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

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-049053
CASES)	
)	
INCLUDED ACTIONS:)	
)	
LOS ANGELES COUNTY WATERWORKS)	WM. BOLTHOUSE FARMS, INC.'S
DISTRICT NO. 40 v. DIAMOND)	RESPONSE TO REQUEST FOR
FARMING COMPANY, et al.,)	PRODUCTION, SET ONE
Los Angeles Superior Court)	
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)	
WM. BOLTHOUSE FARMS, INC., v.)	
CITY OF LANCASTER, et al.,)	
Riverside Superior Court)	
Case No. RIC 344436 [c/w case no.)	
RIC 344668 and 353840])	
)	
ROSAMOND COMMUNITY SERVICES)	
DISTRICT,)	
CROSS-COMPLAINANT,)	

1 COMES NOW cross-defendant, WM. BOLTHOUSE FARMS, INC., and
2 responds to cross-complainant, SHELDON R. BLUM TRUST'S, Request
3 for Production as follows:

4 It should be noted that this responding party has not fully
5 completed investigation of the facts relating to this case, has
6 not fully completed discovery in this action and has not
7 completed preparation for trial. All the responses contained
8 herein are based only upon such information and documents which
9 are presently available to and specifically known to this
10 responding party and disclose only those contentions which
11 presently occur to such responding party. As discovery proceeds,
12 witnesses, facts and evidence may be discovered which are not set
13 forth herein, but which may have been responsive to a Request.

14 Facts and evidence now known may be imperfectly understood,
15 or the relevance or consequence of such facts and evidence may be
16 imperfectly understood and, accordingly, such facts and evidence
17 may, in good faith, not be included in the following Responses.

18 It is anticipated that further discovery, independent
19 investigation, legal research and analysis will supply additional
20 facts, add meaning to the known facts, as well as establish
21 entire new factual conclusions and legal contentions, all of
22 which may lead to substantial additions to, changes in, and
23 variations from the contentions herein set forth. The following
24 responses are given without prejudice to responding party's right
25 to produce evidence of any subsequently discovered facts or
26 witnesses which this responding party may later recall or

1 discover. Responding party accordingly reserves the right to
2 change any and all Responses herein as additional facts are
3 ascertained, analyses are made, legal research is completed and
4 contentions are made. The Responses contained herein are made in
5 a good faith effort to supply as much factual information and as
6 much specification of legal contentions as is presently known but
7 should in no way be to the prejudice of responding party in
8 relation to further discovery, research and analysis.

9 This responding party assumes no obligation to voluntarily
10 supplement or amend these responses to reflect witnesses, facts
11 and evidence following the filing of these responses. In
12 addition, because some of these responses may have been
13 ascertained by the responding party's attorneys and
14 investigators, this responding party may not have personal
15 knowledge of the information from which these responses are
16 derived.

17 RESPONSES

18 1. Objection. This interrogatory is premature.
19 Notwithstanding the foregoing objections, and reserving same, see
20 response to Special Interrogatory No. 1.

21 2. Objection. This request is premature. Notwithstanding
22 the foregoing objections, and reserving same, see response to
23 Special Interrogatory No. 4.

24 3. Objection. This request is premature. Notwithstanding
25 the foregoing objections, and reserving same, see response to
26 Special Interrogatory No. 7.

1 4. Objection. This request is premature. Notwithstanding
2 the foregoing objections, and reserving same, see response to
3 Special Interrogatory No. 10.

4 5. Objection. This request is premature. Notwithstanding
5 the foregoing objections, and reserving same, see response to
6 Special Interrogatory No. 13.

7 6. Objection. This request is premature. Notwithstanding
8 the foregoing objections, and reserving same, see response to
9 Special Interrogatory No. 16.

10 7. Objection. This request is premature. Notwithstanding
11 the foregoing objections, and reserving same, see response to
12 Special Interrogatory No. 19.

13 8. Objection. This request is premature. Notwithstanding
14 the foregoing objections, and reserving same, see response to
15 Special Interrogatory No. 22.

16 9. Objection. This request is premature. Notwithstanding
17 the foregoing objections, and reserving same, see response to
18 Special Interrogatory No. 25.

19 10. Objection. This request is premature. Notwithstanding
20 the foregoing objections, and reserving same, see response to
21 Special Interrogatory No. 28.

22 11. Objection. This request is premature. Notwithstanding
23 the foregoing objections, and reserving same, see response to
24 Special Interrogatory No. 31.

