

Civ. No. _____

**IN THE COURT OF APPEAL, STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION TWO**

**ANTELOPE VALLEY GROUND WATER AGREEMENT
ASSOCIATION (AGWA); U.S. BORAX, INC.; BOLTHOUSE
PROPERTIES, LLC; WM. BOLTHOUSE FARMS, INC.; CRYSTAL
ORGANIC FARMS, A LIMITED LIABILITY COMPANY,
GRIMMWAY ENTERPRISES, INC.; LAPIS LAND COMPANY,
LLC.; A.V. UNIFIED MUTUAL GROUP; SHEEP CREEK WATER
COMPANY; and SERVICE ROCK PRODUCTS CORPORATION,**

Petitioners,

v.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES,**

Respondent.

**LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40
Real Parties In Interest**

Appeal from the Judgment of the Superior Court
State of California, County of Santa Clara
The Honorable Jack Komar (Ret.)
Santa Clara County Superior Court Case No. 1-05-CV-049053/JCCP 4408

**APPLICATION FOR PERMISSION TO FILE CERTIFICATE OF
FINANCIAL OR OTHER INTEREST UNDER SEAL**

**RICHARD G. ZIMMER (State Bar No. 107263)
T. MARK SMITH (State Bar No. 162370)
CLIFFORD & BROWN
1430 Truxtun Avenue, Suite 900
Bakersfield, California 93301-5230
Phone: 661-322-6023 • Fax: 661-322-3508**

**Attorneys for Petitioners, BOLTHOUSE PROPERTIES, LLC
and WM. BOLTHOUSE FARMS, INC.**

Petitioners Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc. ("Petitioners") hereby apply for permission to file Petitioners' Certificate of Financial or Other Interest Under Seal in connection with the Petition for Writ of Mandate and Request for Temporary Stay of Proceedings filed by Petitioners and among other parties herein. Counsel for Petitioners hereby declare that the identity of any entity or person subject to disclosure under Rule 8.208(e) of the California *Rules of Court* has not been publicly disclosed in these proceedings. Counsel for Petitioners further declare that Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc. both desire to maintain as confidential those entities or persons having a greater than ten percent (10%) ownership interest in the respective parties. Good cause therefore exists for permission to be granted to file a Certificate of Financial or Other Interest under seal.

DATED: November 5, 2009

Respectfully submitted,
CLIFFORD & BROWN

By



T. MARK SMITH

Attorneys for Petitioners,
BOLTHOUSE PROPERTIES, LLC
and WM. BOLTHOUSE FARMS,
INC.

DECLARATION OF T. MARK SMITH

I, T. MARK SMITH, DECLARE AS FOLLOWS:

1. I am a member of Clifford & Brown, P.C., counsel of record for Petitioners, Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc. ("Petitioners"), in the above entitled matter. I make this Declaration in support of Petitioners' Application for Permission to File Certificate of Financial or Other Interest Under Seal in connection with the Petition for Write of Mandate and Request for Temporary Stay of Proceedings filed hereon. I have personal knowledge of the facts set forth herein, and, if called to testify, I could and would competently testify thereto, except as to those matters stated herein on information and belief, and as to those matters, I believe them to be true.

2. The identity of any entity or persons subject to disclosure under California *Rules of Court*, Rule 8.208(e) has not been publicly disclosed in these proceedings.

3. Petitioners both desire to maintain as confidential those entities or persons having a greater than ten percent (10%) ownership interest in the respective parties.

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

Executed this 5th day of November, 2009, at Bakersfield, California.



T. MARK SMITH

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Santa Clara County Superior Court Case No. 1-05-CV-049053

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I transmitted the above-referenced documents by facsimile to the interested parties as listed below.

Executed on November 5, 2009 at Bakersfield, California.

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

— (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


NANETTE MAXEY
2455-2

PROOF OF SERVICE (C.C.P. §1013a, 2015.5)
Antelope Valley Groundwater Cases
Judicial Counsel Coordination Proceeding No. 4408
Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On November 5, 2009, I served the foregoing document(s) entitled:

**APPLICATION FOR PERMISSION TO FILE CERTIFICATE OF FINANCIAL OR
OTHER INTEREST UNDER SEAL**

XX by placing the true copies thereof enclosed in sealed envelopes
addressed as stated on the attached mailing list.

