

# **Exhibit A**

1 **RYAN S. BEZERRA, State Bar No. 178048**  
2 **JOSHUA M. HOROWITZ, State Bar No. 186866**  
3 **KATRINA C. GONZALES, State Bar No. 258412**  
4 **BARTKIEWICZ, KRONICK & SHANAHAN**  
5 **A PROFESSIONAL CORPORATION**  
6 **1011 TWENTY-SECOND STREET**  
7 **SACRAMENTO, CALIFORNIA 95816-4907**  
8 **TELEPHONE: (916) 446-4254**  
9 **TELECOPIER: (916) 446-4018**  
10 **E-MAIL: rsb@bkslawfirm.com**

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

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

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

17 **ANTELOPE VALLEY GROUNDWATER**  
18 **CASES**

19 **Included Actions:**

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

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

28 **Wm. Bolthouse Farms, Inc. v. City of**  
**Lancaster, Diamond Farming Co. v.**  
**Lancaster, Diamond Farming Co. v.**  
**Palmdale Water Dist., Superior Court of**  
**California, County of Riverside, Case No.**  
**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)**

**COPA DE ORO LAND COMPANY'S**  
**FIRST SET OF REQUESTS FOR**  
**ADMISSIONS PROPOUNDED ON**  
**PARTIES THAT ARE NOT**  
**SIGNATORIES TO THE**  
**STIPULATIONS CONCERNING COPA**  
**DE ORO LAND COMPANY**

1 **PROPOUNDING PARTY:** Copa de Oro Land Company

2 **RESPONDING PARTY:** Every party that is not a signatory to both the Stipulation  
3 Regarding Facts Pertaining to Copa de Oro Land Company for  
4 Trial and the Stipulation for Phase IV Trial Regarding Water Use  
5 on Copa de Oro Land Company's Property, posted on the Court's  
6 Web site on February 28, 2013 and April 19, 2013, respectively

6 **SET:** One

7 **PRELIMINARY STATEMENT**

8 Pursuant to Code of Civil Procedure section 2030.010 et seq., Copa de Oro Land  
9 Company respectfully requests that responding party answer, under oath, the Requests for  
10 Admissions [Set One] within five court days of service as follows:

11 **REQUESTS FOR ADMISSIONS**

12 **REQUEST FOR ADMISSION NO. 1:**

13 Admit that Copa de Oro Land Company owns the property identified as Kern County  
14 Assessor's Parcel Number 359-032-01 in Kern County, California.

15 **REQUEST FOR ADMISSION NO. 2:**

16 Admit that Copa de Oro Land Company owns the property identified as Kern County  
17 Assessor's Parcel Number 359-032-17 in Kern County, California.

18 **REQUEST FOR ADMISSION NO. 3:**

19 Admit that the total amount of water delivered by the Antelope-Valley East Kern Water  
20 Agency to the PROPERTY in 2000 was, rounded to the nearest acre-foot, 708 acre feet. For  
21 purposes of this Request for Admission, the term "PROPERTY" means those parcels identified  
22 as Kern County Assessor's Parcel Numbers 359-032-01 and 359-032-17.

23 **REQUEST FOR ADMISSION NO. 4:**

24 Admit that the total amount of water delivered by Antelope-Valley East Kern Water  
25 Agency to the PROPERTY in 2001 was, rounded to the nearest acre-foot, 829 acre feet. For  
26 purposes of this Request for Admission, the term "PROPERTY" means those parcels identified  
27 as Kern County Assessor's Parcel Numbers 359-032-01 and 359-032-17.  
28

1 **REQUEST FOR ADMISSION NO. 5:**

2 Admit that the total amount of water delivered by Antelope Valley-East Kern Water  
3 Agency to the PROPERTY in 2002 was, rounded to the nearest acre-foot, 842 acre feet. For  
4 purposes of this Request for Admission, the term "PROPERTY" means those parcels identified  
5 as Kern County Assessor's Parcel Numbers 359-032-01 and 359-032-17.

6 **REQUEST FOR ADMISSION NO. 6:**

7 Admit that the total amount of water delivered by Antelope Valley-East Kern Water  
8 Agency to the PROPERTY in 2003 was, rounded to the nearest acre-foot, 867 acre feet. For  
9 purposes of this Request for Admission, the term "PROPERTY" means those parcels identified  
10 as Kern County Assessor's Parcel Numbers 359-032-01 and 359-032-17.

