

MARCIA SCULLY, SBN 80648
HEATHER C. BEATTY, SBN 161907
CATHERINE M. STITES, SBN 188534
THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
700 North Alameda Street
Los Angeles, California 90012-2944
Mailing address: P.O. Box 54153
Los Angeles, California 90054-0153
Telephone: (213) 217-6000
Facsimile: (213) 217-6890

*Exempt from filing
fees under
Government Code
Section 6103*

Attorneys for Non-Party Witness
THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES – CENTRAL DISTRICT

ANTELOPE VALLEY GROUNDWATER
LITIGATION

Judicial Council Coordination Proceeding
No. 4408

Santa Clara Case No. 1-050CV-049053
The Honorable Jack Komar, Dept. 1

**DECLARATION OF CATHERINE M.
STITES IN SUPPORT OF THE
METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA'S MOTION TO
QUASH SUBPOENA OR
ALTERNATIVELY MOTION FOR
PROTECTIVE ORDER**

Date: January 30, 2014
Time: 8:30 am
Dept. Telephonic Hearing via CourtCall

Trial Date: February 10, 2014
Time: 9:00 am

1 I, Catherine M. Stites, declare as follows:

2 1. I am an attorney at law duly authorized to practice law in the State of California. I
3 am a senior deputy general counsel for Non-Party Witness The Metropolitan Water District of
4 Southern California ("Metropolitan"). Unless otherwise indicated, the following facts are true of my
5 own personal knowledge and if called upon to testify, I could and would testify competently thereto.
6 I submit this declaration in support of Metropolitan's Motion to Quash Subpoena or Alternatively
7 Motion for Protective Order.

8 2. Metropolitan brings this motion to quash or alternatively for a protective order
9 limiting the Civil Subpoena (Duces Tecum), dated January 17, 2014 ("subpoena"), a true and correct
10 copy of which is attached hereto as Exhibit A.

11 3. On October 7, 2013, Metropolitan received a Public Record Act request from the
12 Antelope Valley-East Kern Water Agency ("AVEK") counsel, Lee McElhaney, that contained
13 requests similar to the requests in the subpoena. A true and correct copy of this request is attached at
14 page 3 of Exhibit B, which is a true and correct copy of the Declaration of Kathleen Kunysz.

15 4. While meeting and conferring with AVEK counsel, I explained that the search
16 required for the requests was extremely burdensome on Metropolitan given the passage of time and
17 the fact that the requests would require extensive searches of Metropolitan's records, located at
18 various locations and in numerous databases. After conducting a reasonable and diligent search, I
19 informed AVEK's counsel that Metropolitan could not locate any records responsive to the requests
20 or any witnesses with personal knowledge of the facts AVEK seeks to prove with its subpoena, in
21 part, because the information dates back 64 years. Attached as Exhibit C is a copy of the written
22 responses to AVEK's Public Record Act request.

23 5. Based on my reasonable and diligent review of Metropolitan's records, I found no
24 evidence that Metropolitan had ever been a party to the *City of Los Angeles v. City of San Fernando,*
25 *et al.* (1975) case, although Metropolitan had filed an amicus brief during a subsequent appeal on an
26 issue unrelated to return flows or to any of the other issues in AVEK's requests.

27 6. AVEK provided me with a courtesy copy of the Notice of Depositions, Set One and
28 Deposition Subpoena served on the parties in this case on November 22, 2013 that listed

1 Metropolitan as a requested deponent; but this notice was never served on Metropolitan. A true and
2 correct copy of the deposition notice is attached at page 4 of Exhibit B.

3 7. In response to and after meeting and conferring on the deposition notice,
4 Metropolitan provided AVEK with the Declaration of Kathleen Kunysz (Exhibit B), explaining that
5 Metropolitan could not locate any records responsive to the requests or any witnesses with personal
6 knowledge of the facts in sought in its requests.

7 8. On December 4, 2013, AVEK counsel cancelled the Notice of Depositions, Set One
8 and Deposition Subpoena as to Metropolitan. Attached as Exhibit D is a true and correct copy of the
9 cancellation notice.

10 9. On January 21, 2014, Metropolitan was served with the subpoena to appear at trial in
11 this matter.

12 10. On January 24, 2014, I spoke with AVEK's counsel and informed him of
13 Metropolitan's objections to the subpoena and its intention to move to quash it or to obtain a
14 protective order limiting testimony to the record search.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct, and that this declaration was executed on January 28, 2014 in Los Angeles,
17 California.