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1 12. Objection. This request is vague, ambiguous,
2 overbroad, unduly burdensome, assumes facts, not reasonably
3 calculated to lead to the discovery of admissible evidence and
4 calls for the production of materials protected by the attorney
5 client privilege and/or attorney work product doctrine.
6 Notwithstanding the foregoing objections, and reserving same,
7 responding party has conducted a reasonable search for responsive
8 materials and will comply with this request by producing herewith
9 non-privileged materials.

10 13. Objection. This request is vague, ambiguous,
11 overbroad, unduly burdensome, assumes facts, not reasonably
12 calculated to lead to the discovery of admissible evidence and
13 calls for the production of materials protected by the attorney
14 client privilege and/or attorney work product doctrine.
15 Notwithstanding the foregoing objections, and reserving same,
16 responding party has conducted a reasonable search for responsive
17 materials and will comply with this request by producing herewith
18 non-privileged materials.

19 14. Objection. This request is vague, ambiguous,
20 overbroad, unduly burdensome, assumes facts, not reasonably
21 calculated to lead to the discovery of admissible evidence and
22 calls for the production of materials protected by the attorney
23 client privilege and/or attorney work product doctrine.
24 Notwithstanding the foregoing objections, and reserving same,
25 responding party has conducted a reasonable search for responsive
26 materials and will comply with this request by producing herewith

1 non-privileged materials.

2 15. Objection. This request is vague, ambiguous,
3 overbroad, unduly burdensome, assumes facts, not reasonably
4 calculated to lead to the discovery of admissible evidence and
5 calls for the production of materials protected by the attorney
6 client privilege and/or attorney work product doctrine.
7 Notwithstanding the foregoing objections, and reserving same,
8 responding party has conducted a reasonable search for responsive
9 materials and will comply with this request by producing herewith
10 non-privileged materials.

11 16. Objection. This request is vague, ambiguous,
12 overbroad, unduly burdensome, assumes facts and is not reasonably
13 calculated to lead to the discovery of admissible evidence.
14 Notwithstanding the foregoing objections, and reserving same, see
15 response to Special Interrogatory No. 43.

16 17. Objection. This request is vague, ambiguous,
17 overbroad, unduly burdensome, assumes facts and is not reasonably
18 calculated to lead to the discovery of admissible evidence.
19 Notwithstanding the foregoing objections, and reserving same, see
20 response to Special Interrogatory No. 46.

21 18. Objection. This request is compound, vague, ambiguous,
22 overbroad, unintelligible, unduly burdensome, argumentative,
23 assumes facts and is not reasonably calculated to lead to the
24 discovery of admissible evidence. Notwithstanding the foregoing
25 objections, and reserving same, responding party refers BLUM to
26 Paragraph 8 of the 2001 Lease Agreement.

1 19. Objection. This request is compound, vague, ambiguous,
2 overbroad, unintelligible, unduly burdensome, argumentative,
3 assumes facts and is not reasonably calculated to lead to the
4 discovery of admissible evidence. Notwithstanding the foregoing
5 objections, and reserving same, responding party refers BLUM to
6 Paragraph 8 of the 2001 Lease Agreement.

7 20. Objection. This request is vague, ambiguous,
8 overbroad, and assumes facts. Notwithstanding the foregoing
9 objections, and reserving same, see response to Special
10 Interrogatory No. 57.

11 21. Objection. This request is vague, ambiguous,
12 overbroad, unduly burdensome, assumes facts, not reasonably
13 calculated to lead to the discovery of admissible evidence and
14 calls for the production of materials protected by the attorney
15 client privilege and/or attorney work product doctrine.
16 Notwithstanding the foregoing objections, and reserving same,
17 responding party refers BLUM to Paragraph 8 of the 2001 Lease
18 Agreement.

19 22. Objection. This request is vague, ambiguous,
20 overbroad, assumes facts, not reasonably calculated to lead to the
21 discovery of admissible evidence, calls for the disclosure of
22 private or proprietary corporate information/documents.

23 23. Objection. This request is vague, ambiguous,
24 overbroad, assumes facts, not reasonably calculated to lead to the
25 discovery of admissible evidence, calls for the disclosure of
26 private or proprietary corporate information/documents.

1 24. 2004 Agricultural Lease, 2005 Farm Lease and 2005
2 Amendment to Farm Lease.

3 25. 2004 Agricultural Lease, 2005 Farm Lease and 2005
4 Amendment to Farm Lease.

5 26. Not applicable, see response to Interrogatory No. 78.

6 27. Not applicable, see response to Interrogatory No. 78.

7 28. Not applicable, see response to Interrogatory No. 86.

8 29. Not applicable, see response to Interrogatory No. 90.

9 30. Not applicable, see response to Interrogatory No. 94.

