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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))

18 ANTELOPE VALLEY GROUNDWATER  
19 CASES

20 Included actions:

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

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

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

AND RELATED CROSS-ACTIONS.

Judicial Council Coordination No. 4408

Case No.: 1-05-CV-049053

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

**Date: December 15, 2010**

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

**Dept: 1**

It is respectfully submitted that at trial the evidence will demonstrate that the science currently 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.

11  
12 Dated: December 20, 2010

LeBEAU • THELEN, LLP

13  
14  
15 By: 

BOB H. JOYCE  
Attorneys for DIAMOND FARMING COMPANY,  
16 a California corporation, CRYSTAL ORGANIC  
17 FARMS, a limited liability company, GRIMMWAY  
ENTERPRISES, INC., and LAPIS LAND  
18 COMPANY, LLC  
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**PROOF OF SERVICE**

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

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 December 20, 2010, I served the within **TRIAL BRIEF SUBMITTED ON BEHALF OF DIAMOND FARMING COMPANY, CRYSTAL ORGANIC FARMS, GRIMMWAY ENTERPRISES, INC. AND LAPIS LAND COMPANY, LLC**

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

Los Angeles County Superior Court  
111 North Hill Street  
Los Angeles, CA 90012  
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

☐ **(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.

☒ **(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 December 20, 2010, in Bakersfield, California.

  
**LEQUETTA HANSEN**