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LAW OFFICES OF

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6 Attorneys for DIAMOND FARMING COMPANY,  
7 a California corporation

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9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **IN AND FOR THE COUNTY OF LOS ANGELES**

12  
13 Coordination Proceeding

14 ANTELOPE VALLEY GROUNDWATER  
15 CASES

16 Included actions:

17 Los Angeles County Waterworks District No.  
40 vs. Diamond Farming Company

18 Los Angeles County Waterworks District No.  
19 40 vs. Diamond Farming Company

20 Diamond Farming Company vs. City of  
21 Lancaster

Judicial Council Coordination No. 4408

Case No. 1-05-CV-049053

**REQUEST FOR JUDICIAL NOTICE  
AND DECLARATION OF BOB H.  
JOYCE IN SUPPORT OF  
DEFENDANT'S MOTION TO STRIKE  
TO LOS ANGELES COUNTY  
WATERWORKS NO. 40'S  
COMPLAINTS IN ACTIONS  
S-1500-CV254348 AND BC325201**

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

Los Angeles Superior Court  
Case No. BC 325201

Riverside County Superior Court  
Lead Case No. RIC 344436 [Consolidated  
w/Case Nos. 344668 & 353840]

Date: December 2, 2005  
Time: 10:00 a.m.  
Dept: 1, Rm. 534

1 Defendant Diamond Farming Company, respectfully requests that the Court take judicial notice,  
2 under Evidence Code sections 452, subdivision (d)(1), and 453, of the following documents, and their  
3 contents, in support of defendant, Diamond Farming's Motion to Strike the Complaints of plaintiff Los  
4 Angeles County Waterworks No. 40's in actions S-1500-CV254348 and BC325201:

5 1. *Complaint to Quiet Title*, filed by Diamond Farming in the Kern County Superior Court  
6 on October 29, 1999, identified as Case No. 240090 AEW, a true and correct copy is attached hereto  
7 as Exhibit A.

8 2. *Complaint to Quiet Title*, filed by Diamond Farming in the Los Angeles County Superior  
9 Court on February 22, 2000, identified as Case No. MC011330, a true and correct copy is attached  
10 hereto as Exhibit B.

11 3. *First Amended and Supplemental Complaint to Quiet Title*, filed by Diamond Farming  
12 Company in the Kern County Superior Court on March 1, 2000, in Case No. 240090, a true and correct  
13 copy is attached hereto as Exhibit C.

14 4. *Answer of Defendants Los Angeles County Waterworks No. 37 and Los Angeles County*  
15 *Waterworks No. 40 to First Amended and Supplemental Complaint to Quiet Title*, filed by Los Angeles  
16 County Waterworks No. 40 in the Riverside County Superior Court on July 3, 2000, in Case  
17 No. 344436, a true and correct copy is attached hereto as Exhibit D.

18 5. *Answer of Defendants Los Angeles County Waterworks No. 37 and Los Angeles County*  
19 *Waterworks No. 40 to Complaint to Quiet Title*, filed by Los Angeles County Waterworks No. 40 in the  
20 Riverside County Superior Court on December 15, 2000, in Case No. 344668, a true and correct copy  
21 is attached hereto as Exhibit E.

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1           6.       *Notice of Motion and Motion for Leave to File Cross-Complaint; Declaration of Jeffrey*  
2   *V. Dunn*, filed by Los Angeles County Waterworks No. 40 in the Riverside County Superior Court on  
3   December 15, 2000, in Case No. 344668, a true and correct copy is attached hereto as Exhibit F.

4   Dated: October 27, 2005

LeBEAU • THELEN, LLP

By: 

BOB H. JOYCE

Attorneys for DIAMOND FARMING COMPANY,  
a California corporation

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**PROOF OF SERVICE**

ANTELOPE VALLEY GROUNDWATER CASES  
JUDICIAL COUNSEL PROCEEDING NO. 4408  
CASE NO.: 1-05-CV-049053

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I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within action; my business address is: 5001 E. Commercenter Drive, Suite 300, Bakersfield, California 93309. On October 27, 2005, I served the within

**REQUEST FOR JUDICIAL NOTICE AND DECLARATION OF BOB H. JOYCE IN SUPPORT OF DEFENDANT'S MOTION TO STRIKE TO LOS ANGELES COUNTY WATERWORKS NO. 40'S COMPLAINTS IN ACTIONS S-1500-CV254348 AND BC325201**

☒ by placing ☐ the original ☐ a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

☒ PURSUANT TO THE SANTA CLARA SUPERIOR COURT E-FILING IN COMPLEX LITIGATION DEPARTMENT 17, A PROOF OF SERVICE IS GENERATED BY THE E-FILING SYSTEM

☐ **(BY MAIL)** 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 at Bakersfield, California, in the ordinary course of business.

☐ **(OVERNIGHT/EXPRESS MAIL)** By enclosing a true copy thereof in a sealed envelope designated by United States Postal Service (Overnight Mail)/Federal Express/United Parcel Service ("UPS") addressed as shown on the above by placing said envelope(s) for ordinary business practices from Kern County. I am readily familiar with this business' practice of collecting and processing correspondence for overnight/express/UPS mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service/Federal Express/UPS in a sealed envelope with delivery fees paid/provided for at the facility regularly maintained by United States Postal Service (Overnight Mail/Federal Express/United Postal Service [or by delivering the documents to an authorized courier or driver authorized by United States Postal Service (Overnight Mail)/Federal Express/United Postal Service to receive documents].

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the addressee(s). Executed on \_\_\_\_\_, 2005, at Bakersfield, California.

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that the foregoing was executed on October 27, 2005, in Bakersfield, California.

  
\_\_\_\_\_  
**DONNA M. LUIS**