10 31. Not applicable, see response to Interrogatory No. 98.

11 32. Not applicable, see response to Interrogatory No. 102.

12 33. Despite a reasonable search and diligent effort,
13 responding party is not in possession of responsive non-
14 privileged documents. Responding party is informed and believes
15 that any such information may be obtained from documents
16 maintained by government permitting entities.

17 34. Objection. This request is vague, ambiguous,
18 overbroad, assumes facts, not reasonably calculated to lead to the
19 discovery of admissible evidence, calls for the disclosure of
20 private or proprietary corporate information/documents.

21 35. Objection. This request is vague, ambiguous,
22 overbroad, assumes facts and unintelligible.

23 36. Objection. This request is vague, ambiguous,
24 overbroad, assumes facts, not reasonably calculated to lead to the
25 discovery of admissible evidence, calls for the disclosure of
26 private or proprietary corporate information/documents.

1 Notwithstanding the foregoing objections, and reserving same, no
2 such forms were prepared by responding party relating to
3 extractions on the SUBJECT PROPERTY because no water was extracted
4 therefrom.

5 37. Objection. This request is vague, ambiguous,
6 overbroad, assumes facts and unintelligible.

7 38. Objection. This request is vague, ambiguous,
8 overbroad, not reasonably calculated to lead to the discovery of
9 admissible evidence, calls for the disclosure of private or
10 proprietary corporate information/documents.

11 39. Objection. This request is vague, ambiguous,
12 overbroad, not reasonably calculated to lead to the discovery of
13 admissible evidence, calls for the disclosure of private or
14 proprietary corporate information/documents.

15 40. Objection. This request is vague, ambiguous, overbroad
16 and not reasonably calculated to lead to the discovery of
17 admissible evidence.

18 41. Objection. This request is vague, ambiguous, overbroad
19 and not reasonably calculated to lead to the discovery of
20 admissible evidence.

21 42. Objection. This request is vague, ambiguous,
22 overbroad, not reasonably calculated to lead to the discovery of
23 admissible evidence, calls for the disclosure of private or
24 proprietary corporate information/documents.

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1 43. Objection. This request is vague, ambiguous,
2 overbroad, not reasonably calculated to lead to the discovery of
3 admissible evidence, calls for the disclosure of private or
4 proprietary corporate information/documents.

5 44. Objection. This request is vague, ambiguous,
6 overbroad, not reasonably calculated to lead to the discovery of
7 admissible evidence, calls for the disclosure of private or
8 proprietary corporate information/documents.

9 45. Objection. This request is vague, ambiguous,
10 overbroad, unintelligible, calls for a legal conclusion and calls
11 for the disclosure of attorney client privileged communications
12 or attorney work product.

13 46. Objection. This request is vague, ambiguous and
14 overbroad. Notwithstanding the foregoing objections, and
15 reserving same, see response to Special Interrogatory No. 151.

16 47. Objection. This request is vague, ambiguous and
17 assumes facts. Notwithstanding the foregoing objections, and
18 reserving same, see response to Special Interrogatory No. 154.

19 48. Objection. This request is vague, ambiguous,
20 overbroad, not reasonably calculated to lead to the discovery of
21 admissible evidence, calls for the disclosure of private or
22 proprietary corporate information/documents.

23 49. Objection. This request is vague, ambiguous,
24 overbroad, not reasonably calculated to lead to the discovery of
25 admissible evidence, calls for the disclosure of private or
26 proprietary corporate information/documents.

1 50. Objection. This request is vague, ambiguous,
2 overbroad, not reasonably calculated to lead to the discovery of
3 admissible evidence, calls for the disclosure of private or
4 proprietary corporate information/documents.

5 51. Objection. This request is vague, ambiguous,
6 overbroad, not reasonably calculated to lead to the discovery of
7 admissible evidence, calls for the disclosure of private or
8 proprietary corporate information/documents.

9 52. Objection. This request is vague, ambiguous, overbroad
10 and compound. Notwithstanding the foregoing objections, and
11 reserving same, responding party complies with this request by
12 attaching responsive documents in its possession as Exhibit "A."
13 Additionally, photographs of well caps were previously provided
14 by letter dated October 16, 2007.

15 53. Objection. This request is vague, ambiguous,
16 overbroad, not reasonably calculated to lead to the discovery of
17 admissible evidence, calls for the disclosure of private or
18 proprietary corporate information/documents.

19 54. Despite a reasonable search and diligent effort,
20 responding party is unable to comply with this request.
21 Responding party is informed and believes that such documents,
22 should they exist, are maintained by government permitting
23 entities.

