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LITTLE ROCK CREEK IRRIGATION DISTRICT
And PALM RANCH IRRIGATION DISTRICT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER
CASES**

**Judicial Council Coordination
Proceeding No. 4408**

Included Actions:

[Assigned for All Purposes 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
325201; Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior Court
of California, County of Kern, Case No. S-1500-
CV-234348; Wm. Bolthouse Farms, Inc. v. City
of Lancaster Diamond Farming Co. v. City of
Lancaster v. Palmdale Water District, Superior
Court of California, County of Riverside,
consolidated actions, Case Nos. RIC 353840,
RIC 344436, RIC 344668; AND

**COMMENTS ON PROPOSED
MODEL ANSWER**

On June 8, 2006, the court invited comments on a model answer to all cross-complaints. The following comments are in response to the court's invitation.

The model permits the answering party to supply an "APN" number. Assessor parcel numbers are assigned by the county assessor's office for the assessor's convenience. The numbers can be changed annually. As a result, tracking the identity of property from the assessor's parcel numbers is not always

1 reliable. The answering party can obtain the assessor parcel number from a tax bill. The answering party
2 can obtain the legal description from the deed by which the party acquired the property. In either case,
3 the answering party is required to make a minimal effort. We suggest the answering party be required to
4 provide a legal description.

5 The proposed answer says: "I will not participate at trial or other proceedings unless ordered by
6 the court to do so." While we agree some parties ought to be able to become "dormant," we do not
7 believe the process should be automatic. Littlerock Creek Irrigation District and Palm Ranch Irrigation
8 District would like to "not participate" in the trial until after discovery is complete and trial commences.
9 However, the other parties to this action have a right to expect Littlerock and Palm Ranch to be available
10 for discovery and regular court process. Dormant party status should be limited to parties owning less
11 than ten acres of land and pumping less than ten acre-feet of water per year. Parties owning more than ten
12 acres or pumping more than ten acre-feet per year should have to show cause before becoming "dormant."

13 DATED: June 14, 2006.

14 Respectfully submitted,
15 LEMIEUX & O'NEILL

16 By: *Wayne K. Lemieux*

17 Wayne K. Lemieux,
18 Attorneys for
19 Littlerock Creek Irrigation District and
20 Palm Ranch Irrigation District
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