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Attorneys for Plaintiff/defendant, Wm. Bolthouse Farms, Inc.,
a Michigan corporation

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

* * *

COORDINATION PROCEEDING)	Judicial Council Coordination
SPECIAL TITLE (Rule 1550(b)))	Proceeding No. 4408
)	
ANTELOPE VALLEY GROUNDWATER)	CASE NO. 1-05-CV-409053
CASES)	
)	
INCLUDED ACTIONS:)	
)	
LOS ANGELES COUNTY WATERWORKS)	
DISTRICT NO. 40 v. DIAMOND)	
FARMING COMPANY, et al.,)	OBJECTION TO [PROPOSED] ORDER
Los Angeles Superior Court)	CERTIFYING PLAINTIFF CLASS
Case No. BC325201)	
)	
LOS ANGELES COUNTY WATERWORKS)	
DISTRICT NO. 40 v. DIAMOND)	
FARMING COMPANY, et al.,)	
Kern County Superior Court)	
Case No. S-1500-CV-254348)	
)	
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 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Bolthouse Properties, Inc. and Wm.
3 Bolthouse Farms, Inc. hereby object to the [Proposed] Order
4 Certifying Plaintiff Class on the following grounds:

5 The Motion for Class Certification was withdrawn prior to
6 the hearing on August 20, 2007. Accordingly, there was no reason
7 to believe that any Motion for Class Certification would be
8 heard. Further, the potential classes were not identified for
9 motion prior to the hearing. Finally, given the fact that the
10 Motion purportedly was off calendar and the fact that the
11 proposed classes were not identified, no party was aware that a
12 motion would be made. Finally, no evidentiary hearing was
13 afforded to the parties regarding the proposed class which the
14 Court previously advised would occur before certification of the
15 class.

16 Responding parties also object strongly to the proposed
17 exclusion on Page 2, Lines 25 through 28 of "all persons to the
18 extent their properties are connected to a municipal water
19 system, public utility, or mutual water company from which they
20 receive or are able to receive water service, as well as owners
21 of properties within the service areas of the foregoing water
22 purveyors as to which there is a water system agreement or water
23 service agreement providing for the provision of water service by
24 such purveyors." These parties are overlying land owners. In
25 order to obtain the relief requested in the operative pleadings
26 of the water producers, seeking adjudication of all water rights,

1 and to satisfy the McCarren Act, these parties must be included
2 in the action.

3 A physical solution would not be appropriate as against only
4 some land owners and not others simply because they happen to be
5 in a water district. Nothing prevents well permits from being
6 issued. In fact, public water producers appear to be issuing
7 well serve permits for wells notwithstanding alleged overdraft.
8 Additionally, alleged prescription must apply to all land owners
9 in the Antelope Valley and be apportioned accordingly whether or
10 not they are in a water service district and whether or not they
11 receive or could receive water from a municipal provider.

12 The municipal providers derailed the Riverside action which
13 was a limited action to quiet title as to certain properties as
14 between certain limited parties. By broadening the action and
15 filing a lawsuit in Los Angeles County and Kern County to
16 adjudicate all water rights, the water purveyors must now
17 properly plead, serve and prove these actions against all parties
18 necessary to obtain the relief they have requested and to avoid
19 problems of equal protection, McCarren Act issues and to achieve
20 a meaningful adjudication.

21 DATED: September 21, 2007 Respectfully submitted,

22 CLIFFORD & BROWN

23
24 By: 

RICHARD G. ZIMMER, ESQ.

T. MARK SMITH, ESQ.

Attorneys for plaintiff/defendant,
W. M. BOLTHOUSE FARMS, INC.