

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103

BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
JEFFREY V. DUNN, Bar No. 131926
MARC S. EHRLICH, Bar No. 198112
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614
TELEPHONE: (949) 263-2600
TELECOPIER: (949) 260-0972

OFFICE OF COUNTY COUNSEL
COUNTY OF LOS ANGELES
RAYMOND G. FORTNER, JR., Bar No. 42230
COUNTY COUNSEL
FREDERICK W. PFAEFFLE, Bar No. 145742
SENIOR DEPUTY COUNTY COUNSEL
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
TELEPHONE: (213) 974-1901
TELECOPIER: (213) 458-4020

Attorneys for Plaintiff
LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40,

Plaintiff,

vs.

DIAMOND FARMING COMPANY, a
corporation;
WM. BOLTHOUSE FARMS, INC., a
corporation;
CALIFORNIA WATER SERVICE
COMPANY;
CITY OF LANCASTER;
CITY OF PALMDALE;
LITTLEROCK CREEK IRRIGATION
DISTRICT;
PALMDALE WATER DISTRICT;
PALM RANCH IRRIGATION
DISTRICT,
QUARTZ HILL WATER DISTRICT;
and DOES 1 through 25,000 inclusive;

Defendants.

Case No. BC325201

ASSIGNED FOR ALL PURPOSES TO THE
HON. RALPH W. DAU - DEPT. 57

Amount Demanded Exceeds \$10,000

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40'S PETITION FOR
COORDINATION OF COMPLEX ACTION

1. Riverside County Superior Court
Lead Case No. RIC 344436
Case No. RIC 344668
Case No. RIC 353840

2. Los Angeles Superior Court
Case No. BC-325201

3. Kern County Superior Court
Case No. S-1500-CV 254348

ORANGEVVD14835.1

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S PETITION FOR COORDINATION OF COMPLEX
ACTIONS

EXHIBIT "4" EXHIBIT 5

1 MEMORANDUM OF POINTS AND AUTHORITIES

2
3 I. INTRODUCTION

4
5 "The scope and technical complexity of issues concerning water resource management are
6 unequalled by virtually any other type of activity presented to the courts." (*Environmental*
7 *Defense Fund v. East Bay Municipal Utility District* (1977) 20 Cal.3d 327, 344.) This
8 coordination petition encompasses cases pending in three counties to adjudicate water rights to
9 the Antelope Valley Groundwater Basin.

10
11 Pursuant to Code of Civil Procedure Section 404¹, Los Angeles County Waterworks
12 District No. 40 hereby petitions for the coordination of three complex actions in the complex civil
13 division of the Orange County Superior Court:

- 14
15 1. *Los Angeles County Waterworks District v. Diamond Farming Co., et al.* (Los
16 Angeles County Superior Court Case No. BC 325201, *i.e.*, "the District's Los
17 Angeles County Action").
18
19 2. *Los Angeles County Waterworks District v. Diamond Farming Co., et al.* (Kern
20 County Superior Court Case No. S-1500-CV 254348, *i.e.*, "the District's Kern
21 County Action").
22
23 3. *Diamond Farming Co. and Wm. Bolthouse Farms, Inc. v. City of Lancaster, et al.*
24 (Riverside County Superior Court Lead Case No. RIC 344436, Case No. RIC
25
26

27 ¹ All section references are to the Code of Civil Procedure and all rule references are to the California Rules of Court
28 unless otherwise indicated.

344668, i.e., "the Riverside County Action").²

Coordination of these three actions is proper because they are "complex," and they satisfy the requirements of Section 404 and Rule 1800. Specifically, a complete resolution of issues presented by this litigation requires that nearly all the individuals and entities who claim a right to extract percolating groundwater from the Antelope Valley Groundwater Basin – an aquifer located beneath land in both Los Angeles and Kern Counties – participate in these actions. These parties include public agencies who provide public water service within Los Angeles and Kern Counties, as numerous private entities and individuals who have an interest in the Basin's water supply.

II. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Groundwater pumping is rapidly depleting the vital water supply in the Antelope Valley. (See Dunn Decl., ¶ 2 and Ex. A, [United States Geological Survey ("USGS"), Land Subsidence and its Relation to Past and Future Water Supplies in Antelope Valley, California, p. 8].) The USGS reports that water levels have fallen more than 200 feet in some parts of the Antelope Valley Groundwater Basin, and parts of the Antelope Valley have experienced land subsidence measuring six feet. (See Dunn Decl., ¶ 3 and Ex. B [USGS, Simulation of Ground-Water Flow and Land Subsidence in the Antelope Valley Ground-Water Basin, California, p. 1].)

A. Diamond Farming Initiates Litigation In 1999 To Quiet Title To Its Right To Extract Water From The Antelope Valley Groundwater Basin, An Aquifer Situated In Both Los Angeles And Kern Counties

On October 29, 1999, Diamond Farming Company filed a quiet title action in Kern County Superior Court (Kern County Superior Court Case No. 240090), naming as defendants the City of Lancaster, several water and community service districts that provide water to the public, and "All Persons Unknown, Claiming Any Legal Or Equitable Right, Title, Estate, Lien, Or

² *Diamond Farming Co. and Wm. Bolthouse Farms, Inc. v. City of Lancaster, et al.* (RIC 344436) has been consolidated with two other cases: RIC 344668 and RIC 353840.
ORANGEVVD\14835.1

1 Interest In The Property Described In This Complaint Adverse To Plaintiff's Title, Or Any Cloud
2 Upon Plaintiff's Title Thereto." (Request for Judicial Notice ("RJN"), Ex. A [Diamond Farming
3 Kern Complaint].) Diamond Farming alleges that it owns real property in Kern County situated
4 above a body of percolating groundwater (*i.e.*, an aquifer), to which the defendant public agencies
5 claim rights to extract water for the public benefit and welfare. (RJN, Ex. A [Diamond Farming
6 Kern Complaint, ¶¶ 2-9].)

7
8 Diamond Farming contends its rights to pump groundwater for its farming operations are
9 superior to the public's need and rights to water for the cities of Lancaster and Palmdale, as well
10 as other communities in the Antelope Valley. (RJN, Ex. A [Diamond Farming Kern Complaint, ¶
11 10].)

12
13 On February 22, 2000, Diamond Farming filed second quiet title action in Los Angeles
14 County Superior Court (LASC Case No. MC-011330), naming the same defendants, and making
15 the same allegations regarding the parties' rights to extract water from the aquifer, which is also
16 situated beneath properties owned by Diamond Farming in Los Angeles County. (RJN, Ex. B
17 [Diamond Farming Los Angeles Complaint].)

18
19 Diamond Farming filed a First Amended Complaint in its Kern County Action on March
20 1, 2000. (RJN, Ex. C [Diamond Farming Kern First Amended Complaint].)

21
22 On June 5, 2000, Diamond Farming's Kern County lawsuit was ordered transferred to the
23 Riverside County Superior Court. (RJN, Ex. D [Court's Register of Actions].) On June 8, 2000,
24 Diamond Farming's Los Angeles County lawsuit likewise was ordered transferred to the
25 Riverside County Superior Court. (RJN, Ex. E [6-8-2000 Order].)

26
27 On November 15, 2000, Diamond Farming amended its complaint in the Kern County
28 action to name Los Angeles County Waterworks District Nos. 37 and 40 in place of Doe
ORANGEVVD14835.1

1 Defendant Nos. 1 and 2. (RJN, Ex. F [Diamond Farming 11-15-2000 Amendment to
2 Complaint].)

3
4 **B. Plaintiff Bolthouse Farms Initiates Similar Litigation In 2001 To Quiet Title
5 To Its Right To Extract Water From The Aquifer Situated In Kern And Los
6 Angeles Counties**

6 On January 25, 2001, Wm. Bolthouse Farms, Inc. filed a complaint to quiet title in
7 Riverside County Superior Court, also naming as defendants the City of Lancaster, several water
8 and community service districts that provide water to the public, and "All Persons Unknown,
9 Claiming Any Legal Or Equitable Right, Title, Estate, Lien, Or Interest In The Property
10 Described In This Complaint Adverse To Plaintiff's Title, Or Any Cloud Upon Plaintiff's Title
11 Thereto." (RJN, Ex. G [Bolthouse Complaint, ¶¶ 2-8].) Bolthouse alleges that it owns properties
12 in Los Angeles County that overlie the same aquifer at issue in both of Diamond Farming's
13 lawsuits, and that Bolthouse claims rights to the aquifer's groundwater for its farming operations
14 that are superior to those asserted by the defendant public entities who provide water to the public
15 in the arid Antelope Valley. (RJN, Ex. G [Bolthouse Complaint, ¶¶ 8-13].)