18
19
20 By: _____


Catherine M. Stites

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): William J. Brunick, Esq. (State Bar #46289) Leland P. McElhaney (State Bar # 39257) BRUNICK, McELHANEY & KENNEDY PLC, 1839 Commercenter West, San Bernardino, CA 92408 TELEPHONE NO.: (909) 889-8301 FAX NO.: (909) 388-1889 E-MAIL ADDRESS: bbrunick@bmbmlawoffice.com ATTORNEY FOR (Name): Antelope Valley-East Kern Water Agency	FOR COURT USE ONLY
NAME OF COURT: SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012-3014 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER LITIGATION DEFENDANT/RESPONDENT:	
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION	CASE NUMBER: JCCP 4408

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):
 Metropolitan Water District of Southern California Phone Number: (213) 217-6000
 700 N. Alameda Street, Los Angeles, CA 90012-2944

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below
 UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: February 10, 2014 Time: 9:00 a.m. ☒ Dept.: 1 ☐ Div.: ☐ Room:
 b. Address: 111 N. Hill Street, Los Angeles CA 90012-3014

2. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
3. YOU ARE (item a or b must be checked):
- a. ☒ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this
4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:
- a. Name of subpoenaing party or attorney: Leland P. McElhaney, Esq. b. Telephone number: (909) 889-8301
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: January 17, 2014

Leland P. McElhaney

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)
 Leland P. McElhaney
 (TITLE)

(Declaration in support of subpoena on reverse)

Page 1 of 3

PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER LITIGATION	CASE NUMBER:
DEFENDANT/RESPONDENT:	JCCP 4408

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☐ the attached affidavit or ☒ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☒ attorney for (specify): AVEK ☒ other (specify): Cross-Complainant
in the above-entitled action.
2. The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produce; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

☒ Continued on Attachment 2.

3. Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:
The requested documents and files exist, if at all, only in the file of the Metropolitan Water District of Southern California, and are not otherwise available to the undersigned.

☐ Continued on Attachment 3.

4. The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:
To demonstrate that, during relevant time period, MWD did not own or operate any water wells within the ULARA; did not spread or bank imported water in the ULARA; and did not take any position regarding ownership of return flows from its imported water.

☐ Continued on Attachment 4.

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

Date: January 17, 2014

William J. Brunick, Esq./Leland P. McElhanev
(TYPE OR PRINT NAME)

(SIGNATURE OF ☐ SUBPOENAING PARTY ☒ ATTORNEY FOR SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

ATTACHMENT 2

ALL NON-PRIVILEGED DOCUMENTS WHICH CONTAIN INFORMATION RELATING TO THE FOLLOWING MATTERS:

1. Whether MWD owned or operated water production wells anywhere within the Upper Los Angeles River Area during the period from 1950 through 1968?
2. Whether MWD spread or banked water anywhere within the Upper Los Angeles River Area during the period from 1950 through 1968?
3. During the period from 1950 through 1968, did MWD manifest an intention to recapture or use return flows from imported water it delivered to MWD's member agencies within the Upper Los Angeles River Area?
4. During the period from 1950 through 1968, did MWD understand and believe that all rights to the return flows from imported water it delivered to its member agencies belonged to its member agencies?
5. During the period from 1950 through 1968, did MWD understand or believe that it retained any right to recapture or use return flows resulting from water it delivered to its member agencies in the Upper Los Angeles River Area?

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA }**
3 **COUNTY OF SAN BERNARDINO }**

4 I am employed in the County of the San Bernardino, State of California. I am over
5 the age of 18 and not a party to the within action; my business address is 1839 Commercenter
6 West, San Bernardino, California.

7 On January 17, 2014, I served the foregoing document(s) described as: **CIVIL
8 SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND
9 PRODUCTION OF DOCUMENTS AT TRIAL OR HEARING AND
10 DECLARATION; ON-CALL AGREEMENT** on the interested parties in this action in the
11 manner described below, addressed as follows:

12 Dawn Chin, Executive Secretary to the Board
13 The Metropolitan Water District of Southern California
14 700 North Alameda Street
15 Los Angeles, California 90012

16 BY MAIL AS FOLLOWS: I am "readily familiar" with the firm's practice of
17 collection and processing correspondence for mailing. Under that practice it would be
18 deposited with the U.S. Postal Service on that same day with postage thereon fully
19 prepaid at San Bernardino, California in the ordinary course of business. I am aware that
20 on motion of the party served, service is presumed invalid if postal cancellation date or
21 postage meter date is more than one day after date of deposit for mailing in affidavit.

22 XX **(BY OVERNIGHT COURIER SERVICE)**: I caused such envelopes to be
23 delivered via overnight courier service to the addressee(s) described above.

24 X **(STATE)** I declare under penalty of perjury under the laws of the State of California
25 that the above is true and correct

26 Executed January 17, 2014, in the City of San Bernardino, State of California.

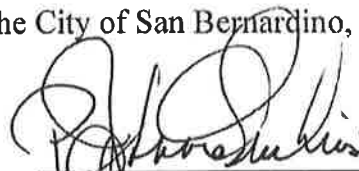
27 
28 P. Jo Anne Quihuis

EXHIBIT B

DECLARATION OF KATHLEEN KUNYSZ

I, Kathleen Kunysz, declare and state:

1. I have been employed by The Metropolitan Water District of Southern California ("MWD") since March 1987. I am currently a program manager and have held this position since January 2002. For the last eleven years, I have been responsible for managing matters related to groundwater resources. I have personal knowledge of all of the matters set forth herein and, if called as a witness, I could and would testify competently thereto.

2. MWD was organized for the purpose of providing imported water supplies to its member agencies located in the counties of San Diego, Orange, Los Angeles, Riverside, San Bernardino, and Ventura, in southern California. MWD imports water to its service area from the Colorado River and from the State Water Project.

