL INTERROGATORY NO. 5:**

12 State the total quantity, by month and year, of non-municipal/non-industrial
13 pumping of groundwater from the Basin for the years 1990 to date.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

15 Objection. Palmdale objects to this interrogatory on the grounds that it is vague
16 and ambiguous as to the term "non-municipal/non-industrial." Palmdale further objects
17 on the grounds that this interrogatory assumes facts not in evidence. Palmdale also
18 objects on the grounds that this interrogatory is overly broad, unduly burdensome, and
19 oppressive in that it seeks information concerning any and all "non-municipal/non-
20 industrial" pumping in the basin, including by parties other than Palmdale.

21 Subject to the foregoing objection, Palmdale responds as follows: Not applicable;
22 Palmdale has never pumped water from the Basin.
23

24 **SPECIAL INTERROGATORY NO. 6:**

25 State the amount or quantity of groundwater recharge to the Basin that YOU
26 contend has been annually supplied from natural sources for each year from 1990 to date.
27
28

RESPONSE TO SPECIAL INTERROGATORY NO. 6:

Objection. Palmdale objects to this interrogatory on the grounds that it is vague and ambiguous as to the term “natural sources,” “amount or quantity,” and “recharge.” Palmdale further objects to this interrogatory on the ground that it is the subject of expert witness study and/or testimony which has not yet been fully developed. To the extent a complete response to this interrogatory calls for the disclosure of opinion testimony from heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis of the work product protection. Palmdale may seek to supplement this response once such expert study is completed and appropriately disclosed.

SPECIAL INTERROGATORY NO. 7:

For each year from 1990 to the present state the amount or quantity of groundwater recharge to the Basin that YOU contend has been annually provided by any return flows from water that YOU have imported.

RESPONSE TO SPECIAL INTERROGATORY NO. 7:

Objection. Palmdale objects to this interrogatory on the grounds that it assumes facts not in evidence and that it is vague and ambiguous as to the terms “amount or quantity” and “recharge.” Palmdale further objects to this interrogatory on the ground that it is the subject of expert witness study and/or testimony which has not yet been fully developed. To the extent a complete response to this interrogatory calls for the disclosure of opinion testimony from heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis of the work product protection. Palmdale may seek to supplement this response once such expert study is completed and appropriately disclosed.

SPECIAL INTERROGATORY NO. 8:

State the amount of groundwater recharge to the Basin that YOU contend has been annually provided by any return flows from agricultural uses for each year from 1990 to the present.

RESPONSE TO SPECIAL INTERROGATORY NO. 8:

Objection. Palmdale objects to this interrogatory on the grounds that it assumes facts not in evidence and that it is vague and ambiguous as to the terms "amount," "recharge," and "agricultural uses." Palmdale further objects to this interrogatory on the ground that it is the subject of expert witness study and/or testimony which has not yet been fully developed. To the extent a complete response to this interrogatory calls for the disclosure of opinion testimony from heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis of the work product protection. Palmdale may seek to supplement this response once such expert study is completed and appropriately disclosed.

SPECIAL INTERROGATORY NO. 9:

State each and every fact in support of your contention that "the Basin is and has been in an overdraft condition for more than five (5) consecutive years before the filing of this cross-complaint", as alleged in paragraph 29 of your Cross-Complaint.

RESPONSE TO SPECIAL INTERROGATORY NO. 9:

Objection. Palmdale objects to this interrogatory on the grounds that it is vague, ambiguous, unintelligible, and misstates the pleadings in that paragraph 29 of the First Amended Cross-Complaint does not state that "the Basin is and has been in an overdraft condition for more than five (5) consecutive years before the filing of this cross-complaint." Palmdale also objects to this interrogatory on the grounds that it calls for a legal conclusion or opinion. Palmdale also objects on the grounds that this interrogatory seeks information protected by the joint defense privilege, the attorney client privilege, and the attorney work product doctrine. Palmdale further objects to this interrogatory on

1 the ground that it is the subject of expert witness study and/or testimony which has not
2 yet been fully developed. To the extent a complete response to this interrogatory calls for
3 the disclosure of opinion testimony from heretofore undisclosed expert witnesses,
4 Palmdale further objects to the same on the basis of the work product protection.
5 Palmdale may seek to supplement this response once such expert study is completed and
6 appropriately disclosed.