16
17 **C. The Diamond Farming And Bolthouse Lawsuits Are Designated "Complex"
18 And Consolidated In Riverside County Superior Court**

18 On December 12, 2000, the Riverside County Superior Court designated the consolidated
19 Diamond Farming Actions "complex" under the California Rules of Court, Rule 1800, *et seq.*
20 (RJN, Ex. H [12-12-2000 Order].) On May 1, 2001, Bolthouse filed a First Amended Complaint.
21 (RJN, Ex. I [5-1-2001 Bolthouse First Amended Complaint].)

22
23 On June 25, 2001, the Bolthouse Action was consolidated with the Diamond Farming
24 Actions in this Court. (RJN, Ex. K [Court's Register of Actions].) Collectively, the two
25 Diamond Farming lawsuits and the Bolthouse lawsuit comprise the complex action now before
26 the Riverside County Superior Court, and referred to herein as the "Riverside County Action."
27
28

1 **D. Trial Of The Riverside County Action Is Aborted And Repeated Settlement**
2 **Efforts Do Not Resolve The Case**

3 Trial of selected preliminary issues in the Riverside County Action began in August 2002,
4 but was suspended because the parties were unable to agree on the scope of the issues during trial.
5 (Dunn Decl., ¶ 21.) In late July 2003, the parties attempted to resolve this case through
6 mediation, but were not successful. (Dunn Decl., ¶¶ 22-23.)

7
8 On November 14, 2003, the Riverside County Superior Court granted plaintiff
9 Bolthouse's request to file its Second Amended Complaint, which increased the number of
10 Bolthouse properties at issue to approximately 197. (Dunn Decl., 24; RJN, Ex. J [Diamond
11 Farming and Bolthouse Second Amended Complaint].) The parties renewed settlement
12 discussions in February 2004; these discussions were ongoing as recently as August 2004. (Dunn
13 Decl., ¶¶ 25-26.)

14 **E. The Riverside County Superior Court Instructs Los Angeles Waterworks**
15 **District No. 40 To File A Separate Action or Actions To Adjudicate Water**
16 **Rights In The Basin After the Court Denies The District's Motion For Leave**
17 **Of Court To File A Cross-Complaint To Adjudicate Water Rights In The**
18 **Basin**

19 After years of unsuccessful settlement negotiations during which agricultural and urban
20 demands for Basin water increased, the Los Angeles County Board of Supervisors voted to
21 initiate a groundwater adjudication to protect the public's rights to water from the Antelope
22 Valley Groundwater Basin and to obtain court-supervised groundwater resource management to
23 minimize the risk of additional land subsidence. Accordingly, the District filed a motion for leave
24 of court in the Riverside County Action to file a cross-complaint to adjudicate water rights in the
25 Basin and for a solution to the Basin groundwater issues. (Dunn Decl., ¶ 26.)

26 On November 12, 2004, the Riverside County Superior Court, the Honorable Gary
27 Tranbarger, presiding, denied the District's motion for leave to file a cross-complaint and
28 instructed the District to file a separate adjudication action or actions. Judge Tranbarger stayed

1 the Riverside County Action pending filing and coordination of the separate actions with the
2 Riverside County Action. (Dunn Decl., ¶ 27.)

