

1 Bob H. Joyce, (SBN 84607)
2 LAW OFFICES OF
3 **LEBEAU • THELEN, LLP**
4 5001 East Commercenter Drive, Suite 300
Post Office Box 12092
Bakersfield, California 93389-2092
(661) 325-8962; Fax (661) 325-1127

5 Attorneys for DIAMOND FARMING COMPANY,
a California corporation, CRYSTAL ORGANIC
6 FARMS, a limited liability company, GRIMMWAY
ENTERPRISES, INC., and LAPIS LAND COMPANY, LLC
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES**
10

11 Coordination Proceeding Special Title
12 (Rule 1550 (b))

Judicial Council Coordination No. 4408

13 ANTELOPE VALLEY GROUNDWATER
14 CASES

Case No.: 1-05-CV-049053

14 Included actions:

15 Los Angeles County Waterworks District No.
16 40 vs. Diamond Farming Company
Los Angeles Superior Court
17 Case No. BC 325201

**NOTICE OF EX PARTE APPLICATION
AND EX PARTE APPLICATION FOR
APPROVAL OF STIPULATION;
DECLARATION OF BOB H. JOYCE;
STIPULATION OF FACTS FOR TRIAL
PURSUANT TO CASE MANAGEMENT
ORDER FOR PHASE IV TRIAL**

18 Los Angeles County Waterworks District No.
19 40 vs. Diamond Farming Company
Kern County Superior Court
Case No. S-1500-CV 254348 NFT

**Date: March 25, 2013
Time: 9:00 a.m.
Dept: 1**

20 Diamond Farming Company vs. City of
21 Lancaster
Riverside County Superior Court
22 Lead Case No. RIC 344436 [Consolidated
w/Case Nos. 344668 & 353840]
23

24 AND RELATED CROSS-ACTIONS.
25
26
27
28

TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

The Stipulating Parties will apply to the Court pursuant to Code of Civil Procedure section 128(a), California Rules of Court, Rules 3.1203 and 3.1204, and pursuant to the Court's March 1, 2013 Minute Order. The Stipulating Parties will apply to the Court based on the following that are submitted herewith or are posted on the Court's website: (1) this Notice of Ex Parte Application; (2) the attached Ex Parte Application; (3) the attached Declaration of Bob H. Joyce; (4) the Stipulation, posted on the Court's website on March 15, 2013; (5) the documents produced by the Stipulating Parties in response to the Court's Discovery Order for this phase, posted on the Court's website December 21, 2012; (6) the Declarations posted by the Stipulating Parties on the Court's website January 31, 2013; and (7) the [Proposed] Order Approving the Stipulation of Facts for Trial Pursuant to Case Management Order for Phase IV Trial; and (8) any evidence or argument presented at the hearing on this Application.

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6
7
8
9
10
11

12
13
14
15
16
17

18
19
20
21
22
23

24

25

26

1 Consistent with the Court's authority in coordinated cases, and the Court's orders in this action,
2 the Court therefore should approve the Stipulation and establish the facts stated in the Stipulating
3 Parties' declarations as proven in this action.

4
5 Dated: March 22, 2013

LeBEAU • THELEN, LLP

6
7
8 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

11
12 **DECLARATION OF BOB H. JOYCE**

13 I, BOB H. JOYCE, declare as follows:

14 1. I am an attorney licensed to practice in the courts of California and am a member of the
15 law firm of LeBeau - Thelen, LLP. I am the attorney of record for DIAMOND FARMING COMPANY,
16 CRYSTAL ORGANIC FARMS, GRIMMWAY ENTERPRISES, INC., and LAPIS LAND COMPANY,
17 LLC (each individually a "Stipulating Party" and collectively, the "Stipulating Parties").

18 2. I have personal knowledge of the facts stated in this Declaration and, if called as a
19 witness, would testify to those facts.

20 3. I was responsible for coordinating the posting to the Court's website on February 28,
21 2013, the Stipulation of the Stipulating Parties and their accompanying exhibits. As of February 28,
22 2013, the Stipulation of the Stipulating Parties and exhibits were available on the Court's website. I
23 receive, via e-mail, electronic service of documents posted to the Court's website for this action. Based
24 on my receipt of electronic service of those documents, to the best of my knowledge, no party has
25 objected to the factual statements in that Stipulation.

4. I am providing notice to all parties in this action of the attached ex parte application by arranging for the posting of that application and the attached Stipulation on the Court's website on March 22, 2013.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 22nd date of March, 2013, at Bakersfield, California.

BOB H/JOYCE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 March 22, 2013, I served the within **NOTICE OF EX PARTE APPLICATION AND EX PARTE APPLICATION FOR APPROVAL OF STIPULATION; DECLARATION OF BOB H. JOYCE; STIPULATION OF FACTS FOR TRIAL PURSUANT TO CASE MANAGEMENT ORDER FOR PHASE IV TRIAL**

■ **(BY POSTING)** I am "readily familiar" with the Court's Clarification Order. Electronic service and electronic posting completed through www.sceffiling.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

■ **(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 March 22, 2013, in Bakersfield, California.


LEQUETTA HANSEN