Exempt from filing fee DOUGLAS J. EVERTZ, SBN 123066 Government Code § 6103 MURPHY & EVERTZ LLP 650 Town Center Drive, Suite 550 Costa Mesa, California 92626 Telephone: (714) 277-1700 Fax: (714) 277-1777 3 4 Attorneys for City of Lancaster and 5 Rosamond Community Services District 6 7 SUPERIOR COURT OF THE STATE OF CALIFORNIA 8 FOR THE COUNTY OF LOS ANGELES 9 10 ANTELOPE VALLEY GROUNDWATER LASC Case No. BC 325201 11 **CASES** Judicial Council Coordination Proceeding No. 4408 **Included Actions:** 12 Los Angeles County Waterworks District **CLASS ACTION** 13 No. 40 v. Diamond Farming Co. Santa Clara Case No. 1-05-CV 049053 Superior Court of California, County of 14 Assigned to The Honorable Jack Komar Los Angeles, Case No. BC325201; 15 Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. PUBLIC WATER SUPPLIERS' 16 **EVIDENTIARY OBJECTIONS TO THE** Superior Court of California, County of Kern, Case No. S-1500-CV-254-348 DECLARATION OF DAN FLORY IN 17 SUPPORT OF ANTELOPE VALLEY-EAST KERN WATER AGENCY'S Wm. Bolthouse Farms, Inc. v. City of 18 **MOTION FOR SUMMARY** Lancaster, Diamond Farming Co. v. City of Lancaster, Diamond Farming Co. v. Palmdale ADJUDICATION; [PROPOSED] ORDER 19 Water Dist., Superior Court of California County of Riverside, consolidated actions; Case January 27, 2014 20 Date: Nos. RIC 353 840, RIC 344 436, RIC 344 668. 9:00 a.m. Time: TBD Dept.: 21 Trial Date: February 10, 2014 (Phase V) 22 23 24 25 26 27 28

EVIDENTIARY OBJECTIONS TO THE DECLARATION OF DAN FLORY; [PROPOSED] ORDER

{00053100.3}

1

for Summary Adjudication.

| 5 6 | | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|---------|----|--|---|--------------------------------|
| 7 | 1. | Page 2, ¶ 2, lines 5-8: "In 1959, | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained: |
| 8 | | residents of Kern, Ventura and Los | Flory's statement lacks personal knowledge as to | Overruled: |
| 9 | | Angeles Counties formed the | how Flory knows the purpose of Kern, Ventura and Los Angeles County residents in forming | |
| 10 | | Antelope Valley- East Kern Water | AVEK in 1959. Flory provides no foundation regarding how he determined the purpose of | |
| 11 | | Agency ("AVEK") for the purpose of | AVEK's formation. Flory's statement further references a document that is not attached to his | |
| 12 | | contracting with the State of California | Declaration and which is not listed on AVEK's Request for Judicial Notice. To the extent this | |
| 13 | | for the purchase and delivery of | statement is based on writings reviewed by Flory, the statement is based on inadmissible hearsay. | |
| 14 | | Supplemental Water (California | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |
| 15 | | Water Code Appendix 98-1, et | relevance of the proffered evidence depends on the existence of the preliminary fact.", 702, subd. | |
| 16 | | seq.)." | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 | |
| 17 | | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| 18 | | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 | |
| 19 | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| 20 | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| 21 | | | court."]; <i>Snider v. Snider</i> (1962) 200 Čal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| 22 | | | Inadmissible testimony regarding content of a | |
| 23 | | | writing | |
| 24 25 | | | If Flory's statement is based on a writing, then the statement amounts to testimony to prove the content of a writing California Water Code | |

¹ The Public Water Suppliers, for the purposes of these objections, consist of City of Lancaster, Rosamond Community Services District, Los Angeles County Waterworks District No. 40, Quartz Hill Water District, California Water Service Company, Palm Ranch Irrigation District, Palmdale Water District, North Edwards Water District and Desert Lakes Community Services District.

{00053100.3}

26

27

28

| | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|----|---|--|--------------------------------|
| | | Appendix 98-1, et seq where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| | | (Evid. Code, §§ 1521, subd. (b), 1523.). | |
| 2. | Page 2, ¶ 3, lines 9- 10: "In 1962, AVEK signed a | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained: |
| | Water Supply Contract with the | Flory's statement lacks personal knowledge as to how Flory knows if and why AVEK signed a | Overruled |
| | State (Exhibit 1 hereto) to insure | Water Supply Contract with the State in 1962. Flory's statement fails to explain how Flory has | |
| | delivery of AVEK Imported Water to supplement | personal knowledge of the purported signing of the Water Supply Contract in 1959. Flory's statement is further vague and uncertain because | |
| | Antelope Valley Groundwater." | he references a document, "Water Supply Contract with the State, (Exhibit 1 hereto)" that is | |
| | Groundwater. | not attached to his Declaration. To the extent this statement is based on writings reviewed by Flory, | |
| | | the statement is based on inadmissible hearsay. | |
| | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| | | insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| | | sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d | |
| | | 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on a writing, then | |
| | | the statement amounts to testimony to prove the content of a writing Water Supply Contract with the State - where Flory and/or AVEK are | |
| | | with the State where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and | |
| | | properly authenticated to prove its content. | |

