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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

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

) **ANTELOPE VALLEY GROUNDWATER**
) **AGREEMENT ASSOCIATION'S JOINDER**
) **TO DIAMOND FARMING, ET AL.'S**
) **OPPOSITION TO THE WILLIS CLASS'**
) **MOTION FOR COURT APPOINTMENT**
) **OF INDEPENDENT EXPERT WITNESS**

1 The Antelope Valley Groundwater Agreement Association (“AGWA”) hereby joins in the
2 Opposition to the Willis Class Motion for Court Appointment of Independent Expert Witness filed
3 June 15, 2010 (“Willis Class Motion”), filed by Diamond Farming Company, Inc., Crystal Organic
4 Farms, LLC, Grimmway Enterprises, Inc., and LAPIS Land Company, LLC on July 1, 2010 (the
5 “Opposition”).

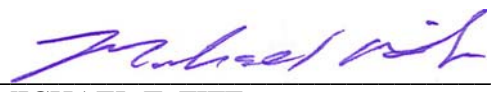
6 AGWA reiterates the Opposition’s objections that the consolidation of actions in this matter
7 was not intended to create adversity between the participants that did not exist prior to consolidation.
8 AGWA and its members were not defendants to the Willis Class’ complaint and should not be
9 considered parties to the Willis Class’ action for the purposes of Evidence Code section 731’s
10 provisions regarding the allocation of costs of a court appointed expert. While it is possible that
11 adversity may arise in the future with regard to the allocation of rights to the groundwater basin
12 since, by definition, the Willis Class members have no historical pumping on which to assert a
13 claimed right, no adversity currently exists because the Willis Class shares the objective of the other
14 landowners to defend against the purveyors’ attempt to assert an artificially low safe yield number in
15 order to bolster their prescriptive claim.

16 Further, the Willis Class Motion’s proposed mechanism for the allocation of costs of the
17 proposed expert – only to those parties who have already hired their own experts – is inequitable and
18 not supported under Evidence Code section 731.

19 For the reasons discussed in the Opposition and those described above, the requested
20 allocation of the expert costs as against non-parties to the Willis Class action should be denied.

21
22 Dated: July 1, 2010

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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24 By: 
25 MICHAEL T. FIFE
26 BRADLEY J. HERREMA
27 ATTORNEYS FOR AGWA
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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.

**ANTELOPE VALLEY GROUNDWATER AGREEMENT ASSOCIATION'S JOINDER TO
DIAMOND FARMING, ET AL.'S OPPOSITION TO THE WILLIS CLASS' MOTION FOR
COURT APPOINTMENT OF INDEPENDENT EXPERT WITNESS**

By posting it on the website at 4:30 p.m. on July 1, 2010. This posting was reported as complete and without error.

Executed in Santa Barbara, California, on July 1, 2010.



SIGNATURE