7
8 **SPECIAL INTERROGATORY NO. 10:**

9 For the years 1990 to the present, please state each year that you contend there was
10 an overdraft of the Basin.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

12 Objection. Palmdale objects to this interrogatory on the grounds that it calls for a
13 legal conclusion or opinion. Palmdale also objects on the grounds that this interrogatory
14 seeks information protected by the joint defense privilege, the attorney client privilege,
15 and the attorney work product doctrine. Palmdale further objects to this interrogatory on
16 the ground that it is the subject of expert witness study and/or testimony which has not
17 yet been fully developed. To the extent a complete response to this interrogatory calls for
18 the disclosure of opinion testimony from heretofore undisclosed expert witnesses,
19 Palmdale further objects to the same on the basis of the work product protection.
20 Palmdale may seek to supplement this response once such expert study is completed and
21 appropriately disclosed.

22
23 **SPECIAL INTERROGATORY NO. 11:**

24 For each and every year since 1990 that you contend there was an overdraft of the
25 Basin, state the amount of overdraft.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

27 Objection. Palmdale objects to this interrogatory on the grounds that it calls for a
28 legal conclusion or opinion. Palmdale further objects to this interrogatory on the grounds

1 that it is vague and ambiguous as to the term “amount of overdraft.” Palmdale also
2 objects on the grounds that this interrogatory seeks information protected by the joint
3 defense privilege, the attorney client privilege, and the attorney work product doctrine.
4 Palmdale further objects to this interrogatory on the ground that it is the subject of expert
5 witness study and/or testimony which has not yet been fully developed. To the extent a
6 complete response to this interrogatory calls for the disclosure of opinion testimony from
7 heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis
8 of the work product protection. Palmdale may seek to supplement this response once
9 such expert study is completed and appropriately disclosed.

10
11 **SPECIAL INTERROGATORY NO. 12:**

12 For each and every year that you contend there was an overdraft of the Basin,
13 identify each and every person that you believe pumped groundwater from the Basin in
14 excess of the safe yield of the Basin.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

16 Objection. Palmdale objects to this interrogatory on the grounds that it calls for a
17 legal conclusion or opinion. Palmdale also objects to this interrogatory on the grounds
18 that it is premature, burdensome, and oppressive. Palmdale also objects on the grounds
19 that this interrogatory seeks information protected by the joint defense privilege, the
20 attorney client privilege, and the attorney work product doctrine. Palmdale further
21 objects to this interrogatory on the ground that it is the subject of expert witness study
22 and/or testimony which has not yet been fully developed. To the extent a complete
23 response to this interrogatory calls for the disclosure of opinion testimony from
24 heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis
25 of the work product protection. Palmdale may seek to supplement this response once
26 such expert study is completed and appropriately disclosed.

1 **SPECIAL INTERROGATORY NO. 13:**

2 State the amount you contend to be the safe yield of the Basin for the years 1990
3 to the present as the term is used in paragraph 30 of your cross-complaint.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

5 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
6 ambiguous, unintelligible, and misstates the pleadings in that paragraph 30 of the First
7 Amended Cross-Complaint does not refer to "safe yield." Palmdale also objects on the
8 grounds that this interrogatory seeks information protected by the joint defense privilege,
9 the attorney client privilege, and the attorney work product doctrine. Palmdale further
10 objects to this interrogatory on the ground that it is the subject of expert witness study
11 and/or testimony which has not yet been fully developed. To the extent a complete
12 response to this interrogatory calls for the disclosure of opinion testimony from
13 heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis
14 of the work product protection. Palmdale may seek to supplement this response once
15 such expert study is completed and appropriately disclosed.

16
17 **SPECIAL INTERROGATORY NO. 14:**

18 If YOU contend that YOU have any correlative rights to the use of groundwater in
19 the Basin, state each and every fact in support of your contention.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 14:**

21 Objection. This interrogatory is vague and ambiguous as to the term "use of
22 groundwater."

23 Subject to the foregoing objection, Palmdale responds as follows: Palmdale owns
24 substantial acreage of real property from which it could produce or use groundwater in
25 the Basin, and, accordingly, Palmdale may have dormant correlative rights.

1 **SPECIAL INTERROGATORY NO. 15:**

2 If YOU contend that YOU have any correlative rights to the use of groundwater in
3 the Basin, state the quantity of such rights.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 15:**

5 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
6 ambiguous, and unintelligible as to the term "quantity."