| | | Material Objected to: | Grounds for Objection: | Ruling on the Objection |
|--|---------------|---|---|-------------------------------|
| | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| | 3. | Page 2, ¶ 4, lines 11- 13: "Of the 29 State Project Water | Lacks personal knowledge, lacks foundation, speculative, inadmissible hearsay | Sustained |
| | | Contractors, AVEK has the third largest water entitlement, | Flory's statement lacks personal knowledge as to how Flory knows the number of State Project Water Contractors, AVEK's ranking for | Overruled |
| | | which allows AVEK to take an annual maximum | entitlement to water or AVEK's maximum entitlement to water. Flory's statement further contains no facts to support or explain the | |
| | | entitlement of up to 141,400 AF of | conclusions asserted regarding his calculation as to how much water AVEK is entitled to. | |
| | | Imported Water." | Furthermore, to the extent this statement is based on writings or statistics reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| | | | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | , | | Super. Ct. (1964) 224 Cal. App. 2d 442, 445 [36 Cal. Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| | | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| | | | court."]; <i>Snider v. Snider</i> (1962) 200 Čal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | | Inadmissible testimony regarding content of a writing | |
| | | | If Flory's statement is based on writings or statistics, then the statement amounts to testimony | · |
| | | | to prove the content of a writing AVEK's records where Flory and/or AVEK are in | |
| West and a second secon | | | possession and control of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| | 4. | Page 2, ¶ 5, lines 14-16: "Due to | Lacks personal knowledge, lacks foundation, speculative, inadmissible hearsay | Sustained |
| | | environmental, supply and climate limitations inherent | Flory's statement lacks personal knowledge as to how Flory knows that environmental, supply and | |
| | {00053100.3 } | | 3 | |

| 2 | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|---|--|---|--------------------------------|
| 3 | in the State Water Project, AVEK's contract with the | climate limitations are inherent in the State Water Project or that AVEK's contract with the State of California has a delivery reliability factor of | Overruled: |
| 5 | State of California has a delivery | approximately 60% of its annual entitlement. Flory's statement further lacks personal | |
| 5 | reliability factor of approximately | knowledge as to what AVEK's annual entitlement is. Flory's statement further fails to | |
| | 60% of AVEK's annual entitlement of 141,400 AF." | provide any foundation to support or explain the conclusions asserted that the State Water Project has inherent limitations and that this | |
| | 02112,100121 | results in AVEK's contract having a delivery reliability factor of 60%. Furthermore, to the | |
| | | extent this statement is based on writings or statistics reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| | | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| | | insufficient."]; Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| | | and circumstances from which the ultimate facts sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d | |
| | | 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on writings or | |
| | | statistics, then the statement amounts to testimony to prove the content of a writing AVEK's records where Flory and/or AVEK are in | |
| | | possession and control of the writing. A copy of the writing should have been attached and | |
| | | properly authenticated to prove its content. | |
| | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| | | | |
| | | | |
| | | | |

| The state of the s | Material Objected to: | Grounds for Objection: | Ruling on the Objection |
|--|---|--|-------------------------------|
| 5. | Page 2, ¶ 6, lines 17-18: "AVEK imports more State | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| | Project Water into | Flory's statement lacks personal knowledge as to | |
| - | the Antelope Valley Adjudicated Basin | how Flory knows that AVEK imports more State Project Water into AVAA than any other State | Overruled |
| | (AVAA) than does any other State Project Water | Project Water Contractor. Flory's statement further fails to provide any foundation to support or explain the conclusions asserted that AVEK | |
| | Contractor." | imports more State Project Water into AVAA than any other State Project Water Contractor. | |
| | | Furthermore, to the extent this statement is based on writings or statistics reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |
| | | relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 | |
| | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| | | insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| | | sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d | |
| | | 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on writings or | |
| | | statistics, then the statement amounts to testimony to prove the content of a writing AVEK's | |
| | | records where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and | |
| | | properly authenticated to prove its content. | |
| | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 6. | Page 2, ¶ 7, lines 19-20: "Initial funds for the | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| | construction of the State Water Project facilities were obtained through a | Flory's statement lacks personal knowledge as to how Flory knows that initial funds for the construction of the State Water Project facilities were obtained through a \$1.75 billion bond issue | Overruled |
| {00053100.3.3 | | | |
| {00053100.3 } | | 5 | ORDER |

| | | Material Objected to: | Grounds for Objection: | Ruling on the Objection |
|---|----|--|---|-------------------------------|
| | | \$1.75 billion bond issue, ratified by California voters in 1960." | that was ratified by California voters in 1960. Furthermore, to the extent this statement is based on writings reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| | | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| | | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | | ["[A]Ilegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."]; Snider v. Snider (1962) 200 Cal.App.2d | |
| | | | 741 750-754 [19 Cal.Rptr. 709].) Inadmissible testimony regarding content of a | |
| | | | writing | |
| | | | If Flory's statement is based on writings, then the statement amounts to testimony to prove the content of a writing AVEK's records where Flory and/or AVEK are in possession and control | |
| | | | of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| - | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| | 7. | Page 2, ¶ 8, lines 21-24: "AVEK and | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| | | its taxpayers have paid a total of | Flory's statement lacks personal knowledge as to | O |
| | | \$475,777,218.84 to insure participation in the Colifornia | how Flory knows that AVEK and its taxpayers have paid \$475,777,218.84 to ensure participation in the California State Water Project and to | Overruled |
| | | in the California State Water Project, | in the California State Water Project and to construct the "infrastructure" needed to import, | |
| | | and to construct the "infrastructure" | transport, treat and deliver AVEK Imported Water to its customers. Flory's statement further | |
| | | needed to import, transport, treat and deliver AVEK | fails to provide any foundation to support or explain the conclusions asserted regarding the total amount paid. Furthermore, to the extent this | |
| | | Imported Water to its customers | statement is based on writings reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | (including the Public Water | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |

| Material Objected to: | Grounds for Objection: | Ruling on the Objection |
|--|--|-------------------------------|
| Suppliers)." | relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| | states conclusions or opinions of the affiant is insufficient."]; Ware v. Stafford (1962) 206 | |
| | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| | and circumstances from which the ultimate facts sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | Inadmissible testimony regarding content of a | |
| | writing | |
| | If Flory's statement is based on writings, then the statement amounts to testimony to prove the | |
| | content of a writing AVEK's records where Flory and/or AVEK are in possession and control | |
| | of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 8. Page 2, ¶ 9, lines 25-27: "All directions of the second | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| payments to the State of California | | |
| have been paid by AVEK (and | | Overruled |
| indirectly by its taxpayers) for the | all direct payments to the State of California have | |
| required infrastructure | Furthermore, to the extent this statement is based on writings reviewed by Flory, the statement is | |
| construction, and for the purchase | · | |
| and importation of the State Project | relevance of the proffered evidence depends on | |
| Water contracted for by AVEK." | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| | modificate got foutly and an after 1 1 - 1 - 1 - 1 | |
| | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 | |