3
4 **F. Los Angeles Waterworks District No. 40 Files Two Groundwater**
5 **Adjudication Actions In Los Angeles County And Kern County, Which**
6 **Should Be Coordinated With The Riverside County Action**

7 On November 29, 2004, the District filed a Complaint for Declaratory And Injunctive
8 Relief and Adjudication of Water Rights in the Los Angeles County Superior Court, entitled *Los*
9 *Angeles County Waterworks District No. 40 v. Diamond Farming Co, et al.* (LASC Case No BC
10 325201), i.e., "the District's Los Angeles County Action." (RJN, Ex. L [District's Los Angeles
11 Complaint].) The District named as defendants Diamond Farming Company, Wm. Bolthouse
12 Farms, Inc, California Water Service Company, the City of Lancaster, the City of Palmdale,
13 Littlerock Creek Irrigation District, Palmdale Water District, Palm Ranch Irrigation District, and
14 Quartz Hill Water District. (RJN, Ex. L [District's Los Angeles Complaint].) The Complaint in
15 the District's Los Angeles Action alleges that the District's rights to serve groundwater to the
16 public in cities and communities in the Antelope Valley must be recognized and protected as
17 against the claims raised by Diamond Farming and Bolthouse Farms and any other party that
18 would interfere with the public's rights to groundwater. (RJN, Ex. L [District's Los Angeles
19 Complaint].) Accordingly, the District's Los Angeles County Action arises from the same facts
20 and implicates the same legal issues as the Riverside County Action.

21 On December 1, 2004, the District filed an identical water rights adjudication action in
22 Kern County Superior Court, also entitled *Los Angeles County Waterworks District No. 40 v.*
23 *Diamond Farming Co, et al.* (Kern County Superior Court No. S-1500-CV 254348), i.e., "the
24 District's Kern County Action." (RJN, Ex. M [District's Kern Complaint].) The District names
25 the same defendants and makes essentially the same allegations in its Kern County Action as in
26 the Los Angeles County Action but includes parties who own property in Kern County. (RJN,
27 Ex. M [District's Kern Complaint].)

III. LEGAL ARGUMENT

Under Section 404, the Riverside County Action should be coordinated with the District's Los Angeles and Kern County Actions, because all three of these Actions involve the same legal issues, pertinent facts, and interested parties.

A. The Riverside County Action Has Been Designated "Complex"

A petition for coordination must involve actions designated "complex" as defined by Rule 1800, *i.e.*, "an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel." (Rule 1800.) This evaluation includes whether the case would necessitate: (1) numerous pre-trial motions raising difficult, novel and time-consuming legal issues; (2) management of numerous witnesses or documentary evidence; (3) management of numerous separately-represented parties; (4) coordination with related actions pending in courts located in other counties or states; and (5) substantial post-judgment judicial supervision. (Rule 1800.) Based on these factors, the Riverside County Superior Court designated the Riverside County Action "complex." (*See* RJN Ex. H [12-21-00 Order].) Accordingly, the Riverside County Action may be coordinated with the District's Los Angeles and Kern County Actions.

B. The District's Los Angeles and Kern County Actions Are Also "Complex" Because They Involve The Same Legal Issues, Facts And Parties As The Riverside County Action

The District's recently-filed Los Angeles and Kern County Actions seek "judicial determination of all rights to groundwater within the Antelope Valley Groundwater Basin." (RJN, Ex. L [District's Los Angeles Complaint, ¶¶ 1, 2-8], Ex. M [District's Kern Complaint, ¶¶ 1, 2-8].) The Judicial Council should deem both the District's Los Angeles and Kern County Actions "complex" for several reasons.

1 First, the District's Los Angeles and Kern County actions implicate the same legal issues,
2 facts, and parties as the Riverside County Action. (See RJN, Ex. L [District's Los Angeles
3 Complaint, ¶¶ 9-22]; Ex. M [District's Kern Complaint, ¶¶ 1, 9-22].)

4
5 Second, the District designated both the Los Angeles and Kern County Actions
6 "complex." (RJN, Ex. L [District's Los Angeles Complaint], Ex. M [District's Kern Complaint].)
7 (See Rules 201.8, 1810.)

