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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-254-348Wm. 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

**AGWA'S JOINDER IN DIAMOND
FARMING COMPANY'S OBJECTION TO
HEARING ON MOTION TO TRANSFER
AND TO CONSOLIDATE; LIMITED
JOINDER IN FEDERAL DEFENDANTS'
RESPONSE; RESPONSE TO MOTION TO
CONSOLIDATE**

Date: August 17, 2009

Time: 10:00 AM

**Department: Santa Clara Superior Court,
Dept. 17C**

1 The Antelope Valley Groundwater Agreement Association ("AGWA") hereby joins in
2 Diamond Farming Company's *Objection to Hearing on Motion to Transfer and to Consolidate for*
3 *All Purposes*.

4 AGWA also joins in the United States' *Federal Defendants' Response to Motion to Transfer*
5 *and Consolidate* to the limited extent that the United States takes the position that "... the present
6 coordination of complex cases may lead to separate and non-mutually binding determination of
7 rights and interests . . . " (*US Response* 1:12-14.)

8 AGWA notes the obvious point that to remedy this situation, either through consolidation or
9 otherwise, will lead to a comprehensive adjudication of all rights and interests, as between the
10 parties. In particular, it will lead to an adjudication where the correlative rights and interests of the
11 classes must be adjudicated as to all the other landowners in the case. In AGWA's view, this calls
12 into question the efficacy of the separate settlement process currently getting underway between the
13 classes and the purveyors.

14 Even if that process were to result in an agreement between the classes and the purveyors,
15 the classes will still be required to fully participate in the case because their correlative rights and
16 interests will still need to be adjudicated as to all the other landowners in the case. That is, even if
17 the purveyors should purport to desist from formally claiming prescriptive rights as to the classes,
18 the rights and interests of the classes will still be correlative with all other landowners and will thus
19 be affected by any successful assertion of prescriptive rights by the purveyors against the landowners
20 as if prescription was asserted against the classes.

21 In such a situation, it is difficult to see how any separate settlement will have any meaningful
22 impact.

23
24 Dated: August 4, 2009

BROWNSTEIN HYATT FARBER SCHRECK, LLP

25 By: 

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

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 August 4, 2009, I served the foregoing document described as:

**AGWA'S JOINDER IN DIAMOND FARMING COMPANY'S OBJECTION TO HEARING
ON MOTION TO TRANSFER AND TO CONSOLIDATE FOR ALL PURPOSES**

on the interested parties in this action.

By posting it on the website at 4:00 p.m. on August 4, 2009.
This posting 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 in Santa Barbara, California, on August 4, 2009.

MARIA KLACHKO-BLAIR
TYPE OR PRINT NAME


SIGNATURE