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10 **SUPERIOR COURT OF CALIFORNIA**

11 **COUNTY OF LOS ANGELES**

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

Judicial Council Coordination
Proceeding No. 4408

13 **ANTELOPE VALLEY GROUNDWATER**
14 **CASES**

Santa Clara Case No. 1-05-CV-049053

15 **Included Actions:**

**CONDITIONAL NON-OPPOSITION TO
PUBLIC WATER SUPPLIERS'
PROPOSALS FOR CLASS DEFINITIONS
AND METHOD OF NOTICE**

16 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
17 Superior Court of California, County of
Los Angeles, Case No. BC 325 201
18 Los Angeles County Waterworks District
19 No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
20 Case No. S-1500-CV-254-348
21 Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
22 Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of Riverside,
23 Consolidated Actions, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668

24 **AND RELATED CROSS-ACTIONS.**
25

26 Defendant and Cross-Defendant SPC Del Sur Ranch LLC ("SPC") hereby submits this
27 conditional non-opposition to Public Water Suppliers' Proposals for Class Definitions and Method
28 of Notice ("Class Proposal"), as follows:

1 As newly defined, the class proposed by Public Water Suppliers would exclude any party
2 that has been or will be named and served in these coordinated proceedings. Further, all class
3 members are allowed to opt out of the class to retain separate representation. Proposal, p. 3.

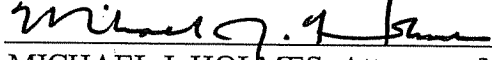
4 So long as SPC would be excluded from the proposed class (or allowed to opt out), and
5 allowed to retain its own counsel in these proceedings, SPC does not oppose Public Water
6 Suppliers' Class Proposal. Although incorrectly named as "Del Sur Ranch," SPC was served as a
7 defendant and cross-defendant in this action. SPC filed an Answer to the Complaint by Los
8 Angeles County Waterworks District No. 40 on January 25, 2006; the Cross-Complaints by nearly
9 all of the Public Water Suppliers, including Rosamond Community Services District, Los Angeles
10 County Waterworks District No. 40, Palmdale Water District; City of Palmdale, City of Lancaster,
11 Quartz Hill Water District, Little Rock Creek Irrigation District, and California Water Service
12 Company on February 22, 2006; and the Cross-Complaint by Antelope Valley-East Kern Water
13 Agency on October 2, 2006. Therefore, it appears that SPC would be excluded from the class as
14 currently proposed.

15 If SPC would not be excluded, SPC would wish to opt out of the proposed class if it is
16 certified. By opting out, SPC would not file a separate claim or obtain independent relief in a
17 different action before a different court. Rather, SPC would remain a party and continue to be
18 represented by its own counsel in this action.

19 Accordingly, so long as SPC would be excluded from any class and/or allowed to opt out
20 of any class, SPC does not oppose Public Water Suppliers' Class Proposal. SPC hereby
21 respectfully requests in advance that it be excluded from the proposed class and instead be
22 permitted to continue to appear in this action through its own counsel.

23
24 Dated: April 5, 2007

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

25
26 By: 
27 MICHAEL J. HOLMES, Attorneys for
28 Defendant and Cross-Defendant
SPC DEL SUR RANCH LLC

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	COURT USE ONLY
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SHORT CASE TITLE Coordination Proceeding Special Title (Rule 1550(b)) ANTELOPE VALLEY GROUNDWATER CASES	
Attorneys for Defendant and Cross-Defendant SPC DEL SUR RANCH LLC	JCCP No. 4408 Santa Clara Case No. 1-05-CV-049053

PROOF OF SERVICE BY ELECTRONIC TRANSMISSION

I am employed in the county of San Diego, state of California. I am over the age of 18 and not a party to the within action. My business address is 501 West Broadway, 15th Floor, San Diego, California 92101-3541.

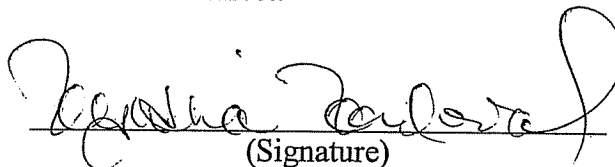
On April 5, 2007, I served on the designated recipients listed in the SCEFiling system the within:

- **CONDITIONAL NON-OPPOSITION TO PUBLIC WATER SUPPLIERS' PROPOSALS FOR CLASS DEFINITIONS AND METHOD OF NOTICE**

☒ (VIA ELECTRONIC MAIL) by posting the documents listed above to Santa Clara Superior Court website: www.scefiling.org regarding the Antelope Valley Groundwater matter.

Executed on April 5, 2007, at San Diego, California. I declare under penalty of perjury under the laws of the state of California that the above is true and correct.

 Cynthia Sandoval
 (Type or print name)


 (Signature)