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Attorneys for Cross-Defendants, Hi-Grade Materials, Co.;
Robar Enterprises, Inc.; and CJR, a general partnership

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

**ANTELOPE VALLEY GROUNDWATER
CASES**

Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.,
Superior Court of California, County of Los
Angeles, Case No. BC 325201

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.,
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of
Lancaster; Diamond Farming Co. v. City
Lancaster; Diamond Farming Co. v. Palmdale
Water Dist.,
Superior Court of California, County of
Riverside, Case Nos. RIC 353 840, RIC 344
436, RIC 344 668

**Judicial Council Coordination
No. 4408**

For filing purposes only:
Santa Clara Case No.
1-05-CV-049053

**EX PARTE APPLICATION TO
CONTINUE THE PHASE IV
TRIAL, AT LEAST AS TO
CROSS-DEFENDANTS HI-
GRADE, ROBAR AND CJR**

Assigned to the
Honorable Jack Komar

Date: September 4, 2015
Time: 1:30 p.m

1 Cross-Defendants Hi-Grade Materials Co.; Robar Enterprises, Inc.; and CJR, a general
2 partnership; hereby make this ex parte application to continue the Phase IV trial – if not in the
3 entirety, at least as to the interests of the moving parties.

4 Justification for this ex parte request lies in the fact that the moving parties were first
5 served with the summons and complaint on June 29, 2015, which was just 63 days ago. Moving
6 parties require additional time to get up to speed in the case, and more importantly to gather the
7 historical water usage data necessary to establish and to protect their water rights in the
8 Antelope Valley groundwater basin.

9 This ex parte request is supported by the accompanying declaration of Karen Bilotti,
10 Esq.

11 Dated: 8-31-2015

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14 Law Offices of Jeffrey Garber

15 By: Karen Bilotti, Esq.

16 Of Counsel
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**Judicial Council Coordination
No. 4408**

For filing purposes only:
Santa Clara Case No.
1-05-CV-049053

**DECLARATION OF KAREN
BILOTTI, ESQ. IN SUPPORT OF
EX PARTE APPLICATION TO
CONTINUE THE PHASE IV
TRIAL, AT LEAST AS TO
CROSS-DEFENDANTS HI-
GRADE, ROBAR AND CJR**

Assigned to the
Honorable Jack Komar

Date: September 4, 2015
Time: 1:30 p.m

1 I, Karen Bilotti, declare:

- 2 1. I am an attorney licensed to practice law in all courts of the State of California. I am of-
3 counsel at the Law Offices of Jeffrey Garber, attorneys of record for cross-defendants
4 Hi-Grade Materials Co. (Hi-Grade); Robar Enterprises, Inc. (Robar) and CJR, a general
5 partnership.
- 6 2. I make this declaration in support of the moving parties' ex parte application to continue
7 the Phase IV trial, if not in the entirety at least as to the moving parties' interests.
- 8 3. The moving parties were first served with the summons and cross-complaint on June 29,
9 2015, which was just 63 days ago. Since being served, the moving parties have
10 diligently attempted to get up to speed in the case. But there is much history to catch up
11 on.
- 12 4. The moving parties are informed and believe that - absent court relief - they will have to
13 prove up their water usage at the Phase IV trial beginning on September 28, 2015.
14 Likewise, at that time they will have to make arguments opposing the global stipulation,
15 assuming they oppose.
- 16 5. The moving parties are businesses in the Antelope Valley. Hi-Grade makes and recycles
17 construction materials, namely ready-mix concrete, rock and sand. CJR owns real estate
18 that is used in Hi-Grade's business operations. And Robar is an administrative holding
19 company.
- 20 6. The moving parties own a number of land parcels in the Antelope Valley, including a
21 120-acre parcel in Littlerock that hosts a batch plant and a quarry.
- 22 7. Hi-Grade's business is 100% dependent on groundwater pumping; its land parcel in
23 Littlerock includes three groundwater pumps.
- 24 8. The moving parties have been approached by the settlement committee, and requested to
25 provide historical data regarding its water usage. The moving parties intend to comply
26 with the request, but need more time to do so. Determining Hi-Grade's water usage will
27 not be easy, because none of its three groundwater pumps are metered. Determining
28 water usage by electrical meter is a possibility, but calculations will be required because
Hi-Grade does not have a separate electrical meter for its batch plant.

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1 9. Hi-Grade may be able to establish its water usage via financial records, but this method
2 of prove-up is the least desired, for business confidentiality reasons. And if prove-up has
3 to be accomplished via financial records, Hi-Grade wants a protective order in place
4 beforehand.

5 10. The moving parties understand that it is probably impractical for the Court to continue
6 the entire Phase IV trial. But the moving parties request that the trial be continued at
7 least as to its interests, to afford these new parties a full and fair opportunity to establish
8 and to protect their water usage rights.

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

11 Executed this 31st day of August, 2015 in San Diego, California.

12 Dated: 8-31-2015

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14 Law Offices of Jeffrey Garber

15 By: Karen Bilotti, Esq.

16 Of Counsel
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