3. In response to a Public Record Act request and a deposition notice, both attached as Exhibit A, MWD staff, including myself, diligently searched MWD's records for any responsive public records. In the regular course of its business, MWD maintains records of its property holdings and operations.

4. Based on a diligent search of MWD's records, MWD did not find any records evidencing that MWD owned or operated any groundwater wells within its service boundaries for the purpose of recovering the return flows from its imported water in the Upper Los Angeles River Area groundwater basins between 1950 and 1968. I am informed and believe that the groundwater rights in the Upper Los Angeles River Area groundwater basins ("ULARA") were adjudicated in the case of *City of Los Angeles v. City of San Fernando, et al.*, originally filed in 1955 and finally decided on appeal in 1975 (opinion published at 14 Cal. 3d 199 (1975)).

5. Based on a diligent search of MWD's records, MWD did not find any records evidencing that MWD spread or banked its imported water within the ULARA during the period from 1950 through 1968.

6. Based on a diligent search of MWD's records, MWD did not find any records evidencing that MWD adopted or held a position on whether it had rights to recapture or use return flows resulting from water it delivered to its member agencies in the ULARA from 1950 through 1968.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed in Los Angeles, California, on December 4, 2013.

A handwritten signature in dark ink, appearing to read "Kathleen Kung", written over a horizontal line.

From: Lee McElhaney [<mailto:lmcelhaney@bmblawoffice.com>]
Sent: Monday, October 07, 2013 9:39 AM
To: Vanderhorst, Joseph A
Subject: City of Los Angeles v. City of San Fernando 14 Cal.3d 199

Mr. Vanderhorst:

You may recall that I represent the Antelope Valley – East Kern Water Agency in litigation involving the groundwater in the Antelope Valley. You and I have had a couple of e-mail communications in the past relating to my efforts to better understand the Supreme Court's decision in the *San Fernando* case, as it relates to the right to recapture and use return flows resulting from imported water. I know, of course, that MWD was not a party to the *San Fernando* case, although certain of its member agencies (Los Angeles, Burbank, Glendale, and San Fernando) were.

I would like to meet with you at your earliest convenience to discuss the facts relating to MWD which existed at the time the *San Fernando* case was decided -- I am available for that purpose Wednesday, Thursday or Friday of this week, at your office and at your convenience. To facilitate that discussion, I would also like to request copies of the following documentation:

- 1) Maps depicting MWD's service area(s) during the period from 1955 – 1968;
- 2) Maps depicting the location of water production wells in the County of Los Angeles owned or operated by MWD from 1955 - 1968, if any;
- 3) Maps depicting the location of areas in the County of Los Angeles, if any, where MWD spread or injected water during the period from 1955 – 1968;
- 4) Maps depicting MWD's service area(s) today;
- 5) Maps depicting the location of water production wells in the County of Los Angeles which are owned or operated by MWD today;
- 6) Maps depicting the location of areas in the County of Los Angeles, if any, where MWD spreads or injects water today; and
- 7) Non-privileged MWD documents, if any exist, that relate to the right to recapture return flows from imported water MWD delivers to its member agencies.

As noted, I would like to meet with you as soon as possible, even if only some of the documentation described above is available by that time.

Regards,

1 William J. Brunick, Esq. [SB No. 46289]
2 Leland P. McElhaney, Esq. [SB No. 39257]
3 **BRUNICK, McELHANEY & KENNEDY PLC**
1839 Commercenter West
San Bernardino, California 92408-3303

*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

4 MAILING:
5 P.O. Box 13130
San Bernardino, California 92423-3130

6 Telephone: (909) 889-8301
7 Facsimile: (909) 388-1889
E-Mail: bbrunick@bmblawoffice.com

8 Attorneys for Cross-Complainant,
9 ANTELOPE VALLEY-EAST KERN WATER AGENCY

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
12

13 Coordination Proceeding
14 Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
No. 4408

15 **ANTELOPE VALLEY**
16 **GROUNDWATER CASES**

Santa Clara Case No.
1-05-CV-049053
The Honorable Jack Komar, Dept.17

17 **Included Actions:**

ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S NOTICE OF
DEPOSITIONS, SET ONE

18 Los Angeles County Waterworks District
19 No. 40 vs. Diamond Farming Company, a
20 corporation, Superior Court of California,
County of Los Angeles, Case No.
BC325201;

Trial Date: February 27, 2014
Time: 9:00 a.m.
Dept.: TBD

21 Los Angeles County Waterworks District
22 No. 40 vs. Diamond Farming Company, a
23 corporation., Superior Court of California,
County of Kern, Case No. S-1500-CV-254-
348;

24 Wm. Bolthouse Farms, Inc. vs. City of
25 Lancaster, Diamond Farming Company, a
26 corporation, vs. City of Lancaster, Diamond
27 Farming Company, a corporation vs.
Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
RIC 353840, RIC 344436, RIC 344668.

