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12 DISTRICT NO. 40

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES

15
16 Coordination Proceeding
17 Special Title (Rule 1550 (b))

Judicial Council Coordination
Proceeding No. 4408

18 **ANTELOPE VALLEY GROUNDWATER**
19 **CASES**

20 Included Actions:

21 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
22 County of Los Angeles, Case No. BC 325 201

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

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

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ITS OPPOSITION TO
DIAMOND FARMING COMPANY'S
MOTION TO STRIKE; DECLARATION
OF SANDRA M. SCHWARZMANN IN
SUPPORT THEREOF

Hearing:

Date: December 2, 2005
Time: 10:00 a.m.
Dept.: 1

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1 REQUEST FOR JUDICIAL NOTICE

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4 Los Angeles County Waterworks District No. 40 requests under Evidence Code sections
5 452(d)(1) and 453(a) and (b), that the Court take judicial notice of the following documents:
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7 1. The Opposition Filed by Diamond Farming to the District's Motion for Leave to
8 File a Cross-Complaint, which is attached to the declaration of Sandra M. Schwarzmenn filed
9 concurrently herewith as Exhibit "1."

10
11 2. The transcript from the November 12, 2004, hearing before the Honorable Gary B.
12 Tranbarger, Judge of the Riverside County Superior Court, regarding the District's Motion for
13 Leave to File a Cross-Complaint, which is attached to the declaration of Sandra M. Schwarzmenn
14 filed concurrently herewith as Exhibit "2."

15
16 3. The Complaint filed by the District in Los Angeles County Superior Court on
17 November 29, 2004, entitled, *Los Angeles County Waterworks District No. 40 v. Diamond*
18 *Farming Company, et al.*, Case No. BC325201, which is attached to the declaration of Sandra
19 Schwarzmenn filed concurrently herewith as Exhibit "3."

20
21 4. The Complaint filed by the District in Kern County Superior Court on December
22 1, 2004, entitled, *Los Angeles County Waterworks District No. 40 v. Diamond Farming*
23 *Company, et al.*, Case No. S-1500-CV-252-348, which is attached to the declaration of Sandra M.
24 Schwarzmenn filed concurrently herewith as Exhibit "4."

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26 5. The Petition For Coordination of Complex Actions submitted to the Judicial
27 Council of California by Los Angeles County Waterworks District No. 40 on January 3, 2005 to
28 coordinate: *Los Angeles County Waterworks District v. Diamond Farming Co., et al.* (Los

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1 Angeles County Superior Court Case No. BC 325201); *Los Angeles County Waterworks District*
2 *v. Diamond Farming Co., et al.* (Kern County Superior Court Case No. S-1500-CV 254348); and
3 *Diamond Farming Co. and Wm. Bolthouse Farms, Inc. v. City of Lancaster, et al.* (Riverside
4 County Superior Court Lead Case No. RIC 344436, and Case No. RIC344668), which is attached
5 to the declaration of Sandra M. Schwarzmenn filed concurrently herewith as Exhibit "5."

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7 6. Order Granting Petition for Coordination, dated June 17, 2005, which is attached
8 to the declaration of Sandra M. Schwarzmenn filed concurrently herewith as Exhibit "6".
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10 7. This Court's records for this action, including all pleadings and papers filed herein.
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14 Dated: November 17, 2005

BEST BEST & KRIEGER LLP

15
16 By: 

17 ERIC L. GARNER
18 JEFFREY V. DUNN
19 SANDRA M. SCHWARZMANN
20 JILL N. WILLIS
21 Attorneys for Plaintiff
22 LOS ANGELES COUNTY
23 WATERWORKS DISTRICT NO. 40
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DECLARATION OF SANDRA M. SCHWARZMANN

I, Sandra M. Schwarzmnn, declare:

1. I am an associate of the law firm of Best, Best & Krieger LLP, counsel for Plaintiff Los Angeles County Waterworks District No. 40. I have personal knowledge of the facts stated herein and if called upon to do so, I could and would competently testify to these facts.

2. Attached hereto as Exhibit "1" is a true and correct copy of the Opposition to the District's Motion for Leave to File a Cross-Complaint filed by Diamond Farming.

3. Attached hereto as Exhibit "2" is a true and correct copy of the transcript from the November 12, 2004, hearing before the Honorable Gary B. Tranbarger, Judge of the Riverside County Superior Court regarding the District's Motion for Leave to File a Cross-Complaint.

4. Attached hereto as Exhibit "3" is a true and correct copy of the Complaint filed by the District in Los Angeles County Superior Court on November 29, 2004, entitled, *Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., et al.*, Case No. BC325201.

5. Attached hereto as Exhibit "4" is a true and correct copy of the Complaint filed by the District in Kern County Superior Court on December 1, 2005, entitled, *Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., et al.*, Case No. S-1500-CV 254348.

6. Attached hereto as Exhibit "5" is a true and correct copy of the Petition For Coordination of Complex Actions submitted to the Judicial Council of California by Los Angeles County Waterworks District No. 40 on January 3, 2005 to coordinate: *Los Angeles County Waterworks District v. Diamond Farming Co., et al.* (Los Angeles County Superior Court Case No. BC 325201; *Los Angeles County Waterworks District v. Diamond Farming Co., et al.* (Kern ORANGESMS21863.1

1 County Superior Court Case No. S-1500-CV 254348; and *Diamond Farming Co. and Wm.*
2 *Bolthouse Farms, Inc. v. City of Lancaster, et al.* (Riverside County Superior Court Lead Case
3 No. RIC 344436 and Case No. RIC 344668), which is submitted here without exhibits.

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5 7. Attached hereto as Exhibit "6" is a true and correct copy of the Order Granting
6 Petition for Coordination, dated June 17, 2005.

7
8 I declare under penalty of perjury under the laws of the State of California that the above
9 is true and correct.

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11 Executed this 17th day of November, 2005, at Irvine, California.

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14 Sandra M. Schwarzmann
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