| | Material Objected to: | Grounds for Objection: | Ruling or the Objection |
|----|---|--|-------------------------------|
| | | and circumstances from which the ultimate facts sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on writings, then the | |
| | | statement amounts to testimony to prove the content of a writing AVEK's records where Flory and/or AVEK are in possession and control | |
| | | of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| | | Vague | |
| | | Flory's statement is vague and uncertain as to "all | |
| | | direct payments." Flory's statement does not define this term. | |
| 9. | Page 3, ¶ 10, lines 1-2: "Public Water | Lacks personal knowledge, lacks foundation, inadmissible hearsay | |
| | Suppliers, on the other hand, have not | Flory's statement lacks personal knowledge and | |
| | made any direct payments to the | contains no facts to support or explain the conclusions asserted that Public Water | |
| | State of California for the State Project | Suppliers have not made any direct payments to the State of California. Furthermore, to the extent | |
| | contracted for by AVEK." | this statement is based on writings reviewed by Flory, the statement is based on inadmissible | |
| | | hearsay. | |
| | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| | | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| | | insufficient."]; Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| | | sought to be proved may be deduced by the court."]; Snider v. Snider (1962) 200 Cal.App.2d | |

| | | Material Objected to: | Grounds for Objection: | Ruling on the Objection |
|-------|-----|-----------------------------------|---|-------------------------------|
| | | | Inadmissible testimony regarding content of a writing | |
| | | | If Flory's statement is based on writings, then the | |
| | | | statement amounts to testimony to prove the content of a writing AVEK's records where | |
| | | | Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and properly authenticated to prove | |
| | | | its content. | |
| | 10. | Page 3, ¶ 12, lines 5-6: "The | (Evid. Code, §§ 1521, subd. (b), 1523.) Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| | | adjudicated boundaries in this | Flory's statement lacks personal knowledge as to | |
| | | action represent 58% of the total | how Flory knows that the adjudicated boundaries represent 58% of the total land area serviced by | Overruled |
| | | land area serviced by AVEK." | AVEK. Flory's statement further fails to provide any foundation to support or explain the | |
| | | by HVDIK. | conclusions asserted that the adjudicated boundaries represent 58% of the total land area | |
| | | | serviced by AVEK. Furthermore, to the extent this statement is based on writings or statistics | |
| | | | reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |
| | | | relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| | | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> Super. Ct. (1964) 224 Cal. App. 2d 442, 445 [36 | |
| | | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | , |
| | | | states conclusions or opinions of the affiant is insufficient."]; Ware v. Stafford (1962) 206 | |
| | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| | | | court."]; Snider v. Snider (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | | Inadmissible testimony regarding content of a writing | |
| | | | If Flory's statement is based on writings or | |
| | | | statistics, then the statement amounts to testimony to prove the content of a writing AVEK's records where Flory and/or AVEK are in | |
| $\ L$ | | | possession and control of the writing. A copy of | |

00053100.3

| | Material Objected to: | Grounds for Objection: | Ruling of the Objection |
|---------------|--|--|-------------------------------|
| | | the writing should have been attached and properly authenticated to prove its content. | |
| | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 11. | 11-12: "In 2011 and | Lacks personal knowledge, lack of foundation, inadmissible hearsay | Sustained |
| | 2012 alone, AVEK delivered to its | Flory's statement lacks personal knowledge as to | Overrule |
| | agricultural, industrial and municipal customers | how Flory knows the amount of water AVEK delivered to its customers in 2011 and 2012. Flory's statement further fails to provide any | |
| | within the AVAA a total of 100,718 AF | foundation to support or explain the conclusions asserted regarding how he determined the amount | |
| | of Imported Water." | of water delivered. Furthermore, to the extent this statement is based on writings or statistics | |
| | | reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| | | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| | | insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]Ilegations in an affidavit must show facts | |
| | | and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| | | court."]; Snider v. Snider (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on writings or | |
| | | statistics, then the statement amounts to testimony to prove the content of a writing AVEK's | |
| | | records where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and | |
| | | properly authenticated to prove its content. | |
| 12. | Page 3, ¶ 16, lines | (Evid. Code, §§ 1521, subd. (b), 1523.) Lacks personal knowledge, lacks foundation, | Sustained |
| - | 13-16: "AVEK taxpayers also have | inadmissible hearsay | Overruled |
| | directly paid for, and | Flory's statement lacks personal knowledge and | Overruled |

| | | Material Objected to: | Grounds for Objection: | Ruling on the Objection |
|---|--------------|--|---|-------------------------------|
| | | continue to pay for, construction of the | contains no facts to support or explain the conclusions asserted that AVEK taxpayers have | |
| | | internal treatment and distribution systems | directly paid for, and continue to pay for, construction of the internal treatment and distribution | |
| | | whereby AVEK Imported Water is | systems. Furthermore, to the extent this statement is based on writings or statistics reviewed by | |
| | | eventually delivered to AVEK's | Flory, the statement is based on inadmissible hearsay. | |
| | | agricultural, industrial and | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |
| | | municipal customers both within and | relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| | | outside the AVAA." | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36] | |
| | | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| | | | states conclusions or opinions of the affiant is insufficient."]; Ware v. Stafford (1962) 206 | |
| | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| | | | court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | | Inadmissible testimony regarding content of a writing | |
| | | | | |
| | • | | If Flory's statement is based on writings or statistics, then the statement amounts to testimony to prove the content of a writing AVEK's | |
| | | | records where Flory and/or AVEK are in possession and control of the writing. A copy of | |
| | | | the writing should have been attached and properly authenticated to prove its content. | |
| | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| - | 13. | Page 3, ¶ 20, lines 25-26: "The first | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| | | bond issue, Series | | 0 . 1.1 |
| | | A, of \$23 million was used for project | Flory's statement lacks personal knowledge as to how Flory knows that the AVEK taxpayers have | Overruled |
| | | start-up construction. | completely repaid the Series A bonds. Furthermore, to the extent this statement is based | |
| | | AVEK taxpayers have completely repaid the Series A | on writings reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | bonds." | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| | 00053100.3 } | | | |
| 1 | | | 11 S TO THE DECLARATION OF DAN FLORY; [PROPOSED] | OBDER |

