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DISTRICT and LOS ANGELES COUNTY
13 WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT
16

17 ANTELOPE VALLEY GROUNDWATER
18 CASES

19 Included Actions:

20 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co., Superior Court of
21 California, County of Los Angeles, Case No.
BC 325201;

22 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co., Superior Court of
23 California, County of Kern, Case No. S-1500-
CV-254-348;

24 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
25 Lancaster, Diamond Farming Co. v. Palmdale
Water Dist., Superior Court of California,
26 County of Riverside, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668

RELATED CASE TO JUDICIAL
COUNCIL COORDINATION
PROCEEDING NO. 4408

**DECLARATION OF DANIEL S.
ROBERTS IN SUPPORT OF LOS
ANGELES COUNTY WATERWORKS
DISTRICT NO. 40's OPPOSITION TO
ANAVERDE'S EX PARTE MOTION
TO: (1) COMPEL RESPONSES TO
OUTSTANDING DISCOVERY
REQUESTS AGAINST LACWW; (2)
REQUEST CONTINUANCE OF
DEPOSITION OF JOHN LAMBIE;
AND (3) REQUEST DATE CERTAIN
FOR ANAVERDE TRIAL BRIEFING
AND PRESENTATION**

Date: September 23, 2008
Time: 8:15 a.m.
Dept. 17C
Phase 2 Trial: October 6, 2008

1 I, Daniel S. Roberts, declare as follows:

2 1. I am attorney at law, duly authorized to practice before all of the courts in this
3 State. I am an associate in the law firm of Best Best & Krieger LLP, attorneys of record for Los
4 Angeles County Waterworks District 40 (the "District") in the above-captioned case, and one of
5 the attorneys responding to numerous informal requests made by Anaverde's counsel for
6 information from the District. I have personal knowledge of the following facts, except as to
7 those matters expressly stated to be on information and belief, of which I am informed, and on
8 that basis believe, are true. If called as a witness, could and would testify to the following facts.

9 2. On Monday, September 15, 2008, at 11:09 a.m. I received an e-mail
10 communication from Kimberly Huangfu, an attorney for Anaverde, indicating that she was at the
11 District's offices reviewing items that had been produced to Anaverde in response to Anaverde's
12 written discovery requests. A true and correct printout of that e-mail is attached here as Exhibit
13 "A." Ms. Huangfu asked in her e-mail that I call her at the telephone number listed in the e-mail
14 as soon as possible.

15 3. At approximately 11:12 that morning, I called one of the two telephone numbers
16 listed in Ms. Huangfu's e-mail and spoke with a Joseph Salazar, another attorney for Anaverde
17 who was also present reviewing the items the District had produced pursuant to Anaverde's
18 written discovery request. Mr. Salazar had a question for me regarding a printed spreadsheet
19 containing groundwater well levels which was produced that morning (and which I am informed,
20 and on that basis believe, had also previously been produced in response to discovery requests by
21 another party in this action). Specifically, Mr. Salazar asked me about the labeling of one column
22 on several pages of the printed spreadsheet that appeared to have the year mislabeled. I was able
23 to access the electronic version of the spreadsheet and confirm from the "tabs" within that
24 spreadsheet that the year in the column on the pages in question (for the years 2002 through 2008)
25 was indeed mislabeled as "2001" for each of those years. I confirmed to Mr. Salazar by
26 telephone, reading the data within that column on the pages in question and referencing the tabs
27 in the electronic document, which year those pages was actually for.

1 4. Mr. Salazar also asked me during that telephone call a few additional questions.
2 He asked for the data regarding the elevation of the groundwater within each well, and a map of
3 the District's wells, and for the data for July and August of 2008 since the spreadsheet only
4 contained data through June of this year. I told him that I would contact the District's staff and do
5 what I could to get him that information.