8
9 Third, the District's Los Angeles and Kern County Actions independently satisfy all the
10 requirements for a "complex" designation under Rule 1800. These comprehensive groundwater
11 adjudications will require numerous pre-trial motions involving difficult and time-consuming
12 legal issues because of the complex and arcane nature of California water law. Because these
13 actions implicate hundreds, if not thousands of parties, they will demand management of
14 numerous witnesses and voluminous documentary evidence. For the same reason, both Actions
15 will require management of numerous, separately-represented parties. As indicated, resolving the
16 issues raised in the District's Los Angeles and Kern County Actions will require coordination
17 with the related Riverside County Action. Finally, the need for a "physical solution" and Basin
18 management in the Actions likely will require substantial post-judgment judicial supervision.

19
20 **C. The Riverside County Action, The District's Los Angeles County Action**
21 **And The District's Kern County Action Satisfy All The Coordination**
22 **Requirements Of Code Of Civil Procedure Section 404**

23 Section 404.1 provides the standard for determining whether complex actions should be
24 coordinated. It provides, in full:

25 Coordination of civil actions sharing a common question of fact or
26 law is appropriate if [1] one judge hearing all of the actions for all
27 purposes in a selected site or sites will promote the ends of justice
28 taking into account whether the common question of fact or law is
predominating and significant to the litigation; [2] the convenience
of parties, witnesses, and counsel; [3] the relative development of
the actions and the work product of counsel; [4] the efficient
utilization of judicial facilities and manpower; [5] the calendar of

1 the courts: [6] the disadvantages of duplicative and inconsistent
2 rulings, orders, or judgments; and, [7] the likelihood of settlement
3 of the actions without further litigation should coordination be
4 denied.

(Section 404.1)

5 The Riverside County Action and the District's Los Angeles and Kern County Actions all
6 satisfy the requirements of Section 404.1, and should be coordinated and heard in the Orange
7 County Superior Court, as it is the Superior Court with Complex Litigation Departments nearest
8 to Riverside, Los Angeles and Kern Counties. (Dunn Decl., ¶11.)

9 **1. Coordination Is Proper Because Common, Predominating Questions
10 Of Law And Fact Are Significant To The Litigation**

11 The Los Angeles, Kern County and Riverside County actions involve the rights of the
12 parties to extract groundwater from, and store water in, the aquifer situated beneath properties
13 located in both Los Angeles and Kern Counties. (Dunn Decl., ¶ 12). The legal and factual issues
14 determining the parties' respective claims to this percolating groundwater are essentially
15 identical, because the three Actions pertain to the adjudication of various parties' rights to extract
16 groundwater from a common aquifer located in the Antelope Valley Groundwater Basin. (Dunn
17 Decl., ¶ 12.) All three of these Actions implicate numerous common parties. Moreover, the
18 adjudication of the parties' groundwater rights in the District's Los Angeles and Kern County
19 Actions will directly affect the rights of parties named only in the Riverside County Action,
20 including the parties collectively named as "All Persons Unknown, Claiming Any Legal Or
21 Equitable Right, Title, Estate, Lien, Or Interest In The Property Described In The Complaint
22 Adverse To Plaintiff's Title, Or, Any Cloud Upon Plaintiff's Title Thereto." (Dunn Decl., ¶ 12.)

23 **2. Coordination Is Proper Because It Will Promote Convenience And
24 Efficiency For The Parties And Counsel**

25 Coordination in the Orange County Superior Court is proper because it will serve the
26 convenience of the parties and counsel, and guarantee the continuity and continued efficient
27 handling of this matter. (*Environmental Defense Fund, supra*, 20 Cal.3d at p. 344.) Water rights
28

1 disputes raise complex issues of fact and law that are not routinely before the courts. (Dunn ,
2 Decl., ¶ 13.) Additionally, basin adjudication cases involve hundreds, if not thousands of parties,
3 voluminous documents and records, as well as the testimony of expert witnesses. Accordingly,
4 the convenience of the parties, witnesses and counsel will all be served if the cases are
5 coordinated in the complex divisions of the Orange County Superior Court, which is established
6 to handle voluminous pleadings and documentary evidence and to manage proceedings involving
7 numerous witnesses and parties. (Dunn Decl., ¶ 13.) The parties cannot obtain this advantage in
8 the Riverside Superior Court because that court does not presently have a complex litigation
9 department.