7 Subject to the foregoing objections, Palmdale responds as follows: The quantity of
8 any of Palmdale's correlative rights in the Basin is not presently ascertainable because its
9 correlative right is dormant.

10
11 **SPECIAL INTERROGATORY NO. 16:**

12 If YOU contend that YOU have any appropriative rights to the use of groundwater
13 in the Basin, state each and every fact in support of your contention.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

15 Objection. This interrogatory is vague and ambiguous as to the term "use of
16 groundwater."

17 Subject to the foregoing objection, Palmdale responds as follows: Palmdale has
18 not yet, but is in a position to, exercise appropriative rights to produce and distribute
19 groundwater at any time there is a surplus of water within the Basin.

20
21 **SPECIAL INTERROGATORY NO. 17:**

22 If YOU contend that YOU have any appropriative rights to the use of groundwater
23 in the Basin, state the quantity of such rights.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 17:**

25 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
26 ambiguous, and unintelligible as to the term "quantity."

1 Subject to the foregoing objections, Palmdale responds as follows: The quantity of
2 any of Palmdale's appropriative rights in the basin is not presently ascertainable because
3 Palmdale has not exercised any such rights to date.
4

5 **SPECIAL INTERROGATORY NO. 18:**

6 If YOU contend that YOU have acquired prescriptive rights to use groundwater
7 within the Basin as against the Willis Class, please state each and every fact in support of
8 your contention.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 18:**

10 Objection. The interrogatory is premature, burdensome and oppressive. This
11 interrogatory seeks information concerning class members and the court has not yet
12 completed its class certification process. No class representative has yet been approved
13 by the court.

14 Subject to the foregoing objections, Palmdale responds as follows: Palmdale does
15 not contend that it has acquired prescriptive rights within the Basin.
16

17 **SPECIAL INTERROGATORY NO. 19:**

18 If YOU contend that YOU have any prescriptive rights to the use of groundwater
19 in the Basin, state the quantity of such rights.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 19:**

21 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
22 ambiguous, and unintelligible as to the term "quantity."

23 Subject to the foregoing objections, Palmdale responds as follows: Palmdale does
24 not contend that it has acquired prescriptive rights within the Basin.
25

26 **SPECIAL INTERROGATORY NO. 20:**

27 If YOU contend that YOU have acquired a prescriptive right to use groundwater
28 within the Basin, when was that prescriptive right acquired?

RESPONSE TO SPECIAL INTERROGATORY NO. 20:

Palmdale does not contend that it has acquired prescriptive rights within the Basin.

SPECIAL INTERROGATORY NO. 21:

If YOU contend that YOU have any prescriptive rights to the use of groundwater in the Basin, state when the five year prescriptive period commenced.

RESPONSE TO SPECIAL INTERROGATORY NO. 21:

Palmdale does not contend that it has acquired prescriptive rights within the Basin.

SPECIAL INTERROGATORY NO. 22:

If YOU contend that all groundwater YOU have pumped from within the Basin has been put to a reasonable and beneficial use, please describe all uses of that groundwater.

RESPONSE TO SPECIAL INTERROGATORY NO. 22:

Objection. Palmdale objects to this interrogatory on the grounds that it calls for a legal conclusion or opinion. Palmdale also objects on the grounds that this interrogatory seeks information protected by the joint defense privilege, the attorney client privilege, and the attorney work product doctrine. Palmdale further objects to this interrogatory on the ground that it is the subject of expert witness study and/or testimony which has not yet been fully developed. To the extent a complete response to this interrogatory calls for the disclosure of opinion testimony from heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis of the work product protection.

Subject to the foregoing objection, Palmdale responds as follows: Not applicable.

SPECIAL INTERROGATORY NO. 23:

State each and every fact in support of your contention that YOU have pumped groundwater from Basin by "reasonable extraction" as alleged in paragraph 37 of your cross-complaint.

RESPONSE TO SPECIAL INTERROGATORY NO. 23:

Objection. Palmdale objects to this interrogatory on the grounds that it is vague, ambiguous, unintelligible, and misstates the pleadings in that paragraph 37 of the First Amended Cross-Complaint does not refer to "reasonable extraction." Palmdale further objects to this interrogatory on the grounds that it calls for a legal conclusion or opinion. Palmdale also objects on the grounds that this interrogatory seeks information protected by the joint defense privilege, the attorney client privilege, and the attorney work product doctrine. Palmdale further objects to this interrogatory on the ground that it is the subject of expert witness study and/or testimony which has not yet been fully developed. To the extent a complete response to this interrogatory calls for the disclosure of opinion testimony from heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis of the work product protection.