24 55. Despite a reasonable search and diligent effort,
25 responding party is unable to comply with this request.
26 Responding party is informed and believes that such documents,

1 should they exist, are maintained by government permitting
2 entities.

3 56. Objection. This request is vague, ambiguous,
4 overbroad, assumes facts, not reasonably calculated to lead to the
5 discovery of admissible evidence, calls for the disclosure of
6 private or proprietary corporate information/documents.
7 Notwithstanding the foregoing objections, and reserving same, no
8 such forms were prepared by responding party relating to
9 extractions on the SUBJECT PROPERTY because no water was extracted
10 therefrom.

11 57. Objection. This request is vague, ambiguous,
12 overbroad, not reasonably calculated to lead to the discovery of
13 admissible evidence, calls for the disclosure of private or
14 proprietary corporate information/documents. Notwithstanding the
15 foregoing objections, and reserving same, despite a reasonable
16 search and diligent effort, responding party is unable to comply
17 with this request.

18 58. Objection. This request is vague, ambiguous,
19 overbroad, not reasonably calculated to lead to the discovery of
20 admissible evidence, calls for the disclosure of private or
21 proprietary corporate information/documents.

22 59. Objection. This request is vague, ambiguous,
23 overbroad, not reasonably calculated to lead to the discovery of
24 admissible evidence, calls for the disclosure of private or
25 proprietary corporate information/documents.

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1 60. Objection. This request is vague, ambiguous,
2 overbroad, not reasonably calculated to lead to the discovery of
3 admissible evidence, calls for the disclosure of private or
4 proprietary corporate information/documents.

5 61. Objection. This request is vague, ambiguous,
6 overbroad, not reasonably calculated to lead to the discovery of
7 admissible evidence, calls for the disclosure of private or
8 proprietary corporate information/documents. Notwithstanding the
9 foregoing objections, and reserving same, after a reasonable
10 search and diligent effort, responding party produces herewith a
11 July 1, 2003 letter which may be responsive as Exhibit "B."

12 DATED: April 28, 2008

13 CLIFFORD & BROWN

14
15
16 By: 

16 RICHARD G. ZIMMER, ESQ.
17 T. MARK SMITH, ESQ.
18 JEREMY J. SCHROEDER, ESQ.
19 Attorneys for
20 BOLTHOUSE FARMS, INC. and
21 BOLTHOUSE PROPERTIES, LLC
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VERIFICATION TO FOLLOW

EXHIBIT “A”

welenco

VIDEO SURVEY REPORT

Fax (805) 834-2550 • (800) 445-9914 • (805) 834-8100

Customer <u>ROITMAN DRILLING CO</u>	Job No. <u>26912</u>	Run No. <u>ONE</u>
Address _____	Well No. <u>BELTHOUSE FARMS</u>	Date <u>2-12-1999</u>
City _____ State _____ Zip _____	Location _____	
Request By _____ Cust. P.O. _____		
Copy To _____		
Reason for Survey <u>GENERAL INSPECTION</u>	Zero Datum <u>TOP OF CASING BACK VIEW</u>	
	Survey By <u>D. JACKSON</u>	Truck No. <u>T-05</u>

DEPTH	REMARKS
0'	TOP OF CASING
1 192'	BREAK → <u>Sandy</u> or <u>Gravel</u>
2 222'	BREAK <u>Sandy</u> or <u>Gravel</u>
228'	SCALE INCREASING
3 240'	BREAK - <u>Sandy</u> or <u>Gravel</u>
247'	TOP OF PERFORATIONS
252'	STATIC WATER LEVEL
270'	PERFORATIONS MOSTLY RUGGED
1 324'	BREAK
353'	BREAK - <u>Sandy</u>
413'	BREAK <u>Sandy</u>
431'	BREAK <u>Sandy</u>
3 461'	BREAK <u>Sandy</u>
502'	FILL - <u>NOT WORKING</u>
	<u>2175 possible break</u>
	<u>35.945</u>
	<u>Sandy 11.740</u>
	<u>Line 17.835</u>
	<u>Test (pump) 6.111</u>

NOTE:

CASING CONDITION

ID at Surface 16 1/4" INCREASES Reduces to 17" at 250' : _____ at _____ at _____

Diameter Reference: ☒ Caliper Survey ☐ Estimate from TV/Photo Survey ☐ Well Records

Corrosion/Incrustation Build-up ☐ Light ☐ Moderate ☐ Heavy ☐ Increases with Depth

VIDEO SURVEY REPORT

• Bakersfield • Salinas • Claremont • Arizona • Sacramento • Washington

Customer ROTTMAN DRILLING

Address 46471 NORTH DIVISION

City LANCASTER State CA Zip 93534

Request By JORN Cust. P.O.