1 **TO ALL PARTIES TO THIS ACTION AND THEIR RESPECTIVE COUNSEL OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE THAT**, on the dates and at the times indicated below, at
4 Veritext Court Reporting, located at 550 South Hope Street, #1775, Los Angeles, CA 90071,
5 and pursuant to the provisions of Code of Civil Procedure §§ 2025.010 et seq., cross-
6 complainant, Antelope Valley - East Kern Water Agency, will take the depositions, upon oral
7 examination, of the following parties/persons:

- 8 • December 13, 2013, 10:00 a.m., Waterworks District #40;
- 9 • December 16, 2013, 1:00 p.m., Quartz Hill Water District;
- 10 • December 18, 2013, 11:00 a.m., MWD;
- 11 • December 18, 2013, 2:00 p.m., Palmdale Water District;
- 12 • December 19, 2013, 10:00 a.m., Palm Ranch Irrigation District;
- 13 • December 19, 2013, 2:00 p.m., Littlerock Creek Irrigation District; and
- 14 • December 20, 2013, 10:00 a.m., Rosamond Community Services District.

15 Deponents, Waterworks District No. 40, Quartz Hill Water District, Palm Ranch
16 Irrigation District, and Rosamond Community Services District are each required to designate
17 and produce at the deposition those of its officers, directors, managing agents, employees, or
18 agents who are most qualified to testify on its behalf as to the following matters to the extent of
19 any information known or reasonably available to the deponent:

- 20 1. What facts support [deponent's] claimed right to use return flows from State Water
21 Project water AVEK sells and delivers to [deponent]?
- 22 2. What writings support [deponent's] claimed right to use return flows from State Water
23 Project water AVEK sells and delivers to [deponent]?
- 24 3. What verbal or written communication did [deponent] have with AVEK, if any,
25 regarding the right to recapture or use return flows from State Water Project water
26 AVEK sells and delivers to [deponent]?
- 27 4. Does [deponent] believe it has pumped water which included return flows from State
28 Water Project water AVEK delivered within the area of adjudication?

- 1 5. Does [deponent] believe it has not pumped water which included return flows from State
2 Water Project water AVEK delivered within the area of adjudication?
- 3 6. Excluding only the pleadings in this action and confidential communications between
4 attorney and client, is [deponent] aware of any writing in which [deponent] has stated
5 that return flows from State Water Project water AVEK delivers within the area of
6 adjudication is a source of water available to [deponent]?
- 7 7. What is the total amount of money [deponent] has paid during the period from January
8 1, 1974 through December 31, 2012, to AVEK for State Water Project water AVEK has
9 sold and delivered to [deponent]?
- 10 8. Has [deponent] made any payments directly to the State of California or to any of its
11 subdivisions (other than State Water Contractors) for any of the State Water Project
12 Water [deponent] has received?
- 13 9. Does [deponent] have any information indicating that AVEK has assigned or transferred
14 to any other person AVEK's claimed right to the return flows resulting from the State
15 Water Project water AVEK delivers to its customers within the area of adjudication?
- 16 10. Does [deponent] have any information indicating that AVEK has abandoned or otherwise
17 relinquished its claimed right to the return flows resulting from the State Water Project
18 water AVEK has delivered to any of its customers within the area if adjudication?
- 19 11. From 1950 to present, what facilities were constructed or purchased by [deponent] to
20 import foreign water into the area of adjudication?
- 21 12. What spreading basins, if any, does [deponent] currently own or operate in the area of
22 adjudication of the purpose of spreading and storing foreign water?
- 23 13. What actions have you taken and what capital funds have you expended to allow water
24 foreign to the area of adjudication to be spread or stored within the area of adjudication?
- 25 14. What in-lieu spreading activities have you participated in within the area of adjudication?
- 26 15. What access do you have to other sources of foreign water besides AVEK?
- 27 16. Within the last five years, have you exported to your customers located outside the area
28 of adjudication in this action water you purchased from AVEK?

1 17. The quantity of water purchased from AVEK that you have exported to your customers
2 located outside the area of adjudication in this action during the last five years, by
3 calendar year.

4 18. Within the last five years, have you exported to customers located outside the area of
5 adjudication in this action water you pumped from wells located within the area of
6 adjudication in this action?

7 19. The quantity of water pumped from wells located within the area of adjudication in this
8 action that you have exported to your customers located outside the area of adjudication
9 in this action during the last five years, by calendar year.

10 20. The addresses of all customers who are located outside the area of adjudication in this
11 action to whom you have delivered water during the last five years that was purchased
12 from AVEK.

13 21. The addresses of all customers outside the area of adjudication in this action to whom
14 you have delivered water during the last five years that was pumped from wells located
15 within the area of adjudication.

16 Deponents, Palmdale Water District and Littlerock Irrigation District are each required
17 to designate and produce at the deposition those of its officers, directors, managing agents,
18 employees, or agents who are most qualified to testify on its behalf as to the following matters
19 to the extent of any information known or reasonably available to the deponent:

20 1. What facts support [deponent's] claimed right to use return flows from State Water
21 Project water it imports?

22 2. What writings support [deponent's] claimed right to use return flows from State Water
23 Project it imports?

24 3. Does deponent deliver State Water Project water or pumped water to its customers
25 located outside the area of the adjudication in this action?