Subject to the foregoing objection, Palmdale responds as follows: Palmdale has never pumped groundwater from the Basin.

SPECIAL INTERROGATORY NO. 24:

State each and every fact in support of your contention that you have used all groundwater that you have pumped from the Basin for reasonable and beneficial purposes as alleged in paragraph 37 of your cross-complaint.

RESPONSE TO SPECIAL INTERROGATORY NO. 24:

Objection. Palmdale objects to this interrogatory on the grounds that it is vague, ambiguous, unintelligible, and misstates the pleadings in that paragraph 37 of the First Amended Cross-Complaint does not refer to "reasonable and beneficial purposes." Palmdale further objects to this interrogatory on the grounds that it calls for a legal conclusion or opinion. Palmdale also objects on the grounds that this interrogatory seeks information protected by the joint defense privilege, the attorney client privilege, and the attorney work product doctrine. Palmdale further objects to this interrogatory on the

1 ground that it is the subject of expert witness study and/or testimony which has not yet
2 been fully developed. To the extent a complete response to this interrogatory calls for the
3 disclosure of opinion testimony from heretofore undisclosed expert witnesses, Palmdale
4 further objects to the same on the basis of the work product protection.

5 Subject to the foregoing objection, Palmdale responds as follows: Palmdale has
6 never pumped groundwater from the Basin.
7

8 **SPECIAL INTERROGATORY NO. 25:**

9 State each and every fact in support of your contention that YOU have pumped or
10 used groundwater from the Basin under a "claim of right" as alleged in paragraph 37 of
11 your cross-complaint.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 25:**

13 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
14 ambiguous, unintelligible, and misstates the pleadings in that paragraph 37 of the First
15 Amended Cross-Complaint does not refer to a "claim of right." Palmdale further objects
16 to this interrogatory on the grounds that it calls for a legal conclusion or opinion.
17 Palmdale further objects on the grounds that this interrogatory is compound and vague
18 and ambiguous as to the term "used groundwater." Palmdale also objects on the grounds
19 that this interrogatory seeks information protected by the joint defense privilege, the
20 attorney client privilege, and the attorney work product doctrine. Palmdale further
21 objects to this interrogatory on the ground that it is the subject of expert witness study
22 and/or testimony which has not yet been fully developed. To the extent a complete
23 response to this interrogatory calls for the disclosure of opinion testimony from
24 heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis
25 of the work product protection.

26 Subject to the foregoing objection, Palmdale responds as follows: Palmdale has
27 never pumped groundwater from the Basin.
28

1 **SPECIAL INTERROGATORY NO. 26:**

2 State each and every fact in support of your contention that YOU have pumped or
3 used groundwater from the Basin in an "actual" manner as alleged in paragraph 37 of
4 your cross-complaint.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 26:**

6 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
7 ambiguous, unintelligible, and misstates the pleadings in that paragraph 37 of the First
8 Amended Cross-Complaint does not refer to pumping groundwater in an actual manner.
9 Palmdale further objects to this interrogatory on the grounds that it calls for a legal
10 conclusion or opinion. Palmdale further objects on the grounds that this interrogatory is
11 compound and vague and ambiguous as to the term "used groundwater." Palmdale also
12 objects on the grounds that this interrogatory seeks information protected by the joint
13 defense privilege, the attorney client privilege, and the attorney work product doctrine.
14 Palmdale further objects to this interrogatory on the ground that it is the subject of expert
15 witness study and/or testimony which has not yet been fully developed. To the extent a
16 complete response to this interrogatory calls for the disclosure of opinion testimony from
17 heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis
18 of the work product protection.

19 Subject to the foregoing objection, Palmdale responds as follows: Palmdale has
20 never pumped groundwater from the Basin.