6 5. At approximately 2:16 on September 15, 2008, I sent an e-mail communication to
7 Mr. Salazar in which I indicated to him that our firm had spoken with our contacts at the District,
8 and that unfortunately the data for July and August 2008 was not yet available, but would be
9 available in approximately a month. I also informed him that I was still working on getting him
10 the maps and information on groundwater elevations that he requested in our earlier telephone
11 conversation. A true and correct printout of that e-mail communication to Mr. Salazar is attached
12 hereto as Exhibit "B."

13 6. Later that afternoon, at approximately 5:30 p.m., I received a telephone call from
14 Ms. Huangfu. I told her that I had obtained the information Mr. Salazar had requested earlier that
15 day, and I agreed to send it to her via e-mail. She agreed to send me an e-mail so that I would
16 have her correct e-mail address, which she did at 5:40 p.m. that day. At 5:44, I replied to Ms.
17 Huangfu's e-mail by attaching the maps Mr. Salazar had previously requested, as well as an
18 additional spreadsheet with the elevations he had requested. A true and correct printout of that e-
19 mail (without the attached files) is attached here as Exhibit "C." Ms. Huangfu responded at 5:46
20 p.m. that she "got it." Attached here as Exhibit "D" is a true and correct printout of Ms.
21 Huangfu's 5:46 p.m. September 15, 2008 e-mail to me.

22 7. On Tuesday, September 16, 2008, I received a telephone call from Ms. Huangfu at
23 approximately 10:30 a.m. again in regard to spreadsheet I had spoken with Mr. Salazar about the
24 previous day, specifically the mislabeled column on the pages for years 2002 through 2008. Ms.
25 Huangfu asked if I could please forward to her an electronic copy of the District's spreadsheet so
26 that they would have the "tabs" to confirm that those pages really did correspond to the correct
27 years (as I had already confirmed to Mr. Salazar by telephone on Monday). At 12:17 p.m. on
28 September 16, 2008, I sent Ms. Huangfu via e-mail the electronic version of the spreadsheet as an

1 Excel file attached to the e-mail. Attached here as Exhibit "E" is a true and correct printout of
2 that e-mail (without the attached Excel file). Ms. Huangfu had also asked during our 10:30 a.m.
3 telephone conversation for two additional items. First, she again asked for the July and August
4 2008 data, which I had already told Mr. Salazar on Monday was not yet available. Second, she
5 noted that the maps I had sent her on Monday evening each bore a legend that read "THIS MAP
6 IS INTENDED FOR USE ONLY AS A WATER OPERATIONS MAP BY THE LOS
7 ANGELES COUNTY WATERWORKS DISTRICTS AND IS BASED UPON INFORMATION
8 AVAILABLE FROM PUBLIC RECORDS. THE LOS ANGELES COUNTY WATERWORKS
9 DISTRICTS EXPRESSLY DISCLAIM ANY LIABILITY FOR ANY INACCURACIES
10 WHICH MAY BE PRESENT IN THIS MAP," and asked if the District had any similar maps
11 without that legend. I told her, both by telephone and in my 12:17 e-mail, that I would see what I
12 could do and get back to her.

13 8. At 12:26 on September 16, 2008, Ms. Huangfu responded to my 12:17 e-mail with
14 the native electronic version of the District's spreadsheet, noting that the column on the pages for
15 2002 through 2008 was still mislabeled and asking me to "correct those cells and email the
16 revised spreadsheet back to [her.]" A true and correct printout of Ms. Huangfu's 12:26 p.m.
17 September 16, 2008 e-mail (without the attachment) is attached hereto as Exhibit "F."

18 9. Before I was able to respond to her 12:26 p.m. e-mail, Ms. Huangfu sent me
19 another e-mail communication at 2:42 p.m. on September 16, 2008. A true and correct copy of
20 that e-mail communication is attached hereto as Exhibit "G." Therein, Ms. Huangfu asks three
21 additional questions about the spreadsheet. She also once again asks about the July and August
22 2008 data and for me to "let [her] know before the close of business today whether any progress
23 has been made to obtain this data."