26 4. Does [deponent] believe it has pumped water which included return flows from State
27 Water Project water AVEK delivered within the area of adjudication?
28

- 1 5. Excluding only the pleadings in this action and confidential communications between
2 attorney and client, is [deponent] aware of any writing in which [deponent] has stated
3 that return flows from State Water Project water AVEK delivers within the area of
4 adjudication is a source of water available to [deponent]?
- 5 6. Does [deponent] have any information indicating that AVEK has assigned or transferred
6 to any other person AVEK's claimed right to the return flows resulting from the State
7 Water Project water AVEK delivers to its customers within the area of adjudication?
- 8 7. Does [deponent] have any information indicating that AVEK has abandoned or otherwise
9 relinquished its claimed right to the return flows resulting from the State Water Project
10 water AVEK has delivered to any of its customers within the area if adjudication?
- 11 8. Within the last five years, have you exported to your customers located outside the area
12 of adjudication in this action State Water Project water?
- 13 9. The quantity of State Water Project water deponent has exported to its customers located
14 outside the area of adjudication in this action during the last five years, by calendar year.
- 15 10. Within the last five years, has deponent exported to its customers located outside the area
16 of adjudication in this action water it pumped from wells located within the area of
17 adjudication in this action?
- 18 11. The quantity of water pumped from wells located within the area of adjudication in this
19 action that deponent has exported to its customers located outside the area of
20 adjudication in this action during the last five years, by calendar year.
- 21 12. The addresses of all of deponent's customers who are located outside the area of
22 adjudication in this action to whom it has delivered water State Water Project water.
- 23 21. The addresses of all of deponent's customers outside the area of adjudication in this
24 action to whom deponent has delivered water during the last five years that was pumped
25 from wells located within the area of adjudication.

26 Deponent, Metropolitan Water District of Southern California (MWD) is required to
27 designate and produce at the deposition those of its officers, directors, managing agents,
28

1 employees, or agents who are most qualified to testify on its behalf as to the following matters
2 to the extent of any information known or reasonably available to the deponent:

3 1. Whether MWD owned or operated water production wells anywhere within the Upper
4 Los Angeles River Area during the period from 1950 through 1968, and whether MWD has any
5 record of having done so?

6 2. Whether MWD spread or banked water anywhere within the Upper Los Angeles River
7 Area during the period from 1950 through 1968, and whether MWD has any record of having
8 done so?

9 3. During the period from 1950 through 1968, did MWD manifest an intention to recapture
10 or use return flows from imported water it delivered to MWD's member agencies within the
11 Upper Los Angeles River Area, and whether MWD's records manifest such intent on MWD's
12 part?

13 4. During the period from 1950 through 1968, did MWD understand and believe that all
14 rights to the return flows from imported water it delivered to its member agencies belonged to
15 its member agencies?

16 5. During the period from 1941 through 1968, did MWD understand or believe that it
17 retained any right to recapture or use return flows resulting from water it delivered to its member
18 agencies in the Upper Los Angeles River Area?

19 DOCUMENT PRODUCTION: Pursuant to Code of Civil Procedure §§ 2025.220 and
20 2025.270, each deponent is required to produce at and during the aforesaid taking of its
21 deposition, all writings and documents which answer or contain information relating to the
22 specific questions addressed above to that deponent. "Writings" includes, but is not limited to,
23 any printed, typewritten, or handwritten matter, including without limitation, letters,
24 memoranda, telegrams, cables, facsimiles, reports, charts, graphs, business records, personal
25 records, maps, pamphlets, handwritten notes, minutes of meetings, notes of meetings or
26 conversations, catalogues, written agreements, and any carbon or photostatic copies of such
27 material. "Documents" include information stored by a computer or on a computer disc, or other
28 form of computer memory storage, as well as any electronic recording, tape recording,

1 photograph, video, film, microfilm, microfiche, or similar recording of words, images, sounds,
2 pictures, or information of any kind; and any and all drafts, amendments or supplements to any
3 of the foregoing, whether prepared by deponent or by any other person

4 A copy of the subpoena duces tecum for the referenced deposition of MWD is attached
5 as Exhibit A hereto.

6
7 Dated: November 22, 2013

BRUNICK, McELHANEY & KENNEDY

8
9 By: _____

10 WILLIAM J. BRUNICK
11 LELAND P. McELHANEY
12 Attorneys for Cross-Complainant,
13 ANTELOPE VALLEY-EAST KERN
14 WATER AGENCY
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EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): William J. Brunick, Esq. (SB #46289) Leland P. McElhaney (SB #39257) BRUNICK, McELHANEY & KENNEDY PLC 1839 Commercenter West San Bernardino, California 92408-3303 TELEPHONE NO.: (909) 889-8301 FAX NO. (Optional): (909) 388-1889 E-MAIL ADDRESS (Optional): bbrunick@bmbllawoffice.com ATTORNEY FOR (Name): Cross-Complainant, Antelope Valley-East Kern Water Agency		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012-3014 BRANCH NAME: Central		
PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER LITIGATION DEFENDANT/RESPONDENT:		
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS		
		CASE NUMBER: JCCP 4408

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Metropolitan Water District of Southern California Telephone: (213) 217-6000
 700 N. Alameda Street, Los Angeles, California 90012-2944