21
22 **SPECIAL INTERROGATORY NO. 27:**

23 State each and every fact in support of your contention that YOU have pumped or
24 used groundwater from the Basin in an "open" manner as alleged in paragraph 37 of your
25 cross-complaint.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 27:**

27 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
28 ambiguous, unintelligible, and misstates the pleadings in that paragraph 37 of the First

1 Amended Cross-Complaint does not refer to pumping groundwater in an open manner.
2 Palmdale objects to this interrogatory on the grounds that it calls for a legal conclusion or
3 opinion. Palmdale further objects on the grounds that this interrogatory is compound and
4 that it is vague and ambiguous as to the term "used groundwater." Palmdale also objects
5 on the grounds that this interrogatory seeks information protected by the joint defense
6 privilege, the attorney client privilege, and the attorney work product doctrine. Palmdale
7 further objects to this interrogatory on the ground that it is the subject of expert witness
8 study and/or testimony which has not yet been fully developed. To the extent a complete
9 response to this interrogatory calls for the disclosure of opinion testimony from
10 heretofore undisclosed expert witnesses, Palmdale further objects to the same on the basis
11 of the work product protection.

12 Subject to the foregoing objection, Palmdale responds as follows: Palmdale has
13 never pumped groundwater from the Basin.
14

15 **SPECIAL INTERROGATORY NO. 28:**

16 State each and every fact in support of your contention that you have pumped or
17 used groundwater from the Basin in a "notorious" manner as alleged in paragraph 37 of
18 your cross-complaint.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 28:**

20 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
21 ambiguous, unintelligible, and misstates the pleadings in that paragraph 37 of the First
22 Amended Cross-Complaint does not refer to pumping groundwater in a notorious
23 manner. Palmdale objects to this interrogatory on the grounds that it calls for a legal
24 conclusion or opinion. Palmdale further objects on the grounds that this interrogatory is
25 compound and that it is vague and ambiguous as to the term "used groundwater."
26 Palmdale also objects on the grounds that this interrogatory seeks information protected
27 by the joint defense privilege, the attorney client privilege, and the attorney work product
28 doctrine. Palmdale further objects to this interrogatory on the ground that it is the subject

1 of expert witness study and/or testimony which has not yet been fully developed. To the
2 extent a complete response to this interrogatory calls for the disclosure of opinion
3 testimony from heretofore undisclosed expert witnesses, Palmdale further objects to the
4 same on the basis of the work product protection.

5 Subject to the foregoing objection, Palmdale responds as follows: Palmdale has
6 never pumped groundwater from the Basin.

7
8 **SPECIAL INTERROGATORY NO. 29:**

9 State each and every fact in support of your contention that YOU have pumped or
10 used water from the Basin in an "exclusive" manner as alleged in paragraph 37 of your
11 cross-complaint.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 29:**

13 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
14 ambiguous, unintelligible, and misstates the pleadings in that paragraph 37 of the First
15 Amended Cross-Complaint does not refer to pumping groundwater in an exclusive
16 manner. Palmdale also objects to this interrogatory on the grounds that it calls for a legal
17 conclusion or opinion. Palmdale further objects on the grounds that this interrogatory is
18 compound and that it is vague and ambiguous as to the term "used groundwater."
19 Palmdale also objects on the grounds that this interrogatory seeks information protected
20 by the joint defense privilege, the attorney client privilege, and the attorney work product
21 doctrine. Palmdale further objects to this interrogatory on the ground that it is the subject
22 of expert witness study and/or testimony which has not yet been fully developed. To the
23 extent a complete response to this interrogatory calls for the disclosure of opinion
24 testimony from heretofore undisclosed expert witnesses, Palmdale further objects to the
25 same on the basis of the work product protection.

26 Subject to the foregoing objection, Palmdale responds as follows: Palmdale has
27 never pumped groundwater from the Basin.

1 **SPECIAL INTERROGATORY NO. 30:**

2 State each and every fact in support of your contention that YOU have pumped or
3 used water from the Basin in a "continuous" manner as alleged in paragraph 37 of your
4 cross-complaint.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 30:**

6 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
7 ambiguous, unintelligible, and misstates the pleadings in that paragraph 37 of the First
8 Amended Cross-Complaint does not refer to pumping groundwater in a notorious
9 manner. Palmdale also objects to this interrogatory on the grounds that it calls for a legal
10 conclusion or opinion. Palmdale further objects on the grounds that this interrogatory is
11 compound and that it is vague and ambiguous as to the term "used groundwater."
12 Palmdale also objects on the grounds that this interrogatory seeks information protected
13 by the joint defense privilege, the attorney client privilege, and the attorney work product
14 doctrine. Palmdale further objects to this interrogatory on the ground that it is the subject
15 of expert witness study and/or testimony which has not yet been fully developed. To the
16 extent a complete response to this interrogatory calls for the disclosure of opinion
17 testimony from heretofore undisclosed expert witnesses, Palmdale further objects to the
18 same on the basis of the work product protection.

