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Attorneys for Cross-Defendant, Wm. Bolthouse Farms, Inc.,

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

* * *

COORDINATION PROCEEDING
SPECIAL TITLE (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

) Santa Clara Case No. 01-05-CV-049053
) Assigned to the Honorable Jack Komar

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
) RESPONSE TO SPECIAL
) INTERROGATORIES PROPOUNDED BY
) CITY OF PALMDALE

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

) [SET ONE]

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]

1 **PROPOUNDING PARTIES:** CITY OF PALMDALE, CITY OF LANCASTER, LOS
2 ANGELES COUNTY WATERWORKS DISTRICT NO.
3 40, PALMDALE WATER DISTRICT, QUARTZ HILL
4 WATER DISTRICT, LITTLROCK CREEK
5 IRRIGATION DISTRICT, PALM RANCH
6 IRRIGATION DISTRICT, ROSAMOND COMMUNITY
7 SERVICES DISTRICT, CALIFORNIA WATER
8 SERVICE COMPANY, SUCCESSOR IN INTEREST
9 TO ANTELOPE VALLEY WATER COMPANY

10 **RESPONDING PARTY:** BOLTHOUSE PROPERTIES, LLC

11 **SET NUMBER:** ONE

12 COMES NOW cross-defendant Bolthouse Properties, LLC, and
13 responds to cross-complainants California Water Service Company,
14 City of Lancaster, City of Palmdale, Littlerock Creek Irrigation
15 District, Los Angeles County Water Works District No. 40,
16 Palmdale Water District, Rosamond Community Services District,
17 Palm Ranch Irrigation District and Quartz Hill Water District's
18 Special Interrogatories, Set One as follows:

19 **PRELIMINARY STATEMENT**

20 1. Cross-Defendant has not yet fully completed
21 investigation of the circumstances and facts relating to, has not
22 yet completed discovery in, and has not completed preparation for
23 trial of this action. It is anticipated that further discovery,
24 independent investigation and analysis shall supply additional
25 documents, evidence, and information. Cross-Defendant's
26 responses to cross-complainants' Special Interrogatories, Set One

1 are based only on such documents, evidence, and information which
2 are presently available, and are given without prejudice to
3 cross-defendant's right to produce subsequently discovered
4 documents, evidence, or information at the time of trial or at
5 the hearing of a Motion. Furthermore, cross-defendant reserves
6 the right to produce documents, evidence, and information of any
7 subsequently discovered facts, which it may later recall or
8 discover.

9 2. Nothing set forth herein by cross-defendant is intended,
10 or shall be construed, as a waiver of any objection it may assert
11 under the Code of Civil Procedure, which would require the
12 exclusion of any answer at the time of trial or at the hearing of
13 a Motion. Also, such objections are expressly reserved and may be
14 made at such later time.

15 3. Subject to the claims of attorney/client privilege, the
16 attorney work-product doctrine, or other privileges and the
17 objections set forth herein, cross-defendant responds to cross-
18 complainants' Special Interrogatories, Set One.

19 4. This "Preliminary Statement" is incorporated into each
20 of the following specific responses of cross-defendant to cross-
21 complainants' Special Interrogatories, Set One.

22 RESPONSES

23 **SPECIAL INTERROGATORY NO. 1:**

24 Objection, premature, burdensome and oppressive, no personal
25 knowledge since responding party has no idea who has been served
26 and who has not been served. Information equally, and only,

1 based upon cross-complainants' knowledge of their pleadings and
2 DOE amendments, available to cross-complainants. Without waiving
3 said objections, the scope of the pleadings defines which parties
4 are indispensable and/or necessary to the action. Such parties
5 must be named and served by the cross-complainants. The
6 pleadings in the action are extremely broad and involve what some
7 might define as basin wide adjudication. Clearly the pleadings
8 seek to enjoin pumping and seek a physical solution. The
9 pleadings as currently framed also require prioritization of
10 water rights consistent with the latest Supreme Court case of
11 *City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224,
12 1237 and consistent with requirements of *Code of Civil Procedure*,
13 *Section 389(c)* which requires that cross-complainants name all
14 known parties to the action who should be named based upon the
15 scope of the pleadings.