| | | Material Objected to: | Grounds for Objection: | Ruling on the Objection |
|---|---------------|--|---|-------------------------------|
| | | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| | | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is insufficient."]; Ware v. Stafford (1962) 206 | |
| | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d | |
| | | | 741 750-754 [19 Cal.Rptr. 709].) Inadmissible testimony regarding content of a | |
| | | | writing | |
| | | | If Flory's statement is based on writings, then the statement amounts to testimony to prove the | |
| | | | content of a writing AVEK's records where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have | |
| | | | been attached and properly authenticated to prove its content. | |
| | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| | 14. | Page 3, ¶ 21, lines 27-28: "The second | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| | | bond issue in 1976, Series B, of \$19 | Flory's statement lacks personal knowledge as to | Overruled |
| | | million has also been completely | how Flory knows the Series B bond issue has been completely repaid by AVEK taxpayers. | |
| | | repaid AVEK taxpayers." | Furthermore, to the extent this statement is based on writings reviewed by Flory, the statement is | |
| | | TT V ZIT um puj visi | based on inadmissible hearsay. | |
| | | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| | | | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | | | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| | | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | • |
| | | | insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| | | | sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| ' | {00053100.3 } | | 12 | |

| 1 2 | | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|---------|-----|--|--|--------------------------------|
| 3 | | | Inadmissible testimony regarding content of a | |
| 4 | | | writing | |
| 5 | | | If Flory's statement is based on writings, then the statement amounts to testimony to prove the | |
| 6 | | | content of a writing AVEK's records where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have | |
| 7 8 | | | been attached and properly authenticated to prove its content. | |
| 9 | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 10 | 15. | Page 4, ¶ 22, lines 1- | Lacks personal knowledge, lacks foundation, | Sustained: |
| 11 | | 2: "In 1977, the \$18 million Series C | inadmissible hearsay | |
| 12 | | bond issue authorized Phase | Flory's statement lacks personal knowledge as to how Flory knows that the Series C bonds have | Overruled: |
| 13 | | Three of the DAWN facilities | been completely repaid by AVEK taxpayers. Furthermore, to the extent this statement is based | |
| 14 | | construction; the Series C bonds have | on writings reviewed by Flory, the statement is based on inadmissible hearsay. | |
| 15 | | been completely repaid by AVEK | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |
| 16 | | taxpayers." | relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| 17 | | | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| 18 | | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| 19 | | | insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| 20 | | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| 21 | | | sought to be proved may be deduced by the court."]; Snider v. Snider (1962) 200 Cal.App.2d | |
| 22 | | | 741 750-754 [19 Cal.Rptr. 709].) | |
| 23 | | | Inadmissible testimony regarding content of a writing | |
| 24 25 | | | If Flory's statement is based on writings, then the | |
| 26 | | | statement amounts to testimony to prove the content of a writing AVEK's records where Flory and/or AVEK are in possession and control | |
| 27 | | | of the writing. A copy of the writing should have been attached and properly authenticated to prove | |
| 28 | | | its content. | |

| | Material Objected to: | Grounds for Objection: (Evid. Code, §§ 1521, subd. (b), 1523.) | Ruling on the Objection |
|-----|---|--|---|
| | | (Evid. Code, §§ 1321, Subd. (b), 1323.) | |
| 16. | Page 4, ¶ 23, lines 4-7: "In August, 1986, the final Phase of the | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| | DAWN Project construction | Flory's statement lacks personal knowledge as to how Flory knows the \$11 million in Series D | Overruled |
| | commenced when AVEK's Board of | bonds were used to construct internal local facilities to distribute AVEK Imported Water. | *************************************** |
| | Directors authorized expenditure of the remaining \$11 | Furthermore, to the extent this statement is based on writings reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | million in Series D bonds; these funds | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |
| | were used to construct internal local facilities to | relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | distribute AVEK Imported Water." | Super. Ct. (1964) 224 Cal. App. 2d 442, 445 [36 Cal. Rptr. 750] ["In an affidavit facts must be | |
| | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| | | insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| | | and circumstances from which the ultimate facts sought to be proved may be deduced by the court."; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d | |
| | | 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on writings, then the statement amounts to testimony to prove the | |
| | | content of a writing AVEK's records where Flory and/or AVEK are in possession and control | |
| | | of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 17. | Page 4, ¶ 24, lines 8-9: "The attached | Lacks personal knowledge, speculative, inadmissible hearsay | Sustained |
| | AVEK map (Exhibit 2) depicts existing | Flory's statement lacks personal knowledge as to | Overruled |
| | AVEK owned facilities and improvements under | how Flory knows what the information purportedly on the AVEK map depicts. | |
| | improvements under construction including future | Furthermore, to the extent this statement is based on writings reviewed by Flory, the statement is based on inadmissible hearsay. The "Exhibit 2" | |
| | banking | that Flory references is not attached to the | |

