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Attorneys for Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

COORDINATION PROCEEDING,
SPECIAL TITLE (Rule 1550 (b)),

Judicial Council Coordination
Proceeding No. 4408

CASE NO.: 1-05-CV-049053

**ANTELOPE VALLEY GROUNDWATER
CASES ,**

INCLUDED ACTIONS: LOS ANGELES
COUNTY WATERWORKS DISTRICT NO.
40 v. DIAMOND FARMING COMPANY, et
al.,,
Los Angeles Superior Court Case No.
BC325201,

**BOLTHOUSE PROPERTIES LLC'S AND
WM. BOLTHOUSE FARMS, INC.'S
ADDENDEUM TO OBJECTION TO
MOTION FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT
FILED BY RICHARD WOOD AND LOS
ANGELES COUNTY WATERWORKS
DISTRICT NO. 40**

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40 v. DIAMOND FARMING
COMPANY, et al. ,
Kern County Superior Court Case No. S-1500-
CV-254348,

DATE: June 16, 2011
TIME: 9:00 a.m.
DEPT: 1515
JUDGE: Hon. J. Komar

DIAMOND FARMING COMPANY, and
W.M. BOLTHOUSE FARMS, INC., v. CITY
OF LANCASTER, et al.,
Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and 353840] ,

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1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that Bolthouse Properties, LLC and Wm. Bolthouse Farms,
3 Inc. (hereinafter "Bolthouse") hereby add to their previous objection to the Proposed Wood
4 Class Settlement for the following reasons. The Motion for Class Certification filed on or about
5 June 20, 2008, and scheduled for hearing on or about August 11, 2008, excludes from the Class,
6 "defendants" in the action, "all persons and entities to the extent their properties are connected
7 to the municipal water system, public utility, or mutual water company from which they receive
8 water service," and "all property pumping 25 acre-feet per year or more on an average annual
9 basis during the class period."

10 As noted previously, the overlying right is correlative and shared by all Overlying
11 Landowners. It is clear that the Wood Class only includes a portion of Landowners. It would
12 be improper to approve a Class Settlement which settles a correlative right which the parties
13 have no legal right to divide up and settle separately. Further, failure to include rights of
14 defendant parties, parties who receive water from mutual water companies or public utilities,
15 and the failure to include parties pumping 25 acre-feet or more as named defendants, creates an
16 indispensable party infirmity in addressing and/or adjudicating overlying rights and prevents
17 complete adjudication for McCarran Act jurisdiction.

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19 DATED: May 23, 2011

Respectfully submitted,

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21 CLIFFORD & BROWN

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23 By: 

RICHARD G. ZIMMER, ESQ.

Attorneys for

24 BOLTHOUSE PROPERTIES, LLC and WM.
25 BOLTHOUSE FARMS, INC.
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Santa Clara County Superior Court Case No. 1-05-CV-049053

On May 23, 2011, I served the foregoing document(s) entitled:

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