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9 Attorneys for DIAMOND FARMING COMPANY,
10 a California corporation

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

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

13 ANTELOPE VALLEY GROUNDWATER
14 CASES

15 Included actions:

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

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

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

Judicial Council Coordination No. 4408

Case No.: 1-05-CV-049053

**NOTICE OF MOTION AND MOTION
TO COMPEL LOS ANGELES
WATERWORKS DISTRICT NO. 40
AND ROSAMOND COMMUNITY
SERVICES DISTRICT TO PROVIDE
FURTHER RESPONSES TO REQUEST
FOR PRODUCTION OF DOCUMENTS
[SET ONE]; AND FOR MONETARY
SANCTIONS**

[Filed concurrently with Plaintiff's Points and
Authorities, Declaration of Bob H. Joyce and
Separate Statement]

Date: October 12, 2007
Time: 9:00 a.m.
Dept.: 1

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1 TO DEFENDANTS LOS ANGELES WATERWORKS DISTRICT NO. 40, ROSAMOND
2 COMMUNITY SERVICES DISTRICT AND TO THEIR ATTORNEYS OF RECORD:

3 NOTICE IS HEREBY GIVEN that on October 12, 2007, at 9:00 a.m., in Department 1 of the
4 above-entitled court, located at 111 North Hill Street, Los Angeles, CA 90012, plaintiff Diamond
5 Farming Co., will and hereby does, move for an order compelling defendants Los Angeles Waterworks
6 District No. 40 and Rosamond Community Services District to provide further responses to Request for
7 Production of Documents [Set One] without objection, as well as an award of reasonable monetary
8 sanctions in favor of plaintiff to be paid by defendants and/or defendants' attorney of record.

9 The motion is made on the ground that defendants have asserted generalized objections that are
10 without merit in an effort to avoid responding to plaintiff's Request for Production of Documents
11 [Set One]. The assertion of these objections is insufficient to warrant the outright denial of discovery.

12 The motion for imposition of monetary sanctions will be made on the grounds that plaintiff has
13 incurred reasonable expenses in the amount of \$1,415.00, as a result of defendants' assertion of
14 improper objections. Additionally, defendants' counsel refused to meet and confer despite numerous
15 requests made by counsel for Diamond Farming. This failure to meet and confer makes the imposition
16 of sanctions mandatory.

17 The motion will be based on this Notice of Motion and Motion, the Declaration of Bob H. Joyce,
18 the Memorandum of Points and Authorities, the Separate Statement, the records on file herein, and on
19 such evidence as may be presented at the time of the hearing of this motion.

20 Dated: September 12, 2007

LeBEAU • THELEN, LLP

21
22 By: 

23 BOB H. JOYCE
24 Attorneys for DIAMOND FARMING COMPANY,
25 a California corporation
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1 **PROOF OF SERVICE**

2 ANTELOPE VALLEY GROUNDWATER CASES
3 JUDICIAL COUNCIL PROCEEDING NO. 4408
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.
6 Commercenter Drive, Suite 300, Bakersfield, California 93309. On September 12, 2007, I served
7 the within:

8 1. **NOTICE OF MOTION AND MOTION TO COMPEL LOS ANGELES**
9 **WATERWORKS DISTRICT NO. 40 AND ROSAMOND COMMUNITY SERVICES**
10 **DISTRICT TO PROVIDE FURTHER RESPONSES TO REQUEST FOR PRODUCTION OF**
DOCUMENTS [SET ONE]; AND FOR MONETARY SANCTIONS

11 2. **POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL LOS**
12 **ANGELES WATERWORKS DISTRICT NO. 40 AND ROSAMOND COMMUNITY**
13 **SERVICES DISTRICT TO PROVIDE FURTHER RESPONSES TO REQUEST FOR**
PRODUCTION OF DOCUMENTS [SET ONE]; AND FOR MONETARY SANCTIONS

14 3. **DECLARATION OF BOB H. JOYCE, ESQ. IN SUPPORT OF MOTION TO**
15 **COMPEL LOS ANGELES WATERWORKS DISTRICT NO. 40 AND ROSAMOND**
16 **COMMUNITY SERVICES DISTRICT TO PROVIDE FURTHER RESPONSES TO**
REQUEST FOR PRODUCTION OF DOCUMENTS [SET ONE]; AND FOR MONETARY
SANCTIONS

17 4. **SEPARATE STATEMENT IN SUPPORT OF MOTION TO COMPEL LOS**
18 **ANGELES WATERWORKS DISTRICT NO. 40 AND ROSAMOND COMMUNITY**
SERVICES DISTRICT TO PROVIDE FURTHER RESPONSES TO REQUEST FOR
PRODUCTION OF DOCUMENTS [SET ONE]; AND FOR MONETARY SANCTIONS

19 ■ **(BY POSTING)** I am "readily familiar" with the Court's Clarification Order.
20 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.

21 Los Angeles County Superior Court
22 111 North Hill Street
Los Angeles, CA 90012
23 Attn: **Department 1**
(213) 893-1014

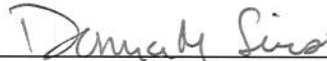
Chair, Judicial Council of California
Administrative Office of the Courts
Attn: Appellate & Trial Court Judicial Services
(Civil Case Coordinator)
Carlotta Tillman
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Fax (415) 865-4315

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

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

12 ☒ **(STATE)** I declare under penalty of perjury under the laws of the State of
13 California that the above is true and correct, and that the foregoing was executed on September
14 12, 2007, in Bakersfield, California.

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DONNA M. LUIS