EVIDENTIARY OBJECTIONS TO THE DECLARATION OF DAN FLORY; [PROPOSED] ORDER

| 1 2 | The state of the s | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|-----|--|--|---|--------------------------------|
| 3 | | improvements." | Declaration, nor is "Exhibit 2" listed in the accompanying Request for Judicial Notice. | |
| 4 | | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |
| 5 | | | relevance of the proffered evidence depends on the existence of the preliminary fact.", 702, subd. | |
| 6 | | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 | |
| 7 | | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| 8 | | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 | |
| 9 | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| 10 | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| 11 | | | court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| 12 | | | | |
| 13 | 18. | Page 4, ¶ 25, lines 10- 14: "AVEK's Water | Lacks personal knowledge, lacks foundation, speculative, inadmissible hearsay | Sustained: |
| 14 | | Supply Stabilization Project No. 2 | Flory's statement lacks personal knowledge as to | Overruled: |
| 15 | | (WSSP2) is a groundwater banking | how Flory knows that WSSP2 will increase the reliability of the Antelope Valley Region's water | |
| 16 | | project that will increase the | supplies. Flory's statement further fails to provide any foundation to support or explain the | |
| 17 | | reliability of the Antelope Valley | conclusions asserted storing excess water from the State Water Project will increase the | |
| 18 | | Region's water | reliability of the water supply. Furthermore, to | |
| | | supplies by storing excess water available | the extent this statement is based on writings or statistics reviewed by Flory, the statement is | |
| 19 | | from the State Water Project (SWP) during | based on inadmissible hearsay. | |
| 20 | | wet periods and recovering it to serve | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| 21 | | to customers during dry and high demand | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| 22 | | periods or during a disruption in | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| 23 | 7 | deliveries from the | positively set forth, and an affidavit which merely | |
| 24 | | SWP." | states conclusions or opinions of the affiant is insufficient."]; Ware v. Stafford (1962) 206 | |
| 25 | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| 26 | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| 27 | | | court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| 28 | | | | |

| | Material Objected to: | Grounds for Objection: | Ruling or the Objection |
|----|---|---|-------------------------------|
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on writings or statistics, then the statement amounts to testimony | |
| | | to prove the content of a writing AVEK's records where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 19 | Page 4, ¶ 26, lines 15-16: "By banking | Lacks personal knowledge, lacks foundation, speculative, inadmissible hearsay | Sustained |
| | excess water for future use, the | Flory's statement lacks personal knowledge and | Overruled |
| | WSSP2 will | contains no facts to support or explain the | Overruiet |
| | significantly reduce the Region's dependence on | conclusion asserted that WSSP2 will "significantly" reduce the Region's dependence on constant water deliveries of State Water | |
| , | constant water deliveries of State Water Project from | Project from the Delta. Flory's statement has provided no foundation setting forth his | |
| | Water Project from the Delta." | qualifications as an expert on water usage and means to reduce dependence. Furthermore, to the extent this statement is based on writings or | |
| | | statistics reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| | | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36] | |
| | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| | | states conclusions or opinions of the affiant is insufficient."]; Ware v. Stafford (1962) 206 | |
| | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| | | and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| | | court."]; Snider v. Snider (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on writings or statistics, then the statement amounts to testimony | |

| 1 2 | | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|----------|-----|---|---|--------------------------------|
| 3 4 5 | | | to prove the content of a writing AVEK's records where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| 6 | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 7 | 20. | Page 4, ¶ 27, lines 17-18: "The WSSP2 will also help to | Lacks personal knowledge, lacks foundation, speculative, inadmissible hearsay | Sustained: |
| 8 9 | | stabilize the groundwater basin and preserve | Flory's statement lacks personal knowledge and contains no facts to support or explain the conclusion asserted that WSSP2 will help to | Overruled: |
| 10 | | agricultural land and open space." | stabilize the groundwater basin and preserve agricultural land and open space. Flory's statement provides no foundation setting forth his | |
| 11 | | | qualifications as an expert on stabilization of groundwater basin or preservation of agricultural | |
| 12 | | | land and open space. Furthermore, to the extent this statement is based on writings or statistics | |
| 13 | | | reviewed by Flory, the statement is based on inadmissible hearsay. | |
| 15 | | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| 16 | | | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| 17 | | | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| 18 | | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 | |
| 19 20 | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| 21 | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d | |
| 22 | | | 741 750-754 [19 Cal.Rptr. 709].) | |
| 23 | | | Inadmissible testimony regarding content of a writing | |
| 24 | | | If Flory's statement is based on writings or | |
| 25 | | | statistics, then the statement amounts to testimony to prove the content of a writing AVEK's | |
| 26 | | | records where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and | |
| 27 | | | properly authenticated to prove its content. | |
| 28 | | | | |

| 74411 | | Material Objected to: | Grounds for Objection: | Ruling of the Objection |
|-------|--------------|---|--|-------------------------------|
| | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| | 21. | Page 4, ¶ 28, lines 19-21: "From 2011 | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| | | through 2012, AVEK banked a total of | Flory's statement lacks personal knowledge as to how Flory knows or calculated the total amount | Overruled |
| | | approximately 36,502 AF, and | banked. Furthermore, to the extent this statement is based on writings or statistics reviewed by Flory, the statement is based on inadmissible | * |
| | | claims the right to recapture 90% of that amount, or | hearsay. | |
| | | 32,851 AF, as Return Flow | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on the evictance of the preliminary fact."] 702, subd | |
| | | resulting therefrom." | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36] | |
| | | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| | | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| | | | sought to be proved may be deduced by the court."]; Snider v. Snider (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | | Inadmissible testimony regarding content of a writing | |
| | | | If Flory's statement is based on writings or | |
| | | | statistics, then the statement amounts to testimony to prove the content of a writing AVEK's records where Flory and/or AVEK are in | |
| | | | possession and control of the writing. A copy of the writing should have been attached and | |
| | | | properly authenticated to prove its content. (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| | 22. | Page 4, ¶ 29, lines | Lacks personal knowledge, lacks foundation, | Sustained |
| | | 22-24: "When deemed necessary by AVEK due to water | speculative, inadmissible hearsay Flory's statement lacks personal knowledge and | Overruled |
| | | supply shortfalls from SWP water or | contains no facts to support or explain the conclusions asserted that AVEK will not | |
| | | other operational strategies, AVEK will recover not | recover more than 90% of the volume of water that is put into the water bank. Furthermore, to the extent this statement is based on writings or | |
| | | more than 90% of the volume of water that is put into the | statistics reviewed by Flory, the statement is based on inadmissible hearsay. | |
| _ | 00053100.3 } | mat is put into the | 18 | |

