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10 Attorneys for DIAMOND FARMING COMPANY,
11 a California corporation, CRYSTAL ORGANIC
12 FARMS, a limited liability company, GRIMMWAY
13 ENTERPRISES, INC., and LAPIS LAND COMPANY, LLC

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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

16 Coordination Proceeding Special Title
17 (Rule 1550 (b))

Judicial Council Coordination No. 4408

18 ANTELOPE VALLEY GROUNDWATER
19 CASES

Case No.: 1-05-CV-049053

20 Included actions:

**TRIAL BRIEF SUBMITTED ON
BEHALF OF DIAMOND FARMING
COMPANY, CRYSTAL ORGANIC
FARMS, GRIMMWAY ENTERPRISES,
INC. AND LAPIS LAND COMPANY,
LLC**

21 Los Angeles County Waterworks District No.
22 40 vs. Diamond Farming Company
23 Los Angeles Superior Court
24 Case No. BC 325201

Date: December 15, 2010

25 Los Angeles County Waterworks District No.
26 40 vs. Diamond Farming Company
27 Kern County Superior Court
28 Case No. S-1500-CV 254348 NFT

Time: 9:00 a.m.

Dept: 1

29 Diamond Farming Company vs. City of
30 Lancaster
31 Riverside County Superior Court
32 Lead Case No. RIC 344436 [Consolidated
33 w/Case Nos. 344668 & 353840]

34 **AND RELATED CROSS-ACTIONS.**

35
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37 It is respectfully submitted that at trial the evidence will demonstrate that the science currently
38 available and the methodologies and techniques used in its application, are insufficient to provide a

1 precise numerical quantification of “safe yield.” Due to the necessity for extrapolation, interpolation,
2 and otherwise make guestimates to fill the gap due to insufficient data, the best that science can do is
3 to provide approximations, best expressed in a range of high and low. It is anticipated that the experts
4 for the purveyor parties will attempt to provide a very narrow if not specific yield number. It is
5 anticipated that the evidence will demonstrate that the methodology used and sparsity of data resulted
6 in errors in both the assumptions as well as the conclusions articulated. It is anticipated that the experts
7 on behalf of these parties will confirm in large part the foregoing, and will provide a high/low range of
8 sustainable/perennial yield which more closely reflects the end product of evaluation and calculations
9 relying predominantly upon objectively verified data with an effort to minimize interpolation,
10 extrapolation and/or estimates and assumptions to fill the data gaps existent.

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Dated: December 20, 2010

LeBEAU • THELEN, LLP

By: 

BOB H. JOYCE
Attorneys for DIAMOND FARMING COMPANY,
a California corporation, CRYSTAL ORGANIC
FARMS, a limited liability company, GRIMMWAY
ENTERPRISES, INC., and LAPIS LAND
COMPANY, LLC

PROOF OF SERVICE

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

4 I am a citizen of the United States and a resident of the county aforesaid; I am over the age
5 of eighteen years and not a party to the within action; my business address is: 5001 E. Commercenter
6 Drive, Suite 300, Bakersfield, California 93309. On December 20, 2010, I served the within **TRIAL**
7 **BRIEF SUBMITTED ON BEHALF OF DIAMOND FARMING COMPANY, CRYSTAL**
8 **ORGANIC FARMS, GRIMMWAY ENTERPRISES, INC. AND LAPIS LAND COMPANY,**
9 **LLC**

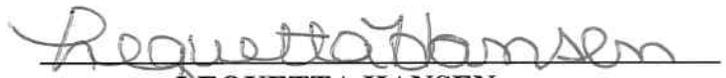
10 **(BY POSTING)** I am "readily familiar" with the Court's Clarification Order.
11 Electronic service and electronic posting completed through www.scefiling.org ; All papers filed
12 in Los Angeles County Superior Court and copy sent to trial judge and Chair of Judicial Council.

13 Los Angeles County Superior Court
14 111 North Hill Street
15 Los Angeles, CA 90012
16 Attn: **Department 1**
(213) 893-1014

Chair, Judicial Council of California
Administrative Office of the Courts
Attn: Appellate & Trial Court Judicial Services
(Civil Case Coordinator)
Carlotta Tillman
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Fax (415) 865-4315

17 **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and
18 processing correspondence for mailing. Under that practice it would be deposited with the U.S.
19 Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California, in
20 the ordinary course of business.

21 **(STATE)** I declare under penalty of perjury under the laws of the State of
22 California that the above is true and correct, and that the foregoing was executed on December 20,
23 2010, in Bakersfield, California.

24 
25 **LEQUETTA HANSEN**