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7
8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SANTA CLARA

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

) Judicial Council Coordination
) Proceeding No. 4408

12
13 ANTELOPE VALLEY GROUNDWATER
CASES ,

) CASE NO.: 1-05-CV-049053

14
15 INCLUDED ACTIONS:, LOS ANGELES
COUNTY WATERWORKS DISTRICT NO.
16 40 v. DIAMOND FARMING COMPANY, et
al.,,
17 Los Angeles Superior Court Case No.
18 BC325201,

) **[PROPOSED] ORDER ON DEMURRER
OF SHELDON R. BLUM, TRUSTEE, TO
SECOND AMENDED COMPLAINT OF
WM. BOLTHOUSE FARMS, INC.;**
) **DEMURRER OF SHELDON R. BLUM,**
) **TRUSTEE, TO CROSS-COMPLAINT OF**
) **BOLTHOUSE PROPERTIES, LLC;**
) **MOTION TO DISMISS AND MOTION TO**
) **STRIKE OF SHELDON R. BLUM,**
) **TRUSTEE, THE SECOND AMENDED**
) **COMPLAINT OF WM. BOLTHOUSE**
) **FARMS, INC.; AND REQUEST FOR**
) **SANCTIONS**

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

23 DIAMOND FARMING COMPANY, and
W.M. BOLTHOUSE FARMS, INC., v. CITY
24 OF LANCASTER, et al.,
25 Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and 353840] ,
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1 On March 3, 2008 the Demurrer to Cross-Complaint of Bolthouse Properties, LLC., the
2 Demurrer to Second Amended Complaint of Wm. Bolthouse Farms, Inc., Motion to Dismiss and
3 Motion to Strike the Second Amended Complaint of Wm. Bolthouse Farms, Inc. and request for
4 attorney's fees of defendant/cross-defendant, Sheldon R. Blum, Trustee, were heard in
5 Department 1 of the Los Angeles County Superior Court, located at 111 North Hill Street, Los
6 Angeles, California. Defendant/Cross-Defendant, Shelton R. Blum, Trustee, was represented by
7 Sheldon R. Blum. Complainants/Cross-Complainants Bolthouse Properties, LLC and Bolthouse
8 Farms, Inc. were represented by Richard G. Zimmer of Clifford & Brown. The Court, after
9 consideration of moving papers, opposition and reply papers, hearing oral argument, and good
10 cause appearing therefor:
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13 IT IS HEREBY ORDERED that, Defendant's/Cross-Defendant's Demurrer to Cross-
14 Complaint of Bolthouse Properties, LLC. is overruled.

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16 IT IS FURTHER ORDERED that, Defendant's/Cross-Defendant's Demurrer to the
17 Second Amended Complaint of Wm. Bolthouse Farms, Inc. is overruled.

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19 IT IS FURTHER ORDERED that Defendant's/Cross-Defendant's Motion to Dismiss and
20 Motion to Strike the Second Amended Complaint of Wm. Bolthouse Farms, Inc. is denied.

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22 IT IS FURTHER ORDERED that Defendant's/Cross-Defendant's request for costs and
23 attorney's fees is denied.

24 DATED: _____

By _____
JACK KOMAR
JUDGE OF THE SUPERIOR COURT

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 March 13, 2008, I served the foregoing document(s) entitled:

[PROPOSED] ORDER ON DEMURRER OF SHELDON R. BLUM, TRUSTEE, TO SECOND AMENDED COMPLAINT OF WM. BOLTHOUSE FARMS, INC.; DEMURRER OF SHELDON R. BLUM, TRUSTEE, TO CROSS-COMPLAINT OF BOLTHOUSE PROPERTIES, LLC; MOTION TO DISMISS AND MOTION TO STRIKE OF SHELDON R. BLUM, TRUSTEE, THE SECOND AMENDED COMPLAINT OF WM. BOLTHOUSE FARMS, INC.; AND REQUEST FOR SANCTIONS

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:

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

Executed on March 13, 2008, 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
2455-2