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LOS ANGELES COUNTY WATERWORKS

DISTRICT NO. 40

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

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DISTRICT NO. 40

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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 OBJECTIONS TO WILLIS
CLASS' REPLY IN SUPPORT OF
MOTION TO ENFORCE
SETTLEMENT AND REPLY
DECLARATION OF LLOYD E.
LEWIS**

Date: June 15, 2015

Time: 1:30 p.m.

Dept.: 1 of Santa Clara County
Superior Court

Judge: Hon. Jack Komar

1 Los Angeles County Waterworks District No. 40 (“District No. 40”) objects to Willis
2 Class’ Reply in Support of Motion to Enforce Settlement (“Reply Brief”) and Reply Declaration
3 of Lloyd E. Lewis (“Lewis Declaration”) on the following ground:

4 The Reply Brief inappropriately references and relies upon Lewis Declaration, which
5 contains inadmissible and irrelevant hearsay that cannot be considered by the Court. (See Reply
6 Brief at 2:24-3:10; Lewis Declaration at ¶¶5-8.) Specifically, the Lewis Declaration contains
7 statements purportedly made by Mr. Michael McLachlan (counsel for the Wood Class) regarding
8 land purchase, Mr. Norm Hickling (of County Supervisor Michael Antonovich’s office) regarding
9 well permits, and Mr. Eugene Nebeker (of Farm Bureau) regarding Willis Class’ rights under the
10 Proposed Judgment and Physical Solution (“Proposed Judgment”). (*Id.*)

11 To avoid an objection, the declaration must show the declarant’s personal knowledge,
12 state facts, not conclusions and not contain inadmissible hearsay or opinions. (*Hayman v. Block*
13 (1986) 176 Cal.App.3d 629, 638-639.) Statements by individuals concerning their opinions of
14 parties’ water rights under the Proposed Judgment or the adjudication are irrelevant and
15 inadmissible. (Evid. Code §350.)

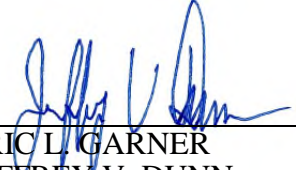
16 Moreover, such alleged statements as declared by Mr. Lewis constitute inadmissible
17 hearsay for which no exception applies. (Evid. Code §1200.)

18 This Court cannot and should not consider the portion of the Lewis Declaration containing
19 inadmissible lay opinion and hearsay nor any arguments contained in the Reply Brief which
20 reference or are dependent thereon.

21 Dated: June 12, 2015

BEST BEST & KRIEGER LLP

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23
24 By


ERIC L. GARNER
JEFFREY V. DUNN
WENDY Y. WANG
Attorneys for
LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

PROOF OF SERVICE

I, Rosanna R. Pérez, 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 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On June 12, 2015, I served the within document(s):

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S OBJECTIONS TO WILLIS CLASS' REPLY IN SUPPORT OF MOTION TO ENFORCE SETTLEMENT AND REPLY DECLARATION OF LLOYD E. LEWIS



by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 12, 2015, at Los Angeles, California.



Rosanna R. Pérez

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