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10 **Attorneys for Cross-Defendant**
11 **Copa De Oro Land Company**

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES**

14 **Coordination Proceeding Special Title**
15 **(Rule 1550(b))**

16 **ANTELOPE VALLEY GROUNDWATER**
17 **CASES**

18 **Included Actions:**

19 **Los Angeles County Waterworks District**
20 **No. 40 v. Diamond Farming Co., Superior**
21 **Court of California, County of Los Angeles,**
22 **Case No. BC 325 201;**

23 **Los Angeles County Waterworks District**
24 **No. 40 v. Diamond Farming Co., Superior**
25 **Court of California, County of Kern, Case**
26 **No. S-1500-CV-254-348;**

27 **Wm. Bolthouse Farms, Inc. v. City of**
28 **Lancaster, Diamond Farming Co. v.**
29 **Lancaster, Diamond Farming Co. v.**
30 **Palmdale Water Dist., Superior Court of**
31 **California, County of Riverside, Case No.**
32 **RIC 353 840, RIC 344 436, RIC 344 668**

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Case No. BC 391869
Assigned to Hon. Jack Komar

(Santa Clara Case No. 01-05-CV-049053)

CROSS-DEFENDANT COPA DE ORO
LAND COMPANY'S RESPONSE TO
WILLIS CLASS CASE MANAGEMENT
STATEMENT

Date: October 7, 2015
Time: 9:00 a.m.
Dept.: Courtcall
Judge: Hon. Jack Komar

1 Cross-defendant Copa de Oro (“Copa de Oro”) submits this response to the Willis Class
2 Case Management Statement served at approximately 5:15 p.m. on October 6, 2015.

3 On October 1, 2015, this Court directed the Willis Class to produce the order excusing
4 the Willis Class from responding to Copa de Oro’s Requests for Admissions served May 1,
5 2013. (See **Exhibit A** (Copa de Oro’s Requests for Admission).) The Willis Class did not
6 comply with the Court’s direction.

7 The Willis Class’s Statement cites an order that states the Willis Class did not have to
8 respond to the general Phase 4 Discovery Order regarding discovery of water use information
9 because the Class members, by definition, have not used water in the past. The order did not
10 excuse the Willis Class from responding to Copa de Oro’s Requests for Admission or from the
11 effect of the April 30, 2013 order that deemed those requests admitted. That order states:

12 [T]he Court orders as follows:

13 [. . .]

14 (3) Parties that are served with Copa de Oro’s requests for admission and
15 Form Interrogatory 17.1 must post their responses to the Court’s Web site [. . .]
16 within five court days following service by Copa de Oro of those requests and that
17 Form Interrogatory.

18 (4) A party’s failure to respond to one or more of Copa de Oro’s requests for
19 admission shall be deemed an admission of the matters specified in each request
20 to which the responding party does not serve a response as required by this Order.

21 (See **Exhibit B** (Order Approving Stipulations Concerning Copa de Oro Land Company
22 and Granting Leave to Serve Written Discovery, filed April 30, 2013, p. 3).) Copa de Oro
23 served the Willis Class with the Requests for Admission. The Willis Class failed to respond,
24 and nothing in the order excused the Willis Class from responding. Accordingly, the Willis
25 Class is deemed to have admitted Copa de Oro’s requests for admission concerning its water
26 use numbers for 2000 to 2004.

27 The other subjects raised by the Willis Class’s Statement are not relevant to the Phase 6
28 trial. Like all other overlying parties, Copa de Oro has submitted its 2000 to 2004 and 2011 to

1 2012 water use numbers to support the settlement and proposed physical solution. As the
2 Willis Class notes, the public water suppliers' expert Mr. Beeby relied on this information and
3 opined that Copa de Oro's water use during that period was reasonable and beneficial.
4 AVEK's expert, Mr. Wagner, is expected to do the same when he testifies next week. Copa de
5 Oro has not submitted, and does not intend to submit, additional evidence to support the
6 settlement unless required by the Court. Therefore, the Willis Class's request to cross-examine
7 Copa de Oro's witness must be denied.

8
9 Dated: October 6, 2015

Respectfully submitted,
BARTKIEWICZ, KRONICK & SHANAHAN
A Professional Corporation

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11
12 By: /s/ Andrew J. Ramos
13 Andrew J. Ramos

14 Attorneys for Cross-Defendant
15 Copa de Oro Land Company
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PROOF OF SERVICE

I, Andrew J. Ramos, declare:

I am a citizen of the United States and a resident of Sacramento County. I am over the age of 18, not a party to this action and am employed at Bartkiewicz, Kronick & Shanahan, 1011 Twenty-Second Street, Sacramento, California 95816. On October 6, 2015, I served, in the manner described below, the following document:

**CROSS-DEFENDANT COPA DE ORO LAND COMPANY’S RESPONSE TO
WILLIS CLASS CASE MANAGEMENT STATEMENT**

I posted this document to the Court’s World Wide Website at www.scefiling.org.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Sacramento, California on October 6, 2015.

/s/ Andrew J. Ramos
Andrew J. Ramos