19 Subject to the foregoing objection, Palmdale responds as follows: Palmdale has
20 never pumped groundwater from the Basin.

21
22 **SPECIAL INTERROGATORY NO. 31:**

23 State each and every fact in support of your contention that YOU have pumped or
24 used water from the Basin in an "uninterrupted" manner as alleged in paragraph 37 of
25 your cross-complaint.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 31:**

27 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
28 ambiguous, unintelligible, and misstates the pleadings in that paragraph 37 of the First

1 Amended Cross-Complaint does not refer to pumping groundwater in an uninterrupted
2 manner. Palmdale also objects to this interrogatory on the grounds that it calls for a legal
3 conclusion or opinion. Palmdale further objects on the grounds that this interrogatory is
4 compound and that it is vague and ambiguous as to the term "used groundwater."
5 Palmdale also objects on the grounds that this interrogatory seeks information protected
6 by the joint defense privilege, the attorney client privilege, and the attorney work product
7 doctrine. Palmdale further objects to this interrogatory on the ground that it is the subject
8 of expert witness study and/or testimony which has not yet been fully developed. To the
9 extent a complete response to this interrogatory calls for the disclosure of opinion
10 testimony from heretofore undisclosed expert witnesses, Palmdale further objects to the
11 same on the basis of the work product protection.

12 Subject to the foregoing objection, Palmdale responds as follows: Palmdale has
13 never pumped groundwater from the Basin.
14

15 **SPECIAL INTERROGATORY NO. 32:**

16 If YOU contend that any property owner in the Willis Class had actual notice that
17 your use of the groundwater was adverse to their right to use the groundwater underlying
18 their property, please identify each and every such property owner.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 32:**

20 Objection. The interrogatory is premature, burdensome and oppressive. Palmdale
21 further objects to this interrogatory on the grounds that it is vague and ambiguous as to
22 the term "adverse." Palmdale also objects to this interrogatory on the grounds that it calls
23 for a legal conclusion or opinion.

24 Subject to the foregoing objections, Palmdale responds as follows: Not applicable.
25
26
27
28

1 **SPECIAL INTERROGATORY NO. 33:**

2 If YOU contend that any property owner in the Willis Class had actual notice that
3 your use of the groundwater was adverse to their right to use the groundwater underlying
4 their property, please state each and every fact in support of your contention.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 33:**

6 Objection. The interrogatory is premature, burdensome and oppressive. Palmdale
7 further objects to this interrogatory on the grounds that it is vague and ambiguous as to
8 the term "adverse." Palmdale also objects to this interrogatory on the grounds that it calls
9 for a legal conclusion or opinion.

10 Subject to the foregoing objections, Palmdale responds as follows: Not applicable.

11
12 **SPECIAL INTERROGATORY NO. 34:**

13 If YOU contend that any property owner in the Willis Class had actual notice that
14 your use of the groundwater was adverse to their right to use the groundwater underlying
15 their property, please describe each WRITING which supports that contention.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 34:**

17 Objection. The interrogatory is premature, burdensome and oppressive. Palmdale
18 further objects to this interrogatory on the grounds that it is vague and ambiguous as to
19 the term "adverse." Palmdale also objects to this interrogatory on the grounds that it calls
20 for a legal conclusion or opinion.

21 Subject to the foregoing objections, Palmdale responds as follows: Not applicable.

22
23 **SPECIAL INTERROGATORY NO. 35:**

24 If YOU contend that any property owner in the Willis Class had constructive
25 notice that your use of the groundwater was adverse to their right to use the groundwater
26 underlying their property, please identify each and every such property owner.

RESPONSE TO SPECIAL INTERROGATORY NO. 35:

Objection. The interrogatory is premature, burdensome and oppressive. Palmdale further objects to this interrogatory on the grounds that it is vague and ambiguous as to the term "adverse." Palmdale also objects to this interrogatory on the grounds that it calls for a legal conclusion or opinion.

Subject to the foregoing objections, Palmdale responds as follows: Not applicable.

SPECIAL INTERROGATORY NO. 36:

If YOU contend that any property owner in the Willis Class had constructive notice that your use of the groundwater was adverse to their right to use the groundwater underlying their property, please state each and every fact in support of your contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 36:

Objection. The interrogatory is premature, burdensome and oppressive. Palmdale further objects to this interrogatory on the grounds that it is vague and ambiguous as to the term "adverse." Palmdale also objects to this interrogatory on the grounds that it calls for a legal conclusion or opinion.