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: December 18, 2013 Time: 11:00 a.m. Address: Veritext Court Reporting, 550 S. Hope Street, Ste. 1775, Los Angeles, CA 90071

- ☒ As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
 - ☒ You are ordered to produce the documents and things described in item 3.
 - ☒ This deposition will be recorded stenographically ☒ through the instant visual display of testimony and by ☐ audiotape ☐ videotape.
 - ☐ This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
 All non-privileged documents which contain information relating to the following matters:
- ☒ Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:
☒ Continued on Attachment 4.
5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: November 22, 2013

William J. Brunick, Esq./Leland P. McElhaney

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorneys for Cross-Complainant, Antelope Valley-East Kern Water Agency

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(TITLE)

Page 1 of 2

ATTACHMENT 3

1. Whether MWD owned or operated water production wells anywhere within the Upper Los Angeles River Area during the period from 1950 through 1968?
2. Whether MWD spread or banked water anywhere within the Upper Los Angeles River Area during the period from 1950 through 1968?
3. During the period from 1950 through 1968, did MWD manifest an intention to recapture or use return flows from imported water it delivered to MWD's member agencies within the Upper Los Angeles River Area?
4. During the period from 1950 through 1968, did MWD understand and believe that all rights to the return flows from imported water it delivered to its member agencies belonged to its member agencies?
5. During the period from 1950 through 1968, did MWD understand or believe that it retained any right to recapture or use return flows resulting from water it delivered to its member agencies in the Upper Los Angeles River Area?

ATTACHMENT 4

ALL NON-PRIVILEGED DOCUMENTS WHICH CONTAIN INFORMATION RELATING TO THE FOLLOWING MATTERS:

1. Whether MWD owned or operated water production wells anywhere within the Upper Los Angeles River Area during the period from 1950 through 1968?
2. Whether MWD spread or banked water anywhere within the Upper Los Angeles River Area during the period from 1950 through 1968?
3. During the period from 1950 through 1968, did MWD manifest an intention to recapture or use return flows from imported water it delivered to MWD's member agencies within the Upper Los Angeles River Area?
4. During the period from 1950 through 1968, did MWD understand and believe that all rights to the return flows from imported water it delivered to its member agencies belonged to its member agencies?
5. During the period from 1950 through 1968, did MWD understand or believe that it retained any right to recapture or use return flows resulting from water it delivered to its member agencies in the Upper Los Angeles River Area?

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PROOF OF SERVICE

**STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}**

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California 92408-3303.

On November 22, 2013, I served the foregoing document(s) described as: **ANTELOPE VALLEY-EAST KERN WATER AGENCY'S NOTICE OF DEPOSITIONS, SET ONE** on the interested parties in this action served in the following manner:

■ **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 22, 2013, at San Bernardino, California.

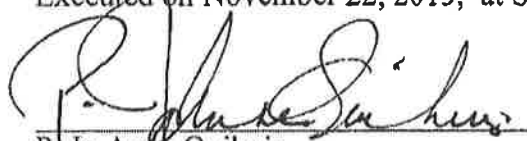

P. Jo Anne Quihuis

EXHIBIT C

Stites, Catherine M

From: Stites, Catherine M
Sent: Friday, November 01, 2013 11:16 AM
To: lmcclhaney@bmb-lawoffice.com
Cc: 'bbrunick@bmb-lawoffice.com'
Subject: FW: City of Los Angeles v. City of San Fernando 14 Cal.3d 199 ~ PRA response

In response to your October 21st inquiry, attached below, Metropolitan searched its records, as it has done in response to your previous requests, and we did not locate any documents regarding "the locations of (a) production wells, and (b) spreading ponds, for the period from 1955 through 1979." As I explained before, we have no record that Metropolitan ever owned production wells within its service area for the purpose of producing water for sale to its member agencies. The same is true re spreading ponds; we have no record that Metropolitan owned spreading ponds in its service area for the purpose of recharge. Metropolitan sold water to its member agencies who may have used it for recharge.

I note also that until the 1980s, Metropolitan's supplies were focused primarily on imported water. It was not until the 1980s that Metropolitan began developing its water conservation and local resource programs, incentivizing the development of local supplies by our member agencies. Thus, we are unaware of any reason why Metropolitan would have tracked the location of production wells or spreading ponds between 1955 and 1979. This search is further complicated by the passage of time.

I believe you will need to direct your inquiry to the ULARA watermaster and those agencies who owned production well for recharge in the ULARA, who are identified in the Groundwater Assessment Study we previously sent. I note that even in compiling this Study, Metropolitan did not map or collect data regarding the specific locations of other parties' production wells. Instead, we relied on publicly available data from the watermasters and our member agencies. Another source of helpful information may be the following on-line sites that track well locations:

Groundwater Data National:

<http://water.usgs.gov/ogw/>

Groundwater Data California:

<http://www.water.ca.gov/groundwater/>

Groundwater Data Los Angeles County only:

<http://dpw.lacounty.gov/general/wells/>.

