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WATERWORKS DISTRICT NO. 40

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COUNTY WATERWORKS DISTRICT NO. 40

**EXEMPT FROM FILING FEES  
UNDER GOVERNMENT CODE  
SECTION 6103**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

**ANTELOPE VALLEY  
GROUNDWATER CASES**

**Included Actions:**

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

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

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

Judicial Council Coordination No. 4408

**CLASS ACTION**

Santa Clara Case No. 1-05-CV-049053  
Assigned to The Honorable Jack Komar

**NOTICE OF WITHDRAWAL OF MOTION  
FOR APPOINTMENT OF BILL B. DENDY  
AS MANDATORY SETTLEMENT  
REFEREE; MEMORANDUM OF POINTS  
AND AUTHORITIES**

**Hearing:**

**Date: August 20, 2007**

**Time: 9:00 a.m.**

**Dept.: 1**

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2  
3 PLEASE TAKE NOTICE THAT Los Angeles County Waterworks District No. 40 and  
4 Rosamond Community Services District (collectively "Districts"), hereby withdraw without  
5 prejudice, the Motion For Appointment Of Bill B. Dendy As Mandatory Settlement Referee,  
6 which is scheduled for hearing on August 20, at 9:00 a.m., or as soon thereafter as the matter may  
7 be heard in Department 1 of the Los Angeles County Superior Court. The Districts reserve the  
8 right to renew their motion should they determine that proceedings with Mr. Dendy require Mr.  
9 Dendy's appointment by the Court as a Mandatory Settlement Referee based on the progress of  
10 settlement discussions.

11 Dated: August 17, 2007

BEST BEST & KRIEGER LLP

12  
13 By 

14 ERIC L. GARNER  
15 JEFFREY V. DUNN  
16 STEFANIE D. HEDLUND  
17 Attorneys for Cross-Complainants  
18 ROSAMOND COMMUNITY SERVICES  
19 DISTRICT and LOS ANGELES  
20 COUNTY WATERWORKS DISTRICT  
21 NO. 40  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

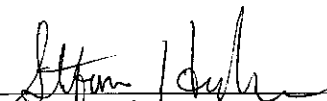
Los Angeles County Waterworks District No. 40 and Rosamond Community Services District (collectively "Districts") hereby withdraw, without prejudice, their Motion For Appointment of Bill B. Dendy As Mandatory Settlement Referee.

The Districts seek to resolve this groundwater adjudication as quickly and efficiently as possible. The Districts believe that appointing a mandatory settlement referee is a key component of resolving this litigation because it increases the likelihood of all parties participating in successful settlement negotiations.

However, due to the concerns expressed by other parties, the Districts are withdrawing their motion at this time to give the facilitator process in place now an opportunity to succeed. It is the Districts' sincere hope that the settlement discussions with Mr. Dendy as a facilitator will succeed. If the facilitator process is unsuccessful, the Districts reserve the right to bring before this Court a motion to appoint a mandatory settlement referee in the future.

Dated: August 17, 2007

BEST BEST & KRIEGER LLP

By   
ERIC L. GARNER  
JEFFREY V. DUNN  
STEFANIE D. HEDLUND  
Attorneys for Cross-Complainants  
ROSAMOND COMMUNITY SERVICES  
DISTRICT and LOS ANGELES  
COUNTY WATERWORKS DISTRICT  
NO. 40

**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 August 17, 2007, I served the within document(s):

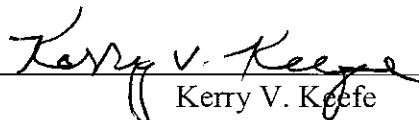
**NOTICE OF WITHDRAWAL OF MOTION FOR APPOINTMENT OF BILL B. DENDY AS MANDATORY SETTLEMENT REFEREE; MEMORANDUM OF POINTS AND AUTHORITIES**

- ☒ 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 August 17, 2007, at Irvine, California.

  
Kerry V. Keefe