10
11 Because of the threat to the public's groundwater supply and threats of additional land
12 subsidence from uncontrolled groundwater pumping, and due to the presence of public agency
13 parties in both Los Angeles and Kern Counties, coordination in Orange County Superior Court
14 assures all parties that the issues raised in all three actions are adjudicated in a completely neutral
15 venue outside of Los Angeles or Kern County. (Dunn Decl., ¶ 14.)

16
17 Finally, consolidation will also help to avoid contentious disqualification battles, and thus,
18 the parties need not risk presenting arguments to a judge whose valuable efforts may be wasted if
19 he or she is disqualified by peremptory challenge. (Dunn Decl., ¶ 13.) Specifically, coordination
20 may eliminate the potential for further disruption by peremptory challenge. (See Rule 1515.)

21
22 **3. Coordination Is Proper Given The Procedural History Of The Cases
And The Work Performed By Counsel**

23 The relative development and procedural posture of the actions makes them good
24 candidates for coordination. (Dunn Decl., ¶ 15.) Although the Riverside Action (and its
25 constituent consolidated cases) has been pending for several years, there is no trial date, discovery
26 is still ongoing and an initial attempt to try limited issues was aborted. (Dunn Decl., ¶ 15.)
27 Coordination would not significantly delay the proceedings or undermine progress already made.

(Dunn Decl., ¶ 15.) The District's recently-filed Los Angeles and Kern County Actions are new proceedings, and can easily be coordinated with the existing Riverside County Action. (Dunn Decl., ¶ 15.) Moreover, because the District's Los Angeles and Kern County Actions seek a comprehensive adjudication of groundwater rights, such an adjudication will be accomplished more fairly and efficiently in a coordinated proceeding. (Dunn Decl., ¶ 15.)

4. Coordination Is Proper Because It Will Promote The Efficient Use Of Judicial Resources In This Complex Litigation

Coordination is proper in these Actions because it ensures that the evidence and arguments will be presented to a single tribunal, which will both manage the case and make its rulings based on its understanding of the entire record and the entire scope of the litigation. (Dunn Dec., ¶ 16.) Moreover, by coordinating the cases in Orange County Superior Court, the Judicial Council will ensure that the requisite administrative support is available for managing a complex case. (Dunn Decl., ¶ 16.)

5. Coordination Is Proper Because, If These Complex Actions Proceed Individually, They Will Unnecessarily Burden The Courts' Calendars

Coordination will not disrupt the calendars of any of the affected courts, and, indeed, will alleviate pressure on the calendars of courts whence the coordinated actions are removed. (Dunn Decl., ¶ 17.)

6. Danger of Duplicative Or Inconsistent Rulings Or Judgments

Absent coordination, given the complex nature of California water law, and the intricate facts giving rise to all three actions, there is a risk of inconsistent rulings, orders and judgments. (Dunn Decl., ¶ 18.) Such inconsistencies might only perpetuate this litigation because the various parties would likely seek post-trial or appellate relief. (Dunn Decl., ¶ 18.) This would result in a waste of the superior court's and appellate court's judicial resources, and delay the much-needed resolution of the parties' competing groundwater claims. (Dunn Decl., ¶ 18.) Moreover, inconsistent rulings could harm water users in the Antelope Valley Groundwater Basin, because

1 perpetuating the presently unmanaged extraction from the aquifer could deprive the public of its
2 vital and limited water resource, and might result in further subsidence. (Dunn Decl., ¶ 18.)

3
4 **7. There Is Little Chance Of Settlement Of All Three Actions If The
Cases Are Not Coordinated**

5 Absent coordination, the prospects for settlement of the three actions without further
6 litigation are dim. (Dunn Decl., ¶ 19.) As previously stated, water rights adjudications implicate
7 complex legal issues and numerous parties, and thus, any possible settlement requires a
8 comprehensive solution involving all affected persons and entities. (Dunn Decl., ¶ 19.)
9

10 **IV. CONCLUSION**

11 To ensure efficient case management, consistent and non-duplicative rulings, and promote
12 a just resolution of the issues, the District respectfully requests coordination of its Los Angeles
13 and Kern County Actions with the Riverside County Action in the Orange County Superior
14 Court.
15

16 Dated: December 30, 2004

BEST BEST & KRIEGER LLP

By: 

ERIC L. GARNER
JEFFREY V. DUNN
MARC S. EHRLICH

Attorneys for Los Angeles County Waterworks
District No. 40

OFFICES OF
BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

PROOF OF SERVICE

I, Kerry V. Keefe, 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 December 30, 2004, I served the within document(s):

LOS ANGELES COUNTY WATERWORKS DISTRICT NO.
40'S PETITION FOR COORDINATION OF COMPLEX
ACTIONS

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☒ * 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 _____ 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.