With regard to your October 29th email (attached below), we were aware that Metropolitan has used wells for temporary construction purposes over the years, but had not located any records regarding this specific well in our search. I note, however, that if these records still exist, they would be housed with the archived construction records by specific project. I can pull these for the San Fernando Tunnel project and see if there is any mention of the use of the well at that time, but it will take at least a couple weeks and I am not sure if this is relevant to your inquiry re Metropolitan's use of production wells for recharge purposes.

I would appreciate the opportunity to discuss your request so we can better understand what you are looking for and focus any future record review.

Thanks, Cathy

Catherine M. Stites
Senior Deputy General Counsel

Metropolitan Water District
of Southern California
213.217.6533 p
213.217.6890 f
626.379.7791 c
cstites@mwdh2o.com

From: Lee McElhaney [<mailto:lmcelhaney@bmlawoffice.com>]
Sent: Tuesday, October 29, 2013 12:44 PM
To: Stites,Catherine M
Cc: Bill Brunick
Subject: MWD well

Catherine:

The ULARA Watermaster annual reports indicate that beginning sometime during the period from 10/1/1969-9/30/1970, and ending sometime before 10/1/1975, MWD used well 3N/15W-36E to extract water out of the Sylmar Basin for construction of the San Fernando Tunnel of the MWD Foothill Feeder (and that MWD's extractions for that purpose were specifically approved by the Watermaster).

- Was well 3N/15W-36E owed by MWD?
- What uses did MWD make of that well and during what periods of time?
- *Did MWD operate any wells or extract any water within the San Fernando Basin, the Sylmar Basin, the Eagle Rock Basin, or the Verdugo Basin during the period from 1955 through 1968?*

Thank you again for your help,
Lee

From: Lee McElhaney [<mailto:lmcelhaney@bmlawoffice.com>]
Sent: Monday, October 21, 2013 1:30 PM
To: Stites,Catherine M
Cc: Bill Brunick
Subject: RE: City of Los Angeles v. City of San Fernando 14 Cal.3d 199 ~ PRA response ~ part 1

Catherine,

It appears that MWD does not have maps depicting the locations of production wells or spreading ponds. Although there may not be maps depicting the locations thereof, if such ever existed, I assume there must be some documentation maintained by MWD which, although not maps, indicate the location of production wells, etc. Accordingly, please allow me to broaden my request to include documentation indicating, for the period from 1955 through 1979, the locations of (a) production wells, and (b) spreading ponds (as to the latter I assume such did not exist anywhere, and I just need confirmation of that fact). During that period of time, however, I assume MWD may have had a few production wells located somewhere. If you can provide any documentation which identifies the locations thereof, I should be able to demonstrate therefrom that MWD did not have any production wells located anywhere within the area(s) in which it delivered water to its members agencies in the ULARA.

I realize that all of these must seem self-evident to you, but unfortunately the court will require some proof thereof.

Thank you again for your help.

Lee

From: Stites,Catherine M [<mailto:CStites@mwdh2o.com>]
Sent: Wednesday, October 16, 2013 10:53 AM
To: Lee McElhaney
Subject: FW: City of Los Angeles v. City of San Fernando 14 Cal.3d 199 ~ PRA response ~ part 1

Mr. McElhaney,

Attached is a copy of Metropolitan's response to your request, including links and specific citations to Metropolitan's Integrated Resource Plan and Regional Urban Water Management Plan, which along with the Groundwater Assessment Study, explain Metropolitan's role in the region and should be helpful for your research.

I am sending the maps in multiple email hereafter in light of their size.

I will call you to discuss this later today. If you are free at 2 pm, we could talk then. Otherwise, please suggest a time.

Thanks, Cathy

Catherine M. Stites
Senior Deputy General Counsel
Metropolitan Water District
of Southern California
213.217.6533 p
213.217.6890 f
626.379.7791 c
cstites@mwdh2o.com

RUWMP at § 3.6, pages 3-56 to -60: http://www.mwdh2o.com/mwdh2o/pages/yourwater/RUWMP/RUWMP_2010.pdf

IRP at pages 1-1, § 1.3 at page 1-6, and appendix A.4-

1: <http://www.mwdh2o.com/mwdh2o/pages/yourwater/irp/IRP2010Report.pdf> (report) and
http://www.mwdh2o.com/mwdh2o/pages/yourwater/irp/IRP_Appendix.pdf (appendices)

From: Stites,Catherine M
Sent: Thursday, October 10, 2013 12:43 PM
To: 'lmcclhaney@bmlawoffice.com'
Subject: RE: City of Los Angeles v. City of San Fernando 14 Cal.3d 199

Per my message, I am following up to share my contact information with you. I also wanted to direct you to the attached section of our Groundwater Assessment Study re the Upper LA River Basin, a full copy of which is also on our website at <http://www.mwdh2o.com/mwdh2o/pages/yourwater/supply/groundwater/gwas.html#4>. I thought it might be a helpful resource.

Let me know when you have time to discuss your request.

