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Attorneys for: Gene T. Bahlman, William and Julie Barnes, William R. Barnes & Eldora M. Barnes Family Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms, Healy Enterprises, Inc., Habod Javadi, Juniper Hills Water Group, Eugene V., Beverly A., & Paul S. Kindig, Paul S. & Sharon R. Kindig, Kootenai Properties, Inc., Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Maritorena Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard and Michael Nelson, Robert Jones, John and Adrienne Recca, Edgar C. Ritter, Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Sahara Nursery, Mabel Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel Kremen, Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow Springs Company, Donna and Nina Wilson, Ramin Zomorodi, Genz Development and Castle Ranch Estate, **collectively known as the Antelope Valley Groundwater Agreement Association (“AGWA”)**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ANTELOPE VALLEY GROUNDWATER CASES

Judicial Council Coordination Proceeding
No. 4408

Included Actions:

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

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

AGWA's OBJECTIONS TO PUBLIC WATER SUPPLIERS' NOTICE OF TAKING OF DEPOSITIONS WITH REQUESTS FOR PRODUCTION OF DOCUMENTS

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the Antelope Valley Groundwater Agreement Association (“AGWA”) hereby object to the Public Water Suppliers’ Notice of Deposition With Request For Production of Documents (“Notice”) filed on January 7, 2013, on the grounds that the Notice fails to comply with the California Code of Civil Procedure, the December 12, 2012 Case Management Order For Phase 4 Trial (“Order”), and the requirements of statutory and Constitutional due process in that the Notice directs the scheduling of over 130 depositions with the required production of documents commencing January 10-31, 2013. The Notice and the currently proposed deposition schedule provide insufficient time for AGWA to conduct a reasonable investigation of parties’ pumping claims, to conduct further discovery, and to prepare for AGWA members’ and opposing parties’ depositions.

The number of depositions presently put on calendar by the Public Water Suppliers in their Notice makes it impossible for counsel and other parties to attend most depositions, and also makes it impossible to adequately and meaningfully prepare for the testimony of opposing experts and non-experts. Multiple depositions are set on the same day. Some days have as many as thirteen (13) depositions scheduled, including expert witnesses. Even where a deposition is adequately covered by legal counsel for another party, the sheer number of depositions will make it impossible to meaningfully review the transcripts in order to discern prior to trial whether the testimony is relevant and whether cross examination or rebuttal is necessary. In addition, thousands of documents were posted to the Court’s website pursuant to the December 21, 2012 written discovery deadline. It has not been possible to review this mass of material in order to adequately prepare for the depositions.

Due to the compressed time schedule in which the parties are expected to perform a tremendous amount of discovery, AGWA believes the current schedule violates its members’ due process rights pursuant to Article I, Section 7 of the California Constitution. All parties, including AGWA members, have an interest in not only the amount of water use they are claiming but the amount of water use that other individuals are claiming. Parties have a right to attend all of the depositions if they desire, and the current schedule frustrates this right. The

1 current deposition schedule also comes as a great inconvenience to AGWA members, as the vast
2 majority of AGWA members live in the Antelope Valley, and depositions are set in a highly
3 compressed timeframe in Los Angeles, making AGWA members' availability to attend
4 depositions more difficult.

5 Further, the Requests for Production accompanying the Notices are unduly burdensome,
6 oppressive and unreasonable in that the requests are not reasonably calculated to lead to discovery
7 of admissible evidence to the extent the requests duplicate the information requested in the
8 Court's Phase 4 Discovery Order. For example, the documents and other related information
9 sought in Request for Production 2 is overly broad, vague, ambiguous, and therefore is uncertain
10 as to the scope of the request with regard to the phrase "all DOCUMENTS THAT relate to
11 YOUR current pumping.". In light of the extremely limited time constraints required by the
12 Notice it is unreasonable and unduly oppressive to require the AGWA members to complete the
13 necessary investigation for such a multiple and broad request within the few days prior to the
14 deposition.

15 AGWA further objects on grounds that the documents and other related information
16 sought in Request for Production Numbers 3, 5, 7, 9, 11, 13, 14 and 18 is not relevant to the
17 subject matter of the Phase 4 trial and is not reasonably calculated to lead to discovery of
18 admissible evidence. The Order provides in Paragraph 2 that, "The Phase 4 trial will address the
19 issue of current groundwater production of all parties for the calendar year 2011 and January 1
20 through November 30, 2012." In the Requests referenced above in the Public Water Suppliers
21 Notice requires the production of documents and related information concerning groundwater
22 production for years *other than* 2011 and 2012, and has failed to establish how such information
23 is relevant to the issues to be litigated during the Phase 4 trial. Such an overly broad request is
24 unreasonable in light of the number of depositions scheduled within a 15-week period, and is
25 unduly burdensome to AGWA and its numerous members.

26 Additionally, the documents and other related information sought in Request for
27 Production Numbers 13 and 14 requests the production of documents existing in the public
28 domain and which is equally and readily available and accessible to the Public Water Suppliers.

1 Request for Production Number 18 also unreasonably requests the production of
2 documents and related information which is not relevant and is not reasonably calculated to lead
3 to discovery of admissible evidence insofar as it pertains to pumping of groundwater by unrelated
4 parties that are not included in the claims of AGWA members.

5 In addition, AGWA objects on those grounds stated in the separate objections to the
6 Notice filed by Diamond Farming Company, Inc., Crystal Organic Farming, LLC, Grimmway
7 Enterprises, Inc., LAPIS Land Company, LLC and Bolthouse Properties, LLC's and Wm.
8 Bolthouse Farms, Inc., as well as the objections to the Notice filed by WDS California II, LLC,
9 Gertrude J. Van Dam, Delmar D. Van Dam, Craig Van Dam and Gary Van Dam on January 10,
10 2013.

11 While the parties held a teleconference on January 7, 2013 to address scheduling issues
12 and conflicts that have arisen in the compressed deposition period and attempted to resolve all
13 issues, there remain a series of unresolved discrepancies in both the witnesses' and attorneys'
14 schedules. As currently scheduled, AGWA must object to the hurried and inherently unfair
15 deposition schedule noticed by the Public Water Suppliers. AGWA and must be provided a
16 reasonable time to investigate, conduct discovery and prepare the necessary responses to protect
17 its members' rights at issue in this Phase.

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19
20 Respectfully submitted,

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23 Dated: January 10, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP

24
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 January 10, 2013, I served the foregoing document described as:

AGWA's OBJECTIONS TO PUBLIC WATER SUPPLIERS' NOTICE OF TAKING OF DEPOSITIONS WITH REQUESTS FOR PRODUCTION OF DOCUMENTS

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on January 10, 2013.

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 January 10, 2013.

**LINDA MINKY
TYPE OR PRINT NAME**


SIGNATURE