(SEE ATTACHED SERVICE LIST)

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 December 30, 2004, at Irvine, California.

Kerry V. Keefe
Kerry V. Keefe

SERVICE LIST

- 1
2 Douglas J. Evertz, Esq. Attorneys for Defendant, City of Lancaster
3 Stradling, Yocca, Carlson & Rauth *Via U.S. Mail
4 660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660-6522
(949) 725-4000; Fax-(949) 725-4100
- 5 John Tootle, Esq. Attorneys for Defendant, Antelope Valley
6 California Water Service Company Water Company
7 3625 Del Amo Boulevard, Suite 350 *Via U.S. Mail
Torrance, CA 90503
(310) 257-1488; Fax-(310) 257-4654
- 8 Thomas Bunn, Esq. Attorneys for Defendants, Palmdale Water
9 LAGERLOF, SENEAL, BRADLEY, District and Quartz Hill Water District
10 GOSNEY & KRUSE. *Via U.S. Mail
301 North Lake Avenue, 10th Floor
Pasadena, CA 91101-4108
(626) 793-9400; FAX (626) 793-5900
- 11 Richard Zimmer, Esq. Attorneys for Plaintiff, WM Bolthouse Farms
12 CLIFFORD & BROWN *Via U.S. Mail
13 1430 Truxtun Avenue, #900
Bakersfield, CA 93301
(661) 322-6023; FAAX (661) 322-3508
- 14 Robert H. Joyce, Esq. Attorneys for Plaintiff, Diamond Farming
15 LEBEAU, THELEN,, LAMPE, MCINTOSH *Via U.S. Mail
16 & CREAR LLP
5001 East Commercenter Drive, Ste. 300
Bakersfield, CA 93389-2092
17 FAX (661) 325-1127
- 18 Hon. Ralph W. Dau – Dept. 57 **Via Federal Express
19 Los Angeles County Superior Court
111 North Hill Street
Los Angeles, CA 90012
- 20 Kern County Superior Court **Via Federal Express
21 Metropolitan Division
1215 Truxtun Avenue
22 Bakersfield, CA 93301-4698
- 23 Hon. Gary B. Tranbarger – Dept. 07 **Via Federal Express
24 Riverside County Superior Court
4050 Main Street
25 Riverside, CA 92502-0431

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Kerry V. Keefe, 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 February 15, 2005, I served the within document(s):

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

☒ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.*

☐ 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 transmitting via electronic mail 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.

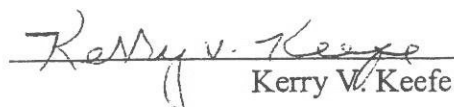
☒ I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.**

(SEE ATTACHED SERVICE LIST)

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 February 15, 2005 at Irvine, California.


Kerry V. Keefe

SERVICE LIST

Bob H. Joyce, Esq.
LAW OFFICES OF LEBEAU THELEN, LLP
5001 East Commercenter Drive, Ste. 300
Post Office Box 12092
Bakersfield, CA 93389-2092
(661) 325-1127-Facsimile

Attorneys for Diamond Farming Company
*Via Facsimile, w/o exhibits
**Via Overnight Delivery, w/ exhibits

Douglas J. Evertz, Esq.
STRADLING, YOCCA, CARLSON &
RAUTH
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660-6522
Fax-(949) 725-4100

Attorneys for City of Lancaster
*Via Facsimile, w/o exhibits
**Via Overnight Delivery, w/ exhibits

James L. Markman, Esq.
RICHARDS WATSON & GERSHON
Post Office Box 1059
Brea, CA 92822-1059
(714) 990-2308-Facsimile