Copy To

Reason for Survey GENERAL INSPECTION

Job No. 26912

Run No. ONE

Well No. BOLTHOUSE FARMS

Date 2-12-1999

Location 73RD ST EAST AND AVE J-4

Zero Datum TOP OF CASING

Survey By D. JACKSON

Truck No. T-05

DEPTH

REMARKS

0' TOP OF CASING

192'	BREAK
------	-------

222' | BREAK

228'	SCALE INCREASING
------	------------------

240'	BREAK
------	-------

247'	TOP OF PERFORATIONS
------	---------------------

252'	STATIC WATER LEVEL
------	--------------------

270'	PERFORATIONS MOSTLY PLUGGED
------	-----------------------------

324'	BREAK
------	-------

383'	BREAK
------	-------

413'	BREAK
------	-------

431'	BREAK
------	-------

461

BREAK

502'	FULL
------	------

NOTE: CALIPER RUN AT NO CHARGE

DEPTH REFERENCE IS DOWN VIEW

OK

at Surface 16.25" Reduces to 17" at 250'

Parameter Reference: ☒ Caliper Survey ☐ Estimate from TV/Photo Survey ☐ Well Records

Corrosion/Incrustation Build-up ☐ Light ☐ Moderate ☒ Heavy ☐ Increases with Depth

Recommendation: ☐ Clean ☐ Sludge ☐ Liner(s)

RECEIVED FEB 18 1999

Rottman Drilling Co.

46471 N. DIVISION
LANCASTER, CA 93535
(805) 942-6125
FAX (805) 949-1510
CONTRACTORS LIC. #316599

8800 SCHURZ HWY
FALLON, NV 89401
(702) 423-8921
CONTRACTORS LIC. #36341

February 15, 1999

Proposal #R99-02-05W

Robert Huckaby
WM Bolthouse Farms
7200 E. Brundage Lane
Bakersfield, CA 93307-3099

RE: 73rd Street East and Avenue J-4 / Blum Ranch

We propose the following well repairs and testing:

A. Well Repairs

1. Swage 9 breaks - estimate 30 hours
2. Brush well 8 hours and clean out
3. Acid clean well
4. Re-brush well and clean out

Estimated total for Item A

\$11,750.00

B. Install Liner

1. 300' of 123/4" X .250 grade A53B solid pipe
2. 200' of Johnson XXHD wire wrap screen with .060 slots -
135 square inch open area per foot.
3. Gravel pack with Silica Resources 6 X 12 filter pack - 160' to surface
4. Swab gravel pack 4 hours to clean and develop

Estimated total for Item B

\$17,835.00

C. Test Pump

1. Furnish and install 460' of 8" test pump capable of 1500 g.p.m.
At 450 TDH
2. Engine Development and testing at \$130.00 per hour

Estimated total for Item C

\$6,360.00

Total estimated project charges

\$35,945.00

If you have any questions on the above please contact me at the office.

Respectfully,

L. Rottman
L. Rottman
Larry W. Rottman
President



EXHIBIT “B”



A HARTWIG COMPANY

1833 West Avenue J
Lancaster, CA 93534
(661) 948-8424

July 1, 2003

Mr. Derek Yurosek
Wm. Bolthouse Farms, Inc.
7200 East Brundage Lane
Bakersfield, CA 93307

Via Facsimile (661) 366-2812

Re: Purchase

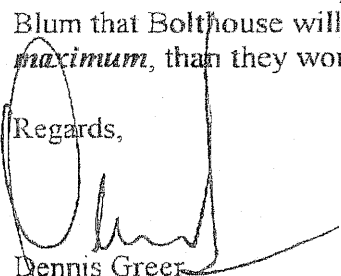
Dear Derek:

Following you will find a copy of Mr. Sheldon Blum's letter to me of earlier today.

As you know, you and I have discussed Mr. Blum's proposal more than once during the past couple of weeks. Mr. Blum's letter suggests that he is somewhat frustrated because I have not been able to gain WBF's approval of his proposal.

Please let me know how you would like me to respond to Mr. Blum's letter. I already told Mr. Blum that Bolthouse will likely value the property closer to \$2,500.00 - \$2,750.00 an acre, *maximum*, than they would at his \$6,000.00 an acre price.

Regards,



Dennis Greer

DG:dkh

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

On January 25, 2008, I served the foregoing document(s) entitled:

Nanette Maxey
NANETTE MAXEY
2450-37