Subject to the foregoing objections, Palmdale responds as follows: Not applicable.

SPECIAL INTERROGATORY NO. 37:

If YOU contend that any property owner in the Willis Class had constructive notice that your use of the groundwater was adverse to their right to use the groundwater underlying their property, please identify and describe each WRITING which supports that contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 37:

Objection. The interrogatory is premature, burdensome and oppressive. Palmdale further objects to this interrogatory on the grounds that it is vague and ambiguous as to the term "adverse." Palmdale also objects to this interrogatory on the grounds that it calls for a legal conclusion or opinion.

1 Subject to the foregoing objections, Palmdale responds as follows: Not applicable.

2
3 **SPECIAL INTERROGATORY NO. 38:**

4 If YOU contend that YOU have filed a Notice of Extraction as required by
5 California Water Code sections 4999 to 5009 for each year since 1955 that you have
6 extracted more than 25 acre-feet of groundwater from the Basin, please identify and
7 describe each WRITING that supports that contention.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 38:**

9 Palmdale has not filed any Notices of Extraction because it has never extracted
10 any groundwater from the Basin.

11
12 **SPECIAL INTERROGATORY NO. 39:**

13 If YOU contend that YOU have filed a Notice of Extraction as required by
14 California Water Code sections 4999 to 5009 for each year since 1955 that you have
15 extracted more than 25 acre-feet of groundwater from the Basin, please state each and
16 every fact in support of your contention.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 39:**

18 Palmdale has not filed any Notices of Extraction because it has never extracted
19 any groundwater from the Basin.

20
21 **SPECIAL INTERROGATORY NO. 40:**

22 Identify each and every use of water by any landowner in the Basin that YOU
23 contend has made an unreasonable use of water as you contend in paragraph 76 of your
24 Cross-Complaint.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 40:**

26 Objection. Palmdale objects to this interrogatory on the grounds that it is vague,
27 ambiguous, unintelligible, and misstates the pleadings in that paragraph 76 of the First
28 Amended Cross-Complaint does not refer to any "unreasonable use of water". Palmdale

1 also objects to this request on the ground that it is overly broad, unduly burdensome,
2 oppressive, and premature. Palmdale further objects to this interrogatory on the grounds
3 that it calls for a legal conclusion or opinion and it seeks information protected by the
4 joint defense privilege, the attorney client privilege, and the attorney work product
5 doctrine. Additionally, the answer to this Interrogatory is the subject of testimony which
6 has not yet been fully developed. Finally, the Court has directed the parties to focus their
7 discovery requests upon the subject matter of the Phase 2 trial.

8 Subject to the foregoing objections, Palmdale responds as follows: Subject to
9 ongoing discovery; discovery has not yet been conducted on each party's method of use
10 and use of water within the Basin.

11
12 **SPECIAL INTERROGATORY NO. 41:**

13 Please state the identity of each landowner in the Basin that YOU contend has
14 made an unreasonable use of water from 1990 to present.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 41:**

16 Objection. Palmdale objects to this request on the ground that it is overly broad,
17 unduly burdensome, oppressive, and premature. Palmdale further objects to this
18 interrogatory on the grounds that it calls for a legal conclusion or opinion and it seeks
19 information protected by the joint defense privilege, the attorney client privilege, and the
20 attorney work product doctrine. Additionally, the answer to this Interrogatory is the
21 subject of testimony which has not yet been fully developed. Finally, the Court has
22 directed the parties to focus their discovery requests upon the subject matter of the Phase
23 2 trial.

24 Subject to the foregoing objections, Palmdale responds as follows: Subject to
25 ongoing discovery; discovery has not yet been conducted on each party's method of use
26 and use of water within the Basin.

1 **SPECIAL INTERROGATORY NO. 42:**

2 Please state the period of time that YOU contend each such landowner has made
3 an unreasonable use of water.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 42:**

5 Objection. Palmdale objects to this request on the ground that it is overly broad,
6 unduly burdensome, oppressive, and premature. Palmdale also objects on the grounds
7 that this interrogatory is vague and ambiguous as to the term "such landowner."
8 Palmdale further objects to this interrogatory on the grounds that it calls for a legal
9 conclusion or opinion and it seeks information protected by the joint defense privilege,
10 the attorney client privilege, and the attorney work product doctrine. Additionally, the
11 answer to this Interrogatory is the subject of testimony which has not yet been fully
12 developed. Finally, the Court has directed the parties to focus their discovery requests
13 upon the subject matter of the Phase 2 trial.