24 10. At 4:26 p.m. on September 16, 2008 I responded to Ms. Huangfu's 12:26 e-mail
25 asking me to "correct" the mislabeling on the District's spreadsheet which we had produced to her
26 both in paper and electronic form. Attached here as Exhibit "H" is a true and correct printout of
27 my 4:26 p.m. e-mail in which I acknowledged (again) that there is a typo on several pages of the
28 spreadsheet, as shown when compared with the tabs in the spreadsheet, but responded that the

1 document says what it says and I could not alter the District's document. I also responded within
2 this e-mail to Ms. Huangfu's questions from our telephone conversation earlier in the day
3 regarding the map legend and the July and August 2008 data. As to the former, I relayed that I
4 had learned all of the District's maps have such a legend. As to the latter, I responded that I was
5 still looking into the matter.

6 11. At 4:32 p.m. on September 16, 2008 I responded to Ms. Huangfu's 2:42 p.m. e-
7 mail from that day with the information I had been able to gather from the District in response to
8 her questions. I did not specifically address in this e-mail her question at the end of her 2:42 p.m.
9 e-mail about the July and August 2008 data because I had nothing new to report on that issue
10 since my 4:26 p.m. e-mail. A true and correct printout of my 4:32 p.m. September 16, 2008 e-
11 mail is attached hereto as Exhibit "I."

12 12. Ms. Huangfu replied to my 4:32 p.m. e-mail at 9:50 p.m. on September 16, 2008,
13 asking yet another follow-up question to one of my responses to her earlier query, and clarifying
14 what she meant by one of her other questions. A true and correct printout of Ms. Huangfu's 9:50
15 p.m. e-mail correspondence is attached here as Exhibit "J."

16 13. Ms. Huangfu replied to my 4:26 e-mail at 10:12 p.m. on September 16, 2008. A
17 true and correct printout of her 10:12 p.m. e-mail is attached here as Exhibit "K." Therein, Ms.
18 Huangfu acknowledges both that we cannot alter the spreadsheet and that the spreadsheet tabs
19 properly identify the year corresponding to the data, but once again asks for "a comprehensive
20 spreadsheet with proper labeling." She also again presses the issue for the July and August 2008
21 data.

22 14. I responded to Ms. Huangfu's 9:50 p.m. September 16, 2008 e-mail at 8:49 a.m. on
23 September 17, 2008. I informed her that I was attempting to get confirmation to one of her
24 questions from late the night before, and responded to her other question. A true and correct
25 printout of my 8:49 a.m. September 17, 2008 e-mail reply is attached here as Exhibit "L." At
26 9:07 a.m. on September 17, 2008, I e-mailed Ms. Huangfu with confirmation on the other
27 question from her 9:50 p.m. September 16, 2008 e-mail. A true and correct printout of my 9:07
28 a.m. September 17, 2008 e-mail is attached here as Exhibit "M."

1 15. I responded to Ms. Huangfu's 10:12 p.m. September 16, 2008 e-mail at 9:09 a.m.
2 on September 17, 2008. A true and correct printout of that e-mail correspondence is attached
3 here as Exhibit "N." Therein I informed Ms. Huangfu that we had provided her the information
4 in the spreadsheet as it exists, and that we would neither alter that document, nor create a new
5 document. I also responded that the July and August 2008 raw data had been collected in the
6 field, but had not yet been processed due to a lag in processing time at the District, particularly in
7 the high-demand summer months, and that the data would not be processed and available by the
8 close of business that day. I also noted that the spreadsheet already contained data for the last 18
9 ½ years (222 months) through June of this year, and that we will provide the data for the last two
10 months as soon as it is available.

11 16. At 5:22 p.m. on September 17, 2008, Ms. Huangfu sent me an e-mail asking for
12 new information, specifically, the state well identification numbers for three wells. A true and
13 correct printout of that e-mail is attached here as Exhibit "O." I responded to that e-mail at 7:39
14 a.m. on September 18, 2008 informing Ms. Huangfu that I would look into the matter and get
15 back to her. A true and correct printout of my 7:39 a.m. e-mail is attached here as Exhibit "P." I
16 obtained the requested information from the District and at 10:44 a.m. on September 18, 2008
17 sent Ms. Huangfu and e-mail containing the state well identification numbers for the three wells
18 she requested. A true and correct printout of my 10:44 a.m. e-mail is attached hereto as Exhibit
19 "Q."