— by placing _ the original, _ a true copy thereof, enclosed in a sealed
enveloped addressed as follows:

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Michael T. Fife (State Bar No. 203025)
Bradley J. Herrema (State Bar No. 228976)
2029 Century Park East, Suite 2100
Los Angeles, CA 90067
Tel. No.: (310) 500-4600/Fax No.: (310) 500-4602
Attorneys for Petitioner, ANTELOPE VALLEY GROUND WATER
AGREEMENT ASSOCIATION

EDGAR B. WASHBURN (State Bar No. 34038)
WILLIAM M. SLOAN (State Bar No. 203583)
GEOFFREY R. PITTMAN (State Bar No. 253876)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
Phone: (415) 268-7209 • Fax: (415) 276-7545
Attorneys for Petitioner, U.S. BORAX INC.

1
2 BOB H. JOYCE (State Bar No. 84607)
3 ANDREW SHEFFIELD (State Bar No. 220735)
4 KEVIN E. THELEN (State Bar No. 252665)
5 LAW OFFICES OF LEBEAU THELEN, LLP
6 5001 East Commercenter Drive, Suite 300
7 Post Office Box 12092
8 Bakersfield, CA 93389-2092
9 Phone: 661-325-8962 • Fax: 661-325-1127
10 Attorneys for Petitioners, DIAMOND FARMING COMPANY, a
11 California corporation, CRYSTAL ORGANIC
12 FARMS, a limited liability company, GRIMMWAY
13 Enterprises, Inc., and LAPIS LAND COMPANY, LLC.
14
15 MICHAEL DUANE DAVIS (State Bar No. 93678)
16 MARLENE ALLEN-HAMMARLUND (State Bar No. 126418)
17 BEN A. EILENBERG (State Bar No. 261288)
18 GRESHAM SAVAGE NOLAN & TILDEN, A Professional Corporation
19 3750 University Avenue, Suite 250
20 Riverside, CA 92501-3335
21 Phone: 951-684-2171 • Fax: 951-684-2150
22 Attorneys for Petitioners, A.V. UNITED MUTUAL GROUP, SHEEP CREEK
23 WATER COMPANY, and SERVICE ROCK PRODUCTS CORPORATION
24
25 H. JESS SENECA (State Bar No. 026826)
26 THOMAS S. BUNN, III (State Bar No. 89502)
LAGERLOF, SENECA, GOSNEY & KRUSE, LLP
301 North Lake Avenue, 10th Floor
Pasadena, CA 91101-5123
Phone: 626-793-9400 • Fax: 626-793-5900
Attorneys for Real Parties in Interest, PALMDALE WATER DISTRICT

ERIC L. GARNER (State Bar No. 130665)
JEFFREY V. DUNN (State Bar No. 131926)
DANIEL S. ROBERST (State Bar No. 205535)
STEPHANIE D. HEDLUND (State Bar No. 239787)
BEST, BEST & KRIEGER, LLP
5 Park Plaza, Suite 1500
Irvine, CA 92614
Phone: 949-263-2600 • Fax: 949-260-0972

AND

1 RAYMOND G. FORNER, JR. (State Bar No. 42230)
2 COUNTY COUNSEL

3 MICHAEL MOORE (State Bar No. 175599)

4 SENIOR DEPUTY COUNTY COUNSEL

5 OFFICE OF THE COUNTY COUNSEL

6 CITY OF LOS ANGELES

7 500 West Temple Street

8 Los Angeles, CA 90012

9 Phone: 213-974-1951 • Fax: 213-617-7182

10 Attorneys for Real Parties in Interest, LOS ANGELES COUNTY

11 WATERWORKS DISTRICT NO. 40

12 ERIC L. GARNER (State Bar No. 130665)

13 JEFFREY V. DUNN (State Bar No. 131926)

14 DANIEL S. ROBERST (State Bar No. 205535)

15 STEPHANIE D. HEDLUND (State Bar No. 239787)

16 BEST, BEST & KRIEGER, LLP

17 5 Park Plaza, Suite 1500

18 Irvine, CA 92614

19 Phone: 949-263-2600 • Fax: 949-260-0972

20 Attorneys for Real Parties in Interest, ROSAMOND COMMUNITY SERVICES
21 DISTRICT

22 JAMES L. MARKMAN (State Bar No. 43536)

23 STEVEN R. ORR (State Bar No. 136615)

24 ERIN L. POWERS (State Bar No. 245148)

25 RICHARDS, WATSON & GERSHON, a Professional Corporation

26 355 South Grand Avenue, 40th Floor

Los Angeles, CA 9071-3101

Phone: 213-626-8484 • Fax: 213-626-0078

Attorneys for Real Parties in Interest, CITY OF PALMDALE

WAYNE K. LEMIEUX (State Bar No. 43501)