| 1 2 | | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|------------|-------------|--|--|--------------------------------|
| 3 | | groundwater bank." | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| 5 | | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> <i>Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 | |
| 6 | | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| 7 | | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| 8 | | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| 9 | | | sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| 10 | | | Inadmissible testimony regarding content of a | |
| 12 | | | writing | |
| 13 | | | If Flory's statement is based on writings or statistics, then the statement amounts to testimony to prove the content of a writing AVEK's | |
| 14 | | | records where Flory and/or AVEK are in possession and control of the writing. A copy of | |
| 15 | | | the writing should have been attached and properly authenticated to prove its content. | |
| 16 | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 17 | 23. | Page 4, ¶ 30, lines 25-27: "Recovery | Lacks personal knowledge, lacks foundation, | Sustained: |
| 18 | | 25-27: "Recovery operations will take | speculative, inadmissible hearsay | |
| 19 20 | | place with the construction of 10 | Flory's statement lacks personal knowledge and contains no facts to support or explain the | Overruled: |
| 21 | | groundwater recovery wells with depths | conclusions asserted as to how recovery will take place and what yields will be obtained and it provides no foundation for Flory's expertise | |
| 22 | | averaging about 600 feet; well yields will | regarding the recovery process. Furthermore, to the extent this statement is based on writings or | |
| 23 | | range between 500 gpm to 2,800 gpm." | statistics reviewed by Flory, the statement is based on inadmissible hearsay. | |
| 24 | | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | į |
| 25 | | | relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| 26 | | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| 27 28 | | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 | |
| | {00053100.3 | } | 19 | |

| 1 2 | | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|------------|-----|---|--|--------------------------------|
| 3 4 | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| 5 | | | court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| 6 | | | Inadmissible testimony regarding content of a writing | |
| 8 | | | If Flory's statement is based on writings or statistics, then the statement amounts to testimony to prove the content of a writing AVEK's | |
| 9 10 | | | records where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and | |
| 11 | | | properly authenticated to prove its content. (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 12 13 | 24. | Dage 5 ¶ 21 lines | | Custoinada |
| 14 | 24. | Page 5, ¶ 31, lines 1-4: "Since inception of the | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained: |
| 15 | | State Water Project, AVEK | Flory's statement lacks personal knowledge and contains no facts to support or explain the | Overruled: |
| 16 | | taxpayers have paid a total of \$475,777,218.84 to | conclusions asserted regarding how much AVEK's taxpayers have paid and what those | |
| 7 | | insure participation in the California | funds have been used for. Furthermore, to the extent this statement is based on writings or statistics reviewed by Flory, the statement is | |
| 8 | | State Water Project, and to construct | based on inadmissible hearsay. | |
| 20 | | AVEK's treatment and distribution systems for the | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| 21 | | delivery of AVEK Imported Water." | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> <i>Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 | |
| 22 | | _ | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| 23 | | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| 24 | | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| 25 26 | | | sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| 27 | | | Inadmissible testimony regarding content of a writing | |
| 28 | | | WITTING | |

| | Material Objected to: | Grounds for Objection: | Ruling on the Objection |
|-----|---|--|-------------------------------|
| | | If Flory's statement is based on writings or statistics, then the statement amounts to testimony to prove the content of a writing AVEK's | |
| | | records where Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and | |
| | | properly authenticated to prove its content. | |
| 25. | Page 5, ¶ 33, lines 8- | (Evid. Code, §§ 1521, subd. (b), 1523.) Lacks personal knowledge, lacks foundation, | Sustained |
| 23. | 9: "AVEK has not assigned or | legal conclusion, inadmissible hearsay | Sustained |
| | transferred to any other person its right | Flory's statement lacks personal knowledge and contains no facts to support or explain the | Overruled |
| | to recapture or use the Return Flows | conclusions asserted regarding whether AVEK has assigned or transferred its right to recapture | |
| | resulting from AVEK Imported | or use the Return Flows resulting from AVEK Imported Water. Flory's statement provides no | |
| | Water." | foundation for the premise that AVEK is entitled to recapture or use Return Flows resulting from | |
| | | AVEK Imported Water. Flory's statement further asserts a legal conclusion that AVEK has not | |
| | | "assigned or transferred" its "right." Furthermore, to the extent this statement is based | |
| | | on writings reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |
| | | relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| | | insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| | | sought to be proved may be deduced by the court."]; Snider v. Snider (1962) 200 Cal.App.2d | |
| | | 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on writings, then the | |
| | | statement amounts to testimony to prove the content of a writing AVEK's records where Flory and/or AVEK are in possession and control | |
| | | of the writing. A copy of the writing should have | |

| | Material Objected to: | Grounds for Objection: | Ruling on the Objection |
|-----|---|--|-------------------------------|
| | | been attached and properly authenticated to prove its content. | |
| | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 26. | Page 5, ¶ 34, lines 10-11: "AVEK has | Lacks personal knowledge, lacks foundation, legal conclusion, inadmissible hearsay | Sustained |
| | not abandoned or otherwise relinquished its | Flory's statement lacks personal knowledge and contains no facts to support or explain the | Overruled |
| | claimed right to recapture and use | conclusions asserted regarding whether AVEK | |
| | Return Flows resulting from | has abandoned or otherwise relinquished it claimed right to use Return Flows resulting from AVEK Imported Water. Flory's statement further | |
| | AVEK Imported Water." | asserts a legal conclusion that AVEK has not "abandoned" its claimed right." Furthermore, to the extent this statement is based on writings | |
| | | reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The | |
| | | relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 | |
| | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 | |
| ×. | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| | | and circumstances from which the ultimate facts sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a | |
| | | writing | |
| | | If Flory's statement is based on writings, then the statement amounts to testimony to prove the content of a writing AVEK's records where | |
| | | Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have | |
| | | been attached and properly authenticated to prove its content. | |
| | D5 #25 !! | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 27. | Page 5, ¶ 35, lines 12-18: "AVEK's Board of Directors | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained: |
| | has determined that, | Flory's statement lacks personal knowledge as to | Overruled: |

