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DISTRICT NO. 40

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

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COUNTY WATERWORKS DISTRICT NO. 40

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

RICHARD WOOD, on behalf of himself and  
all other similarly situated v. A.V. Materials,  
Inc., et al., Superior Court of California,  
County of Los Angeles, Case No. BC509546

Judicial Council Coordination Proceeding  
No. 4408

**CLASS ACTION**

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

**LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40'S  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF OPPOSITION TO MOTION  
FOR JUDGMENT ON THE PLEADINGS**

*[Filed concurrently with Opposition to  
Motion for Judgment on the Pleadings]*

## REQUEST FOR JUDICIAL NOTICE

### **I. INTRODUCTION**

Pursuant to Evidence Code Sections 452 and 453, Los Angeles County Waterworks District No. 40 (“District No. 40”) requests that the Court take judicial notice of the following documents for use in support of District No. 40’s Opposition to Motion for Judgment on the Pleadings:

1. Memorandum of Points and Authorities in Support of Demurrer of Defendant Diamond Farming Company to Los Angeles Waterworks No. 40, filed on October 27, 2005, a true and correct copy of which is attached hereto as **Exhibit A**.

2. Minute Order dated December 5, 2005 overruling the General Demurrer and Special Demurrer by Defendant Diamond Farming Company to Los Angeles Waterworks No. 40, a true and correct copy of which is attached hereto as **Exhibit B**.

### **II. THE COURT SHOULD TAKE JUDICIAL NOTICE OF RECORDS OF THIS ACTION**

California courts have long established that “[a] court may judicially notice its own records and proceedings in the same case.” (*San Francisco v. Carraro* (1963) 220 Cal. App. 2d 509, 527; *see also, Nulaid Farmers Assn. v. La Torre* (1967) 252 Cal. App. 2d 788, 791 [“It is settled that a court may take judicial notice of its own records . . . .”].)

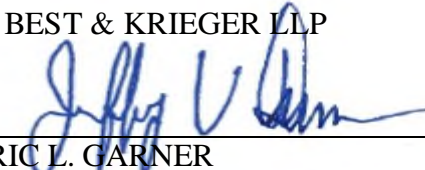
The exhibits attached hereto are court records in this case, for which judicial notice may be taken. (Evid. Code § 452, subd. (d).)

Under Section 453 of the Evidence Code, this request for judicial notice is conditionally mandatory and must be granted if sufficient notice is given to the adverse party and if the court is furnished with sufficient information to enable it to take notice of the matter. (*People v. Maxwell* (1978) 78 Cal. App. 3d 124, 130-31.) By this request, District No. 40 gives the Court and adverse parties sufficient notice and information to enable it to take judicial notice of those records attached hereto as Exhibits A and B.

1 Dated: March 14, 2014

BEST BEST & KRIEGER LLP

2  
3 By

  
ERIC L. GARNER  
JEFFREY V. DUNN  
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DISTRICT NO. 40

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**PROOF OF SERVICE**

I, Sandra K. Sandoval, 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, 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071. On March 14, 2014, I served the within document(s):

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO MOTION FOR JUDGMENT ON THE PLEADINGS



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.



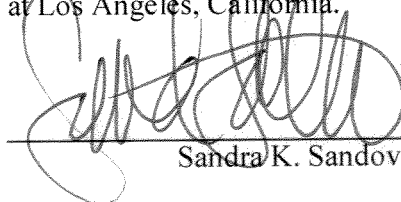
by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.



by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

I 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 March 14, 2014, at Los Angeles, California.



Sandra K. Sandoval