16 The Interrogatory is premature given the fact that rulings
17 have not been made by the court regarding potential class
18 certification and given the fact that no discovery has been
19 accomplished to date which would afford any meaningful response
20 to the Interrogatories.

21 The Interrogatories are burdensome and oppressive because
22 Responding party, nor any other landowner, has the obligation to
23 determine appropriate parties for cross-complainants to sue and
24 serve to obtain the relief which cross-complainants are
25 requesting in this action.

26 Responding party lacks personal knowledge to be able to

1 identify necessary and/or indispensable parties which have not
2 been joined since responding party has no knowledge regarding all
3 the parties which have been named and/or served by cross-
4 complainants.

5 Responding party further contends that based upon the scope
6 of the pleadings, all overlying landowners within the area of
7 adjudication must be named and served by cross-complainants to
8 obtain the relief which cross-complainants have requested in this
9 action. Such landowners must be named and served whether or not
10 they are currently pumping and whether or not they are being
11 served water by the cross-complainants. In the absence of such
12 parties, there can be no comprehensive adjudication of water
13 rights as contemplated by Mojave nor any prioritization of water
14 rights as amongst such parties, since they will not be before the
15 court. Including only some landowners would deny equal
16 protection to the landowners named and deny equal protection to
17 unnamed landowners and would potentially impose unequal burdens
18 on named landowners who have correlative rights with unnamed
19 landowners which would be inappropriate based upon Mojave.
20 Additionally, a physical solution cannot be imposed, assuming
21 there is a basis for one, only on some overlying landowners and
22 not against others. Additionally, including only some landowners
23 and not others would be judicially inefficient and would subject
24 the parties who have been named to a multiplicity of further
25 potential lawsuits and claims by other parties at some point in
26 the future. A judgment in the case would not apply to

1 nonparties. Finally, any adjudication which does not include all
2 landowners and appropriators within the area of adjudication will
3 not comply with the McCarran Act as a complete adjudication of
4 water rights.

5 **SPECIAL INTERROGATORY NO. 2:**

6 See response to Special Interrogatory No. 1, above.

7 **SPECIAL INTERROGATORY NO. 3:**

8 See response to Special Interrogatory No. 1, above.

9 **SPECIAL INTERROGATORY NO. 4:**

10 See response to Special Interrogatory No. 1, above.

11 **SPECIAL INTERROGATORY NO. 5:**

12 See response to Special Interrogatory No. 1, above.

13 **SPECIAL INTERROGATORY NO. 6:**

14 See response to Special Interrogatory No. 1, above.

15 **SPECIAL INTERROGATORY NO. 7:**

16 See response to Special Interrogatory No. 1, above.

17 **SPECIAL INTERROGATORY NO. 8:**

18 See response to Special Interrogatory No. 1, above.

19 **SPECIAL INTERROGATORY NO. 9:**

20 See response to Special Interrogatory No. 1, above.

21
22 DATED: July 10, 2007

CLIFFORD & BROWN

23
24 By: 

RICHARD G. ZIMMER, ESQ.

T. MARK SMITH, ESQ.

Attorneys for cross-defendant,
WM. BOLTHOUSE FARMS, INC.

*Antelope Valley Groundwater Cases
Judicial Counsel Coordination Proceeding No. 4408
Santa Clara County Superior Court Case No. 1-05-CV-049053*

On July 10, 2007, I served the foregoing document(s) entitled:

BOLTHOUSE PROPERTIES, LLC'S RESPONSE TO SPECIAL INTERROGATORIES
PROPOUNDED BY CITY OF PALMDALE

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

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

Executed on July 10, 2007, at Bakersfield, California.

X (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
NANETTE MAXEY
2455-2