| | | Material Objected to: | Grounds for Objection: | Ruling or the Objection |
|---|---------------|---|---|-------------------------------|
| | | in the exercise of | how Flory knows what the Board of Directors | Objection |
| | | AVEK's claimed | preference regarding Return Flows is. | |
| | | right to recapture and control the use | Furthermore, to the extent this statement is based on writings reviewed by Flory, the statement is | |
| | | of Return Flows, and except in | based on inadmissible hearsay. | |
| | | emergencies (i.e., in the event AVEK's | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| | | allocation of State | the existence of the preliminary fact."], 702, subd. | |
| | | Project Water is not sufficient to meet | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 | |
| | | the critical needs of | Cal.Rptr. 750] ["In an affidavit facts must be | |
| | | its customers, requiring AVEK to | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| | | recapture Return Flows to meet those | insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | needs), AVEK's | ["[A]llegations in an affidavit must show facts | |
| | | preference is to maintain all Return | and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| | | Flows from AVEK Imported Water in | court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | the Basin, to | | |
| | : | gradually increase the groundwater | Inadmissible testimony regarding content of a writing | |
| | | supply and raise | | |
| | | water levels over a period of time, and | If Flory's statement is based on writings, then the statement amounts to testimony to prove the | |
| | | thereby augment the AVAA's | content of a writing AVEK's records where | |
| | | available supply." | Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have | |
| | | | been attached and properly authenticated to prove its content. | |
| | | | | |
| | 28. | Page 5, ¶ 36, lines | (Evid. Code, §§ 1521, subd. (b), 1523.) Lacks personal knowledge, lacks foundation, | Sustained |
| | 20. | 19-20: "This | speculative, inadmissible hearsay | Sustained |
| | | practice will benefit AVEK's | Flory's statement lacks personal knowledge and | Overruled |
| | | existing and future customers and | contains no facts to support or explain the conclusions asserted regarding how the practice | |
| | | taxpayers, both inside and outside | will benefit AVEK's customers and taxpayers, inside and outside AVAA. Flory's statement | |
| | | to AVAA." | further provides no foundation for his expertise regarding the benefits of the practice. | |
| | | | Furthermore, to the extent this statement is based | |
| | | | on writings or statistics reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| | | | The state of the premium , 100. It is subtraction to | |
| 1 | {00053100.3 } | | 23 | |

| 1 2 | | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|---|-----|---|---|--------------------------------|
| 3 | | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be | |
| 5 | | | positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| 6 | | | insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| 7 | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d | |
| 8 9 | | | 741 750-754 [19 Cal.Rptr. 709].) | |
| 0 | | | Inadmissible testimony regarding content of a writing | |
| 1 | | | If Flory's statement is based on writings or statistics, then the statement amounts to testimony | |
| 2 3 | | | to prove the content of a writing AVEK's records where Flory and/or AVEK are in possession and control of the writing. A copy of | |
| 4 | | | the writing should have been attached and properly authenticated to prove its content. | |
| 5 | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| 6 | 29. | Page 5, ¶ 37, lines: "In the case at bar, the PWS are not | <u>Lacks personal knowledge, lacks foundation, inadmissible hearsay</u> | Sustained: |
| 7 | | "member agencies" of AVEK, their | Flory's statement lacks personal knowledge and contains no facts to support or explain the | Overruled: |
| 3 | | representatives do not sit on AVEK's Board of | conclusions asserted that the PWS are not member agencies and that they do not determine the rates paid for the AVEK Imported Water they | |
| o | | Directors, and they do not determine | receive. Furthermore, to the extent this statement is based on writings reviewed by Flory, the | |
| 1 | | the rates paid for the AVEK Imported | statement is based on inadmissible hearsay. | |
| 2 | | Water they receive." | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on the evistence of the preliminary fact."] 702, subd | |
| 3 | | | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| 4 | | | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| 5 | | | states conclusions or opinions of the affiant is insufficient."]; Ware v. Stafford (1962) 206 | |
| 6 7 | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| $\begin{pmatrix} & & \\ & & \\ & & \end{pmatrix}$ | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d | |

| 1 2 | | Material Objected to: | Grounds for Objection: | Ruling on the Objection: |
|------------|-----|--|---|--------------------------------|
| 3 | | | 741 750-754 [19 Cal.Rptr. 709].) | |
| 4 | | | Inadmissible testimony regarding content of a writing | |
| 5 | | | If Flory's statement is based on writings, then the | |
| 6 | | | statement amounts to testimony to prove the content of a writing AVEK's map where | |
| 7 | | | Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have been attached and properly authenticated to prove | |
| 8 | | | its content. | |
| 9 | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | ~ |
| 10 | 30. | Page 5, ¶ 38, line 24: "The PWS are merely | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained: |
| 11 | | customers of | Flory's statement lacks personal knowledge as to | Overruled: |
| 12 | | AVEK." | how Flory knows whether the PWS are merely customers of AVEK. Furthermore, to the extent | |
| 13 | | | this statement is based on writings reviewed by Flory, the statement is based on inadmissible hearsay. | |
| 14 | | | · | |
| 15 | | | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on the existence of the preliminary fact."], 702, subd. | |
| 16 17 | | | (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 | |
| 18 | | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely states conclusions or opinions of the affiant is | |
| 19 | | | insufficient."]; Ware v. Stafford (1962) 206 | |
| 20 | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| 21 | | | sought to be proved may be deduced by the court."]; Snider v. Snider (1962) 200 Cal.App.2d | |
| 22 | | | 741 750-754 [19 Cal.Rptr. 709].) | |
| 23 | | | Inadmissible testimony regarding content of a writing | |
| 24 | | | | |
| 25 | | , | If Flory's statement is based on writings, then the statement amounts to testimony to prove the content of a writing AVEK's map where | |
| 26 | | | Flory and/or AVEK are in possession and control | |
| 27 | | | of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| 28 | | | | |

