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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 Nos. 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

OBJECTION TO SUBMISSION OF FORM
PLEADINGS AND CASE MANAGEMENT
STATEMENT OF AGWA

Date: April 28, 2006
Time: 10:00 A.M.
Dept: 17

On November 14, 2003, several members of AGWA made an appearance in the case
Diamond Farming Co., et al. v. City of Lancaster, et al., Riverside Superior Court Case No. RIC
344668, in order to object that it was improper for the Riverside Court to adjudicate various parties'

1 rights to the groundwater of the Antelope Valley in the absence of the real parties in interest – the
2 landowners who hold the overlying rights to the groundwater.

3 Unfortunately, over two years later, we find ourselves required to raise the same objections.
4 The water purveyors are doing everything in their power to limit the involvement of the local
5 landowners and to advance the litigation both substantively and procedurally prior to the
6 involvement of these parties.

7 A small percentage of the Antelope Valley’s landowners have been named and served with
8 LA County Waterworks’ Cross Complaint. A small number of those parties have responded to the
9 complaint. AGWA, as liaison counsel, would like to contact the other parties, but LA County
10 Waterworks continues to refuse to provide the contact information which it has in its possession.

11 Thus, very few of the local landowners have any idea of the nature of the proceedings before
12 the Court.

13 Despite this, the water purveyors feel perfectly at ease devising model answers and cross-
14 complaints in order to determine the nature of the responses and allegations that will be available to
15 the local landowners. Little Rock Creek Irrigation District and Palm Ranch Irrigation District
16 submitted a set of such model pleadings to the Court. In their transmittal pleading they describe the
17 circulation process for these documents. (CMC Statement of Littlerock Creek Irrigation District and
18 Palm Ranch Irrigation District 2:7.) This circulation began on March 30, 2006. AGWA was not
19 included on any of the listed distributions of drafts. None of the model pleadings was shown to
20 AGWA until April 19, 2006. AGWA provided comments to these draft pleadings 48 hours later on
21 April 21, 2006, but was told by Mr. Lemieux’s office that they could not, “do anything about your
22 comments.” Mr. Lemieux’s transmittal pleading to the Court then inaccurately alleges that the
23 documents submitted to the Court reflect all comments received prior to close of business on April
24 21, 2006.

25 Apparently the purveyors believe that input from the landowners is not very important when
26 devising the model pleadings to be used by the landowners.

27 AGWA objects to the model pleadings submitted to the Court. The model pleadings are
28 overly complex to be understood by parties without the advice of counsel, appear designed to lead

1 parties to commit to substantive legal positions advantageous to the water purveyors, and in no way
2 provide any type of guidance concerning the legal consequences to the parties of using the pleadings.
3 AGWA would like to consult with the other local landowner parties about alternative model
4 pleadings, but at the time of filing this CMC Statement it has been in possession of the draft model
5 pleadings for only four days, and, as described above, LA County Waterworks continues to refuse to
6 provide contact information that would enable AGWA to communicate with the local landowners.

7 The remedy to this situation is the remedy that the Court has already identified: the
8 boundaries of the Basin need to be established at the earliest possible date so that the relevant parties
9 to this litigation can be brought in to the case to protect their water rights. AGWA was in attendance
10 at the April 10, 2006 experts meeting, and based on the positions expressed by the parties at the
11 meeting, believes that the earlier the Court can set a hearing date, the better.

12 Once the basin boundaries are established, LA County Waterworks should name and serve
13 the remaining landowners that are to be brought in to the case. Only then, when all of the interested
14 parties are in the case and engaged in the process, should the Court entertain recommendations
15 concerning Answers, Cross-Complaints and Discovery.

16
17
18 Dated: April 24, 2006

HATCH & PARENT, A LAW CORPORATION

19
20 By: 

21 MICHAEL T. FIFE
22 BRADLEY J. HERREMA
23 ATTORNEYS FOR AGWA
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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 April 24, 2006, I served the foregoing document described as:

**OBJECTION TO SUBMISSION OF FORM PLEADINGS AND CASE
MANAGEMENT STATEMENT OF AGWA AND DECLARATION OF
MICHAEL T. FIFE IN SUPPORT OF OBJECTION TO SUBMISSION OF
FORM PLEADINGS AND CASE MANAGEMENT STATEMENT OF
AGWA**

on the interested parties in this action.

X By sending an electronic copy to the court to be filed the filing will be posted to the courts website. All parties will receive an electronic copy via e-mail from the court. The electronic filing was transmitted at 2:00 p.m. a.m. on April 24, 2006. The electronic transmission was reported as complete and without error.

— by U.S. Mail to the three courts listed on the attached service list. I am readily familiar with the firm's practice of collection and processing correspondence on the same day with postage thereon fully prepaid at Santa Barbara, California, in the ordinary course of business.

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

— (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 April 24, 2006.

Rachel Roberts
TYPE OR PRINT NAME

Rachel Roberts
SIGNATURE

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