11 **REQUEST FOR ADMISSION NO. 7:**

12 Admit that the total amount of water delivered by Antelope Valley-East Kern Water  
13 Agency to the PROPERTY in 2004 was, rounded to the nearest acre-foot, 626 acre feet. For  
14 purposes of this Request for Admission, the term "PROPERTY" means those parcels identified  
15 as Kern County Assessor's Parcel Numbers 359-032-01 and 359-032-17.

16 **REQUEST FOR ADMISSION NO. 8:**

17 Admit that 708 acre-feet of water was used for agricultural purposes on the  
18 PROPERTY in 2000. For purposes of this Request for Admission, the term "PROPERTY"  
19 means those parcels identified as Kern County Assessor's Parcel Numbers 359-032-01 and  
20 359-032-17.

21 **REQUEST FOR ADMISSION NO. 9:**

22 Admit that 829 acre-feet of water was used for agricultural purposes on the  
23 PROPERTY in 2001. For purposes of this Request for Admission, the term "PROPERTY"  
24 means those parcels identified as Kern County Assessor's Parcel Numbers 359-032-01 and  
25 359-032-17.

1 **REQUEST FOR ADMISSION NO. 10:**

2 Admit that 842 acre-feet of water was used for agricultural purposes on the  
3 PROPERTY in 2002. For purposes of this Request for Admission, the term "PROPERTY"  
4 means those parcels identified as Kern County Assessor's Parcel Numbers 359-032-01 and  
5 359-032-17.

6 **REQUEST FOR ADMISSION NO. 11:**

7 Admit that 867 acre-feet of water was used for agricultural purposes on the  
8 PROPERTY in 2003. For purposes of this Request for Admission, the term "PROPERTY"  
9 means those parcels identified as Kern County Assessor's Parcel Numbers 359-032-01 and  
10 359-032-17.

11 **REQUEST FOR ADMISSION NO. 12:**

12 Admit that 626 acre-feet of water was used for agricultural purposes on the  
13 PROPERTY in 2004. For purposes of this Request for Admission, the term "PROPERTY"  
14 means those parcels identified as Kern County Assessor's Parcel Numbers 359-032-01 and  
15 359-032-17.

16 Dated: May 1, 2013

Respectfully submitted,

BARTKIEWICZ, KRONICK & SHANAHAN

18  
19 By: 

20 Ryan S. Bezerra

21 Attorneys for Copa de Oro Land Company

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**PROOF OF SERVICE**

I, Terry M. Olson, declare as follows:

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 <sup>May 1,</sup> ~~March 14,~~ 2013, I served, in the manner described below, the following document:

**COPA DE ORO LAND COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS  
PROPOUNDED ON PARTIES THAT ARE NOT SIGNATORIES TO THE  
STIPULATIONS CONCERNING COPA DE ORO LAND COMPANY**

I posted this document to the Court's World Wide Website located 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 <sup>May 1</sup> ~~March 14~~, 2013.

\_\_\_\_\_  
Terry M. Olson

# **Exhibit B**

1 RYAN S. BEZERRA, State Bar No. 178048  
2 JOSHUA M. HOROWITZ, State Bar No. 186866  
3 KATRINA C. GONZALES, State Bar No. 258412  
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

Coordination Proceeding Special Title  
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**JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4408**

Case No. BC 391869  
Assigned to Hon. Jack Komar

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

~~PROPOSED~~ ORDER APPROVING  
STIPULATIONS CONCERNING COPA  
DE ORO LAND COMPANY AND  
GRANTING LEAVE TO SERVE  
WRITTEN DISCOVERY

Date: April 30, 2013  
Time: 9 a.m.  
Dept: TBD (CourtCall)  
Judge: Hon. Jack Komar  
Filing Date: July 11, 2005 (coordination)  
Trial Date: May 28, 2013 (Phase IV)

8792/P042313rsb Order

**[PROPOSED] ORDER APPROVING STIPULATIONS CONCERNING COPA DE ORO LAND COMPANY  
AND GRANTING LEAVE TO SERVE WRITTEN DISCOVERY**



**ORDER GRANTING APPLICATION OF COPA DE ORO LAND COMPANY FOR  
APPROVAL OF STIPULATIONS CONCERNING COPA DE ORO LAND COMPANY  
AND GRANTING LEAVE TO SERVE WRITTEN DISCOVERY**

On April 30, 2013, at 9 a.m. in Department \_\_ of the Los Angeles County Superior Court, the application of cross-defendant Copa de Oro Land Company ("Copa de Oro") came on for hearing via CourtCall, the Honorable Jack Komar presiding. Copa de Oro applied for an order: (1) approving a Stipulation Regarding Facts Pertaining to Copa de Oro Land Company for Trial (the "Ownership Stipulation"), and a Stipulation for Phase IV Trial Regarding Water Use on Copa de Oro Land Company's Property (the "Water Use Stipulation") among Copa de Oro, and public water suppliers; (2) granting Copa de Oro leave to serve requests for admission and Form Interrogatory 17.1 on all parties in this action that have not executed the Ownership Stipulation and the Water Use Stipulation; (3) shortening the time for responding to those requests for admission and that Form Interrogatory to five court days; and (4) establishing that a failure to respond to one or more of those requests for admission shall be deemed to be an admission to the request(s). The parties' appearances were as recorded by the Clerk. The Court has considered the parties' evidence and arguments.