20 17. On September 18, 2008 at 11:44 a.m., Ms. Huangfu responded to my 10:43 a.m. e-
21 mail from that day seeking yet more information regarding the District's wells. Specifically, she
22 asked for the "UTM coordinates" for the wells, in addition to the state well identifications for the
23 same three wells that I had given her the state identification numbers for in my 10:43 a.m. e-mail.
24 A true and correct printout of Ms. Huangfu's 11:44 a.m. September 18, 2008 e-mail to me is
25 attached hereto as Exhibit "R."

26 18. I was out of the office on Friday, September 19, 2008 and not able to respond to
27 Ms. Huangfu's 11:44 a.m. September 18, 2008 e-mail until today, September 22, 2008. Attached
28 hereto as Exhibit "S" is a true and correct printout of my 12:07 p.m. September 22, 2008 e-mail

1 response to Ms. Huangfu's e-mail requesting the UTM coordinates for the wells and the state well
2 identification numbers, in which I provided the information available to the District. With this
3 response, I am unaware of any pending requests for additional information that Anaverde's
4 counsel that my firm has not responded to either by providing the requested information or stating
5 that such information was not available.

6 19. Throughout my communications with Ms. Huangfu and Mr. Salazar, neither has
7 identified to me any specific document request, interrogatory, or request for admission that she or
8 he contended the District had not adequately responded to. In addition, in response to specific
9 verbal and e-mail questions from its counsel, we have provided Anaverde with all of the available
10 additional and follow-up information they have requested. To my knowledge, the only items they
11 have requested that we have been unable to supply thus far are: the well data for July and August
12 of 2008 (which is not yet available), a spreadsheet that does not contain the mislabeled column
13 for the pages containing data for the years 2002 through 2008 (which does not exist), and well
14 maps without the legend discussed above (which also do not exist).

15 20. No counsel for Anaverde has conducted, or even requested, an in-person, or even a
16 telephonic, meeting to discuss and resolve any claimed inadequacy in the District's responses to
17 Anaverde's discovery. Obviously no pre-filing informal conference with the Court has taken
18 place either.

19 21. Counsel for Anaverde has never raised with me, and to my knowledge has not
20 raised with anyone else within my firm, the alleged lack of production of electronic data in native
21 format, the absence of a privilege log, the District's objection to the vagueness of some of the
22 terms used in Anaverde's discovery requests, or any specific objection the District asserted to
23 Anaverde's PMK deposition notice prior to raising those issues in the instant "ex parte motion."

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1 22. I received service of Anaverde's memorandum of points and authorities,
2 supporting Declaration, and proposed Order in support of its "ex parte motion" via e-mail from
3 the Court's website. The e-mail containing the links to those documents reads "Service date:
4 09/22/2008 3:13 PM."

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed this 22nd day of September, 2008 at Irvine, California.

7 
8
9 DANIEL S. ROBERTS

10 ORANGE\ROBERTS\50574.1

PROOF OF SERVICE

I, Stefanie Hedlund, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California 92614. On September 22, 2008, I served the within document(s):


DECLARATION OF DANIEL S. ROBERTS IN SUPPORT OF LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40's OPPOSITION TO ANAVERDE'S EX PARTE MOTION TO: (1) COMPEL RESPONSES TO OUTSTANDING DISCOVERY REQUESTS AGAINST LACWW; (2) REQUEST CONTINUANCE OF DEPOSITION OF JOHN LAMBIE; AND (3) REQUEST DTAE CERTAIN FOR ANAVERDE TRIAL BRIEFING AND PRESENTATION

- ☒ by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- ☐ by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 22, 2008, at Irvine, California.


Stefanie Hedlund