W. KEITH LEMIEUX (State Bar No. 161850)

LEMIEUX & O'NEILL

2393 Townsgate Road, Suite 201

Westlake Village, CA 91361

Phone: 805-495-4770 • Fax: 805-495-2787

Attorneys for Real Parties in Interest, LITTLEROCK CREEK IRRIGATION
DISTRICT, PALM RANCH IRRIGATION DISTRICT, NORTH EDWARDS
WATER DISTRICT, DESERT LAKES COMMUNITY SERVICES DISTRICT,
LLANO DEL-RIO WATER CO., LLANO MUTUAL WATER CO., BIG ROCK
MUTUAL WATER CO., and LITTLE BALDY WATER CO.

1 SUSAN M. TRAGER (State Bar No. 58497)
2 FRANCIS D. LOGAN, JR. (State Bar No. 163049)
3 SUMMER L. NASTICH (State Bar No. 229985)
4 LAUREL E. ADCOCK (State Bar No. 234201)
5 SMITH TRAGER, LLP
6 19712 MacArthur Boulevard, Suite 120
7 Irvine, CA 92612
8 Phone: 949-752-8971 • Fax: 949-863-9804
9 Attorneys for Real Parties in Interest, PHELAN PINON HILLS COMMUNITY
10 SERVICES DISTRICT

11 JANET K. GOLDSMITH (State Bar No. 065959)
12 ERIC N. ROBINSON (State Bar No. 191781)
13 STANLEY C. POWELL (State Bar No. 254057)
14 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD, a Professional
15 Corporation
16 400 Capitol Mall, 27th Floor
17 Sacramento, CA 95814-4416
18 Phone: 916-321-4500 • Fax: 916-321-4555

19 AND

20 ROCKARD J. DELGADILLO, City Attorney (State Bar No. 125465)
21 RICHARD M. BROWN, Senior Assistant (State Bar No. 41277)
22 City Attorney for Water and Power
23 S. DAVID HOTCHKISS (State Bar No. 076821)
24 Assistant City Attorney
25 JULIE CONBOYRILEY (State Bar No. 197407)
26 Deputy City Attorney
111 North Hope Street, Suite 340
P.O. Box 51111
Los Angeles, CA 9051-0100
Phone: 213-367-4500
Attorneys for Real Parties in Interest, CITY OF LOS ANGELES

1 RONALD J. TENPAS (State Bar No. 20666)
2 Assistant Attorney General
3 Environmental and Natural Resources Division
4 R. LEE LEININGER (State Bar No.23636)
5 United States Department of Justice
6 Environment and Natural Resources Division
7 1961 Stout St., Suite 800
8 Denver, CO 80294
9 Phone: 303-844-1364 • Fax: 303-844-1350
10 Attorneys for Real Parties in Interest, FEDERAL DEFENDANTS (UNITED
11 STATES DEPARTMENT OF JUSTICE)

12 HONORABLE JACK KOMAR
13 SANTA CLARA COUNTY SUPERIOR COURT
14 c/o Rowena Walker, Clerk
15 191 North First Street
16 San Jose, CA 95113
17 Phone: 408-882-2286

18 HONORABLE JACK KOMAR
19 LOS ANGELES COUNTYSUPERIOR COURT
20 111 NORTH HILL STREET
21 LOS ANGELES, CA 90012

22 CIVIL DEPARTMENT
23 Superior Court of California, County of Los Angeles
24 Stanley Mosk Courthouse
25 111 North Hill Street - Rm 109
26 Los Angeles, CA 90012
Phone: 213-893-1014 • Fax: 213-621-0998

X BY SANTA CLARA SUPERIOR COURT E-FILED IN COMPLEX
LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER
27, 2005.

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I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California in the ordinary course of business. The above sealed envelopes were placed for collection and mailing on the above date following ordinary business practice.

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

(Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


NANETTE MAXEY
2455-2