Thanks, Cathy

Catherine M. Stites
Senior Deputy General Counsel
Metropolitan Water District
of Southern California
213.217.6533 p
213.217.6890 f
626.379.7791 c
cstites@mwdh2o.com

From: Lee McElhaney [<mailto:lmcclhaney@bmlawoffice.com>]
Sent: Monday, October 07, 2013 9:39 AM
To: Vanderhorst,Joseph A
Subject: City of Los Angeles v. City of San Fernando 14 Cal.3d 199

Mr. Vanderhorst:

You may recall that I represent the Antelope Valley – East Kern Water Agency in litigation involving the groundwater in the Antelope Valley. You and I have had a couple of e-mail communications in the past relating to my efforts to better understand the Supreme Court's decision in the *San Fernando* case, as it relates to the right to recapture and use return flows resulting from imported water. I know, of course, that MWD was not a party to the *San Fernando* case, although certain of its member agencies (Los Angeles, Burbank, Glendale, and San Fernando) were.

I would like to meet with you at your earliest convenience to discuss the facts relating to MWD which existed at the time the *San Fernando* case was decided -- I am available for that purpose Wednesday, Thursday or Friday of this week, at your office and at your convenience. To facilitate that discussion, I would also like to request copies of the following documentation:

- 1) Maps depicting MWD's service area(s) during the period from 1955 – 1968;
- 2) Maps depicting the location of water production wells in the County of Los Angeles owned or operated by MWD from 1955 - 1968, if any;
- 3) Maps depicting the location of areas in the County of Los Angeles, if any, where MWD spread or injected water during the period from 1955 – 1968;
- 4) Maps depicting MWD's service area(s) today;
- 5) Maps depicting the location of water production wells in the County of Los Angeles which are owned or operated by MWD today;
- 6) Maps depicting the location of areas in the County of Los Angeles, if any, where MWD spreads or injects water today; and
- 7) Non-privileged MWD documents, if any exist, that relate to the right to recapture return flows from imported water MWD delivers to its member agencies.

As noted, I would like to meet with you as soon as possible, even if only some of the documentation described above is available by that time.

Regards,

This communication, together with any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments or embedded links, from your system.

EXHIBIT D

1 William J. Brunick, Esq. [SB No. 46289]
Leland P. McElhaney, Esq. [SB No. 39257]
2 **BRUNICK, McELHANEY & KENNEDY PLC**
1839 Commercenter West
3 San Bernardino, California 92408-3303

*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

4 MAILING:
P.O. Box 13130
5 San Bernardino, California 92423-3130

6 Telephone: (909) 889-8301
Facsimile: (909) 388-1889
7 E-Mail: bbrunick@bmblawoffice.com

8 Attorneys for Cross-Complainant,
ANTELOPE VALLEY-EAST KERN WATER AGENCY
9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
12

13 Coordination Proceeding
14 Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
No. 4408

15 **ANTELOPE VALLEY**
16 **GROUNDWATER CASES**

Santa Clara Case No.
1-05-CV-049053
The Honorable Jack Komar, Dept.17

17 **Included Actions:**

**ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S NOTICE OF
CANCELLATION OF DEPOSITION
NOTICE**

18 Los Angeles County Waterworks District
19 No. 40 vs. Diamond Farming Company, a
20 corporation, Superior Court of California,
County of Los Angeles, Case No.
BC325201;

Trial Date: February 10, 2014
Time: 9:00 a.m.
Dept.: TBD

21 Los Angeles County Waterworks District
22 No. 40 vs. Diamond Farming Company, a
23 corporation., Superior Court of California,
County of Kern, Case No. S-1500-CV-254-
348;

24 Wm. Bolthouse Farms, Inc. vs. City of
25 Lancaster, Diamond Farming Company, a
26 corporation, vs. City of Lancaster, Diamond
27 Farming Company, a corporation vs.
Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
RIC 353840, RIC 344436, RIC 344668.
28

1 **TO ALL PARTIES TO THIS ACTION AND THEIR RESPECTIVE COUNSEL OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE THAT** the deposition of the Metropolitan Water District of
4 Southern California, which was previously noticed to be taken on December 18, 2013, will not
5 be taken as noticed. However, the depositions of other parties which were previously noticed
6 by AVEK will be taken as noticed.

7 Dated: December 4, 2013

BRUNICK, McELHANEY & KENNEDY

8
9 By: _____

10 WILLIAM J. BRUNICK
11 LELAND P. McELHANEY
12 Attorneys for Cross-Complainant,
13 ANTELOPE VALLEY-EAST KERN
14 WATER AGENCY
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I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California 92408-3303.

■ **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

Executed on December 4, 2013, at San Bernardino, California.


P. Jo Anne Quikuis

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I am employed in the City and County of Los Angeles, State of California. I am over the age of 18, and not a party to the within action. My business address is 700 North Alameda Street, Los Angeles, California 90012.

On **January 28, 2014**, I served the foregoing document(s) described as: **DECLARATION OF CATHERINE M. STITES IN SUPPORT OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA'S MOTION TO QUASH SUBPOENA OR ALTERNATIVELY MOTION FOR PROTECTIVE ORDER** on the interested parties in this action in the following manner:

☒ (BY ELECTRONIC SERVICE AS FOLLOWS by POSTING) the document(s) listed above to the Santa Clara website in the action of the Antelope Valley Groundwater Litigation, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

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

Executed on **January 28, 2014**, at Los Angeles, California.

Maureen Boucher
Print Name


Signature