| | | Material Objected to: | Grounds for Objection: | Ruling or the Objection |
|---------|---------|---|--|-------------------------------|
| | | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| | 31. | Page 5, ¶ 39, lines 25-27: "AVEK | Lacks personal knowledge, lacks foundation, inadmissible hearsay | Sustained |
| | | owns wells which can be used to recapture Return Flows from AVEK Imported Water; AVEK is currently drilling additional wells, and is contemplating purchasing other | Flory's statement lacks personal knowledge and contains no facts to support or explain the | Overruled |
| | | | conclusions asserted as to how Flory knows whether AVEK's wells can be used to recapture | |
| | | | Return Flows from AVEK Imported Water. Furthermore, to the extent this statement is based on writings reviewed by Flory, the statement is | |
| | | | based on inadmissible hearsay. | |
| | | property with water well production | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| | | capability." | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v.</i> | |
| | | | Super. Ct. (1964) 224 Cal.App.2d 442, 445 [36 Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| | | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 | |
| | | | Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts | |
| | | | and circumstances from which the ultimate facts sought to be proved may be deduced by the | |
| | | | court."]; Snider v. Snider (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | | Inadmissible testimony regarding content of a writing | |
| | | | | |
| | | | If Flory's statement is based on writings, then the statement amounts to testimony to prove the content of a writing AVEK's map where | |
| | | | Flory and/or AVEK are in possession and control of the writing. A copy of the writing should have | |
| | | į | been attached and properly authenticated to prove its content. | |
| - | 32. | Page 6, ¶ 40, lines 1-3: "DWR has never claimed a right to Return Flows resulting from AVEK Imported Water; | (Evid. Code, §§ 1521, subd. (b), 1523.) Lacks personal knowledge, lacks foundation, | Sustained |
| | | | inadmissible hearsay | |
| | | | Flory's statement lacks personal knowledge and contains no facts to support or explain the | Overruled |
| | | | conclusions asserted as to how Flory knows whether DWR has ever claimed a right to Return Flows resulting from AVEK Imported Water or | |
| | | DWR has never manifested an "intent" to | Flows resulting from AVEK Imported Water or manifested an intent to recapture such Return Flows, or whether it has production wells capable | |
| {000531 | 100.3 } | 7.77 | 26 | |
| | | DENTIARY ORIECTION | S TO THE DECLARATION OF DAN FLORY; [PROPOSED] | JOBDEB |

| | Material Objected to: | Grounds for Objection: | Ruling or the Objection |
|--|---|--|-------------------------------|
| | recapture such Return Flows; and DWR does not have production | of capturing Return Flows. Furthermore, to the extent this statement is based on writings reviewed by Flory, the statement is based on inadmissible hearsay. | |
| | wells in the AVAA capable of capturing Return | (Evid. Code, §§ 350, 403, subd. (a)(2), ["The relevance of the proffered evidence depends on | |
| | Flows." | the existence of the preliminary fact."], 702, subd. (a), 1200, subds. (a), (b); see <i>Tri-State Mfg. Co. v. Super. Ct.</i> (1964) 224 Cal.App.2d 442, 445 [36] | |
| | | Cal.Rptr. 750] ["In an affidavit facts must be positively set forth, and an affidavit which merely | |
| | | states conclusions or opinions of the affiant is insufficient."]; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] | |
| | | ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts | |
| | | sought to be proved may be deduced by the court."]; <i>Snider v. Snider</i> (1962) 200 Cal.App.2d 741 750-754 [19 Cal.Rptr. 709].) | |
| | | Inadmissible testimony regarding content of a writing | |
| | | If Flory's statement is based on writings, then the | |
| | | statement amounts to testimony to prove the content of a writing AVEK's records where Flory and/or AVEK are in possession and control | |
| The state of the s | | of the writing. A copy of the writing should have been attached and properly authenticated to prove its content. | |
| | | (Evid. Code, §§ 1521, subd. (b), 1523.) | |
| DATED | : December <u>27</u> , 201 | 3 MURPHY & EVERTZ LLP | |
| | | By: Mounte / July | |
| Transition of the state of the | | Douglas J. Evertz, Attorney for City of Lan and Rosamond Community Services District | caster et |
| | | ORDER | |
| IT IS S | O ORDERED. | | |
| Datad | | | |
| Dated: _ | | JUDGE OF THE SUPERIOR C | OURT |
| {00053100.3 | } | 27 | |

| 1 | PROOF OF SERVICE | | | | | |
|----------------------|--|--|--|--|--|--|
| 2 | ANTELOPE VALLEY GROUNDWATER CASES Judicial Council Coordination, Proceeding No. 4408 | | | | | |
| 3 | Santa Clara Case No. 1-05-CV 049053 Assigned to the Honorable Jack Komar Los Angeles County Superior Court, Central, Dept. 1 | | | | | |
| 5 | I am a resident of the State of California, over 18 years of age and not a party to this action. am employed in the County of Orange, State of California. My business address is 650 Town Cente Drive, Suite 550, Costa Mesa, California 92626. | | | | | |
| 7 8 | On December 21, 2013, I served the within document(s): | | | | | |
| 9 10 | PUBLIC WATER SUPPLIERS' EVIDENTIARY OBJECTIONS TO THE DECLARATION OF DAN FLORY IN SUPPORT OF ANTELOPE VALLEY-EAST KERN WATER AGENCY'S MOTION FOR SUMMARY ADJUDICATION: [PROPOSED] ORDER | | | | | |
| 11 12 13 | by posting the document(s) listed above to the website http://www.scefiling.org , a dedicated link to the Antelope Valley Groundwater Cases; Santa Clara Case No. 1-05-CV 049053, Assigned to the Honorable Jack Komar, said document(s) is electronically served/distributed therewith. | | | | | |
| 14 . 15 | By transmitting via e-mail the document(s) listed above to the e-mail address(es) and/or fax number(s) set forth below on this date. | | | | | |
| 16 | by placing the document(s) listed above in a sealed Overnite Express envelope/package for overnight delivery at Costa Mesa, California addressed as set forth below. | | | | | |
| 17 18 | by causing personal delivery by Nationwide Legal of the document(s) listed above, to the person(s) at the address(es) set forth below. | | | | | |
| 19 20 21 22 | I am readily familiar with Murphy & Evertz, LLP's practice for collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. | | | | | |
| 23 | I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. | | | | | |
| 24 | Executed on December, 2013, at Costa Mesa, California. | | | | | |
| 25 26 | Stephanie Pattis | | | | | |
| 27 | Stephanic Pattis | | | | | |
| 28 | | | | | | |
| | {00053100.3} | | | | | |

PROOF OF SERVICE