14 Subject to the foregoing objections, Palmdale responds as follows: Subject to
15 ongoing discovery; discovery has not yet been conducted on each party's method of use
16 and use of water within the Basin

17
18 **SPECIAL INTERROGATORY NO. 43:**

19 If YOU contend that any landowner in the Basin has made an unreasonable use of
20 water, please state the annual quantity of such unreasonable use by each landowner.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 43:**

22 Objection. Palmdale objects to this request on the ground that it is overly broad,
23 unduly burdensome, oppressive, and premature. Palmdale also objects on the grounds
24 that this interrogatory is vague and ambiguous as to the term "quantity." Palmdale
25 further objects to this interrogatory on the grounds that it calls for a legal conclusion or
26 opinion and it seeks information protected by the joint defense privilege, the attorney
27 client privilege, and the attorney work product doctrine. Additionally, the answer to this
28 Interrogatory is the subject of testimony which has not yet been fully developed. Finally,

1 the Court has directed the parties to focus their discovery requests upon the subject matter
2 of the Phase 2 trial.

3 Subject to the foregoing objections, Palmdale responds as follows: Subject to
4 ongoing discovery; discovery has not yet been conducted on each party's method of use
5 and use of water within the Basin.

6
7 **SPECIAL INTERROGATORY NO. 44:**

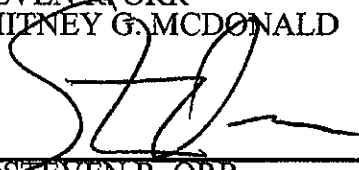
8 Identify by name and title each non-expert witness you intend to call at the next
9 phase of the trial.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 44:**

11 Objection. Palmdale objects to this interrogatory on the ground that it is overly
12 broad, unduly burdensome, oppressive, and premature, particularly in that it seeks to
13 require disclosure of all witnesses prior to the statutory deadline for such disclosure.
14 Palmdale further objects on the grounds that this interrogatory is vague and ambiguous as
15 to the terms "next phase" and "trail." Palmdale further objects on the grounds that this
16 interrogatory calls for the disclosure of attorney work product.

17
18 Dated: July 14, 2008

RICHARDS, WATSON & GERSHON
A Professional Corporation
JAMES L. MARKMAN
STEVEN R. ORR
WHITNEY G. MCDONALD

21
22 By: 
23 STEVEN R. ORR
24 Attorneys for Defendant, Cross-
25 Complainant, and Cross-Defendant
26 CITY OF PALMDALE
27
28

1 **PROOF OF SERVICE**

2 I, Kelley Herrington, declare:


3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is Richards, Watson & Gershon, 355 South
Grand Avenue, 40th Floor, Los Angeles, California 90071. On July 14, 2008, I served the within
documents:

5 **RESPONSE TO SPECIAL INTERROGATORIES (SET NO. ONE)**

- 6 ☐ by causing facsimile transmission of the document(s) listed above from (213) 626-
7 0078 to the person(s) and facsimile number(s) set forth below on this date before
8 5:00 P.M. This transmission was reported as complete and without error. A copy
9 of the transmission report(s), which was properly issued by the transmitting
facsimile machine, is attached. Service by facsimile has been made pursuant to a
prior written agreement between the parties.
- 10 ☒ by posting the document(s) listed above to the Santa Clara County Superior Court
11 website in regard to the Antelope Valley Groundwater matter:
- 12 ☐ by placing the document(s) listed above in a sealed envelope and affixing a pre-
13 paid air bill, and causing the envelope to be delivered to an agent for delivery, or
14 deposited in a box or other facility regularly maintained by, in an envelope or
package designated by the express service carrier, with delivery fees paid or
provided for, addressed to the person(s) at the address(es) set forth below.
- 15 ☐ by personally delivering the document(s) listed above to the person(s) at the
address(es) set forth below.
- 16 ☐ by causing personal delivery by First Legal Support Services, 1511 West Beverly
17 Boulevard, Los Angeles, California 90026 of the document(s) listed above to the
person(s) at the address(es) set forth below.

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

20 Executed on July 14, 2008.

21 
22 _____
Kelley Herrington