The Court finds as follows:

(1) In the Ownership Stipulation, Copa de Oro, Los Angeles County Waterworks District No. 40 ("District 40") and Palmdale Water District have stipulated to the truth of the facts stated in the Declaration of Elliot Joelson for Copa de Oro Land Company and its exhibits, posted on the Court's Web site at <http://www.scefiling.org/document/document.jsp?documentId=76507> on January 31, 2013 (the "Joelson Declaration"). The City of Palmdale also has stated its agreement with the Ownership Stipulation;

(2) In the Water Use Stipulation, Copa de Oro, District 40, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Palmdale Water District, City of Palmdale, Rosamond Community Services District, City of Lancaster and the Antelope Valley-East Kern Water Agency ("AVEK") have stipulated to the truth of the facts concerning AVEK water

1 deliveries to Copa de Oro's property during the 2000-2004 period and the amounts of water  
2 used for agricultural purposes on Copa de Oro's property in 2000, 2001, 2002, 2003 and 2004;

3 (3) The parties have had considerable time to review the facts stated in the Joelson  
4 Declaration and in the Declaration of Vera H. Nelson for Copa de Oro Land Company and its  
5 exhibits, posted on the Court's Web site at  
6 <http://www.scefiling.org/document/document.jsp?documentId=76508> (the "Nelson  
7 Declaration");

8 (4) The Ownership Stipulation and the Water Use Stipulation are the products of the  
9 discovery process that the Court established to simplify the Phase IV trial, with the Joelson and  
10 Nelson Declarations having been produced in that process;

11 (5) Consistent with the Court's stated intent of simplifying the Phase IV Trial and  
12 its powers over this coordinated matter, this Court may authorize Copa de Oro to propound its  
13 proposed requests for admission and Form Interrogatory 17.1, attached hereto as Exhibits A  
14 and B, to identify any disputes concerning Copa de Oro's property ownership and water use  
15 that the parties have not disclosed to date;

16 (6) Shortening the time for responses to Copa de Oro's proposed discovery requests  
17 pursuant to the Court's powers over this coordinated matter and Code of Civil Procedure  
18 sections 2030.260, subdivision (a), and 2033.250, subdivision (a), will enable the stipulating  
19 parties to conclude any steps necessary to ensure they will not need to present evidence  
20 concerning facts agreed upon in the Ownership and Water Use Stipulations at the Phase IV trial  
21 and assist the Court in organizing the Phase IV trial; and

22 (7) Ordering that a failure to respond to the proposed requests for admission shall be  
23 deemed an admission is authorized by Code of Civil Procedure section 404.7 and California  
24 Rules of Court, rule 3.504, subdivision (e), and is consistent with the intent of the procedures  
25 stated in Code of Civil Procedure section 2033.280, subdivisions (b) and (c).

26 Accordingly, GOOD CAUSE APPEARING, the Court orders as follows:

27 (1) The Ownership Stipulation and the Water Use Stipulation are approved and  
28 shall be binding upon the parties to such stipulations for all purposes in this action.


1 (2) Copa de Oro may serve its proposed requests for admission and Form  
2 Interrogatory 17.1 in the form attached as Exhibits A and B on every party in this action that is  
3 not a signatory to the Ownership Stipulation and the Water Use Stipulation, or has not stated its  
4 agreement with both stipulations, by posting those written discovery requests to the Court's  
5 Web site at [www.scefilings.org](http://www.scefilings.org).

6 (3) Parties that are served with Copa de Oro's requests for admission and Form  
7 Interrogatory 17.1 must post their responses to the Court's Web site at [www.scefilings.org](http://www.scefilings.org)  
8 within five court days following service by Copa de Oro of those requests and that Form  
9 Interrogatory.

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

13 IT IS SO ORDERED.

14  
15 Dated: APRIL 30, 2013

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18 Hon. Judge Komar  
19 Judge of the Superior Court  
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