Attorneys for City of Palmdale
*Via Facsimile, w/o exhibits
**Via Overnight Delivery, w/ exhibits

Steve R. Orr, Esq.
Bruce G. McCarthy, Esq.
RICHARDS WATSON & GERSHON
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
(213) 626-0078-Facsimile

Attorneys for City of Palmdale
*Via Facsimile, w/o exhibits
**Via Overnight Delivery, w/ exhibits

Courtesy Copies:

Michael Fife, Esq.
HATCH AND PARENT
21 East Carrillo Street
Santa Barbara, CA 93101-2782
(805) 965-4333-Facsimile

Attorneys for Eugene B. Nebeker on behalf of
Nebeker Ranch, Inc., Bob Jones on behalf of
R&M Ranch, Inc., Forrest G. Godde and Steve
Godde, Gailen Kyle on behalf of Kyle & Kyle
Ranch, Inc. and John Calandri on behalf of
Calandri/Sonrise Farms, collectively known as
the Antelope Valley Ground Water Agreement
Association ("AGWA")
**Via Overnight Delivery

Richard Zimmer, Esq.
CLIFFORD & BROWN
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301
(661) 322-3508-Facsimile

Attorneys for Bolthouse Properties, Inc.
**Via Overnight Delivery

- 1 John Tootle, Esq. Attorneys for California Water Service
2 CALIFORNIA WATER SERVICE Company
3 COMPANY **Via Overnight Delivery
4 3625 Del Amo Boulevard, Suite 350
Torrance, CA 90503
(310) 257-4654-Facsimile
- 5 John A. Slezak, Esq. Attorneys for City of Los Angeles, Department
6 IVERSON, YOAKUM, PAPIANO & HATCH of Airports
7 624 South Grand Avenue, 27th Floor **Via Overnight Delivery
Los Angeles, CA 90017
(213) 629-4562-Facsimile
- 8 Eduardo Angeles, Esq. Attorneys for City of Los Angeles – Airport
9 Managing Assistant City Attorney Division
10 Attention: James Spitzer, Esq. **Via Overnight Delivery
1 World Way
Los Angeles, CA 90009
(310) 646-9617-Facsimile
- 11 Julie A. Conboy, Esq. Attorneys for Department of Water and Power
12 Department of Water and Power **Via Overnight Delivery
111 North Hope Street
13 Post Office Box 111
Los Angeles, CA 90012
14 (213) 241-1416-Facsimile
- 15 Janet Goldsmith, Esq. Attorneys for City of Los Angeles
16 Kronick, Moskowitz, Tiedemann & Girard **Via Overnight Delivery
400 Capitol Mall, 27th Floor
17 Sacramento, CA 95814-4417
(916) 321-4555-Facsimile
- 18 Wayne K. Lemieux, Esq. Attorneys for Littlerock Creek Irrigation
19 Lemieux & O'Neill District and Palm Ranch Irrigation District
20 2393 Townsgate Road, Suite 201 **Via Overnight Delivery
Westlake Village, California 91361
(805) 495-2787-Facsimile
- 21 Thomas Bunn, Esq. Attorneys for Palmdale Water District and
22 LAGERLOF, SENEAL, BRADLEY, Quartz Hill Water District
23 GOSNEY & KRUSE **Via Overnight Delivery
301 North Lake Avenue, 10th Floor
24 Pasadena, CA 91101-4108
(626) 793-5900-Facsimile
- 25 Henry Weinstock, Esq. Attorneys for Tejon Ranch
26 NOSSAMAN, GUTHNER, KNOX, ELLIOTT **Via Overnight Delivery
LLP
445 South Figueroa Street, 31st Floor
27 Los Angeles, CA 90071
(213) 612-7801-Facsimile
- 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Wm. Matthew Ditzhazy, Esq.
City Attorney
CITY OF PALMDALE
Legal Department
38300 North Sierra Highway
Palmdale, CA 93550
(805) 267-5178-Facsimile

Attorneys for City of Palmdale
**Via Overnight Delivery

OFFICES OF
BLANKST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614