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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE 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
325 201 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 Dist. Superior
Court of California, County of Riverside,
consolidated actions, Case No. RIC 353 840,
RIC 344 436, RIC 344 668

Judicial Council Coordination Proceeding No.
4408

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

REQUEST FOR CLARIFICATION RE
LIST OF PARTIES WHO HAVE BEEN
SERVED

1 At the Case Management Conference held November 13, 2006, Mr. Joyce requested Los
2 Angeles County Waterworks District #40 to provide a list of the landowners who have been
3 identified and served in this matter, “. . . so that we can at least have the opportunity to communicate
4 with those individuals” (Reporter’s Transcript 28:22-23, attached here as Exhibit “A.”)

5 The Court granted this request: “I am going to order that all parties post the identity of all
6 parties that they have served . . . and particularly those who have not yet appeared so that everybody
7 is aware of who has been served.” (Reporter’s Transcript 30:20-24, attached here as Exhibit “A.”)

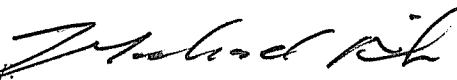
8 On December 11, 2006, LA County posted its List of Parties Who Have Been Served. LA
9 County strictly construed the Court’s order of November 13, 2006, by posting only the *names* of the
10 parties who have been served. LA County provided no contact information for these parties, even
11 though it must have such information since it represents that these parties have been served.

12 Most of the 216 parties identified on LA County’s list receive all of their information about
13 the litigation from no other source than LA County. The request for the identification of these parties
14 was made specifically to remedy this situation by allowing the active landowner parties to
15 *communicate* with the other landowner parties.

16 THEREFORE, AGWA respectfully requests the Court to clarify that the order of November
17 13, 2006, to identify the parties that have been served includes providing contact information for
18 such parties.

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23 Dated: December 13, 2006

HATCH & PARENT, A LAW CORPORATION

24
25 By: 

26 MICHAEL T. FIFE
27 BRADLEY J. HERREMA
28 ATTORNEYS FOR AGWA

EXHIBIT A

1 LAST COMMENT. MR. JOYCE ON BEHALF OF DIAMOND FARMING.

2 I AM NOT NOW APPEARING FOR MR. KUNEY
3 BECAUSE THIS IS NOT HIS DISTRICT.

4 AS TO THE PARTIES THAT HAVE BEEN SERVED
5 NOT YET APPEARED IN PART BECAUSE THEY HAVE BEEN APPRISED
6 OF THE COURT'S ORDER THAT NO DEFAULTS WILL BE TAKEN
7 ABSENT FURTHER ORDER OF THE COURT, THE COURT SHOULD
8 RECALL AND WILL OBSERVE AT THE LAST SUBSTANTIVE
9 PROCEEDING THAT YOU CONDUCTED A MONTH AGO THAT WITHIN
10 THE COURTROOM AND, IN FACT, BY WAY OF EXPERT TESTIMONY
11 THEN PROFFERED, THERE WERE AN AWFUL LOT OF LAWYERS FOR
12 PUBLIC ENTITIES AND THE GOVERNMENT, BOTH FEDERAL AND
13 STATE AT VARIOUS LEVELS BUT VERY FEW ON BEHALF OF LAND
14 OWNERS, IN PART, I SUSPECT, BECAUSE, AS WE SIT HERE AT
15 THIS VERY MOMENT, THERE'S VERY FEW LAND OWNERS BEFORE
16 THE COURT.

17 THE ISSUE THAT I AM WANTING TO ADDRESS,
18 THOUGH, IS IT WOULD BE HELPFUL TO LAND OWNERS,
19 PARTICIPANTS THAT ARE CURRENTLY HERE TO BE PROVIDED WITH
20 A LIST OF THE LAND OWNERS WHO HAVE BEEN IDENTIFIED AND
21 SERVED BY MAIL OR OTHERWISE BY LOS ANGELES WATERWORKS
22 DISTRICT 40, SO THAT WE CAN AT LEAST HAVE THE
23 OPPORTUNITY TO COMMUNICATE WITH THOSE INDIVIDUALS TO SEE
24 WHETHER THAT'S A SUFFICIENT UNITY OF INTEREST SO THAT
25 WE CAN MAYBE MORE EXPEDITIOUSLY HANDLE THE ISSUES THAT
26 ARE GOING TO ARISE IN THE FUTURE.

27 THE SECOND ISSUE THAT I WANTED TO
28 COMMENT UPON, AND IT'S TO SOME EXTENT MAY BE PREMATURE,

1 VOICE FROM THE AUDIENCE: I APPRECIATE THAT.
2 BUT MORE IMPORTANTLY IS THE POTENTIAL REPERCUSSIONS, IT
3 WOULDN'T TAKE A DUMMY TO FIGURE OUT AFTER THIS CASE
4 WOULD BE PLEADED, THAT IF HE GOES OUT AND BUYS UP 15 OR
5 20 50-ACRE PARCELS SITTING SIDE BY SIDE THAT ARE NOT
6 WITHIN THE JURISDICTION OF THIS COURT BECAUSE THEY ARE
7 NOT LOOKING AT THIS AS AN IN REM ACTION AS WE SHOULD BE,
8 THEN THE NET IMPACT IS WE HAVE A NEW PUMPER ON THE BLOCK
9 WHO IS NOT AND WAS NOT SUBJECTED TO THE COURT'S
10 JURISDICTION, THEN WE HAVE MULTIPLICITY OF LITIGATION
11 WHICH IS WHAT THE UNITED STATES IS CONCERNED ABOUT.

12 THE COURT: I DON'T THINK THERE'S A LOT OF
13 DANGER OF THAT, MR. JOYCE, BECAUSE AS I HAVE INDICATED,
14 THE CLASS IS GOING TO HAVE TO ENCOMPASS ALL RIGHTS.

15 MR. JOYCE: INCLUDING UNEXERCISED.

16 THE COURT: YES.

17 MR. JOYCE: THANK YOU, YOUR HONOR.

18 THE COURT: ANYBODY ELSE THAT WOULD LIKE TO
19 WEIGH IN ON ANY OF THIS?

20 I AM GOING TO ORDER THAT ALL PARTIES
21 POST THE IDENTITY OF ALL PARTIES THAT THEY HAVE SERVED
22 SO THAT -- AND PARTICULARLY THOSE WHO HAVE NOT YET
23 APPEARED SO THAT EVERYBODY IS AWARE OF WHO HAS BEEN
24 SERVED. I THINK THAT'S A LEGITIMATE QUESTION.

25 ALL RIGHT. MR. WEINSTOCK.

26 MR. WEINSTOCK: HENRY WEINSTOCK FOR TEJON
27 RANCH CORP.

28 THANK YOU, YOUR HONOR. I WANTED TO

PROOF OF SERVICE

**STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On December 13, 2006, I served the foregoing document described as:

**REQUEST FOR CLARIFICATION RE LIST OF PARTIES WHO
HAVE BEEN SERVED**

on the interested parties in this action.

By posting it on the website to the party's e-mail address listed on the attached service list at 3:00 p.m./a.m. on December 13, 2006. This electronic transmission was reported as complete and without error.

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

Executed at Santa Barbara, California, on December 13, 2006.



TYPE OR PRINT NAME



SIGNATURE