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

11 ANTELOPE VALLEY
12 GROUNDWATER CASES

13 INCLUDED ACTIONS:

14 LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40 v.
15 DIAMOND FARMING COMPANY, et
al., Los Angeles Superior Court Case No.
16 BC325201;

17 LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40 v.
18 DIAMOND FARMING COMPANY, et
al., Kern County Superior Court Case
19 No. S-1500-CV-254-348;

20 DIAMOND FARMING COMPANY,
and W.M. BOLTHOUSE FARMS, INC.,
21 v. CITY OF LANCASTER, et al.,
Riverside Superior Court Case No. RIC
22 344436 [c/w case no. RIC 344668 and
355840]
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Judicial Council Coordination No. 4408

**RESPONSE TO DECEMBER 12, 2012
DISCOVERY ORDER FOR PHASE 4 TRIAL**

Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

Trial Date: February 11, 2013
Time: 9:00 a.m.

1 Cross-Defendant Northrop Grumman Corporation ("Northrop") responds to the Court's
2 December 12, 2012 Discovery Order for Phase 4 Trial ("Discovery Order") as follows.

3 **I. Reservation of Rights**

4 Northrop objects to the Discovery Order's abbreviated discovery period. Until the
5 December 11, 2012, case management conference before the Court, there was no determination
6 as to the scope of the Phase 4 trial. Prior to the December 11th case management conference,
7 parties submitted various proposals regarding the scope of the Phase 4 trial, some of which
8 proposed a trial on discrete issues such as return flows or prescription and would not have
9 included a "prove-up" of parties' water rights claims. While Northrop responds to its utmost
10 ability here based on its prior review of its water rights claim and the basis for that claim,
11 Northrop reserves the right to supplement this response as additional information becomes
12 available.

13 **II. Response to Section I.1 of the Discovery Order**

14 **A.** Northrop owns, occupies, or otherwise controls property in Kern County
15 identified by the following Assessor Identification Numbers: APN 241-430-05 (6242 Little Oak
16 Canyon Blvd., Rosamond, CA 93560) (the "Northrop Property").

17 **B.** Northrop has been the record title owner for the Northrop Property since at least
18 2000.

19 **C.** A groundwater well existed on the Northrop Property in years 2000-04 and 2011-
20 12.

21 **D.** Two groundwater wells were operated on the Northrop Property in years 2000-04
22 and 2011-12. These wells are referred to as TJ Upper Well #1 and TJ Lower Well #2.

23 **E.** Northrop estimates, based on information currently and reasonably available to it,
24 its groundwater production for the specified calendar years as provided below. Among other
25 bases, Northrop's estimate is based on the number, type, and frequency of operation of cooling
26 units used at the subject property, an estimate flow rate of water from the subject wells of 3 gpm
27 to 5 gpm depending on the season (summer usage was higher) and the number of employees and
28 shifts at the subject plant. Northrop's estimated amount of water pumped from the well(s)

described above in Section II.C-D is:

Year	AFY
2000	3
2001	3
2002	3
2003	3
2004	3.5
2011	1-2
2012	1

F. The water described above in Section II.E was utilized for cooling units used in manufacturing operations at the subject property and domestic uses for on-site employees (e.g., restrooms, washing).

G. Northrop does not produce groundwater off-site.

H. The Northrop Property was used for manufacturing operations in 2011 and decommissioning activities occurred in 2012.

I. The Northrop Property is not utilized for agricultural uses.

J. Northrop claims 3 afy as the reasonable and beneficial use for its property.

III. Response to Section I.2 of the Discovery Order

A. Northrop does not lease the Northrop Property.

IV. Response to Section I.3 of the Discovery Order

A. Northrop can make available documents relating to the type and usage of cooling units, number of employees and shifts, and other equipment and facilities that used water produced by the subject well(s).

B. Northrop can make available documents relating to the type and usage of cooling units, number of employees and shifts, and other equipment and facilities that used water produced by the subject well(s).

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1 **V. Response to Section V of the Discovery Order**

2 **A.** Troy Gabbard is the Northrop representative most qualified to testify to the above
3 facts.

4
5 Dated: December 21, 2012

ALSTON & BIRD LLP

6
7 By:


NEAL P. MAGUIRE

Attorneys for Cross-Defendant Northrop Grumman
Corporation

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VERIFICATION

I, Troy Gabbard, declare as follows:

I am the Palmdale Facilities Site Manager of Cross-Defendant Northrop Grumman Corporation and am authorized to make this Verification on its behalf. I have read the foregoing **RESPONSE TO DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL** ("Discovery Response") and know the contents thereof. I certify that the responses contained in the Discovery Response are true of my own knowledge, except as to the matters which are therein stated upon my information and belief, and as to those matters, I believe them to be true.

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

Executed this 20th day of December, 2012 at Palmdale, California.

By: 

Troy Gabbard
Palmdale Facilities Site Manager
Northrop Grumman Corporation

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PROOF OF SERVICE

I, Yolanda S. Ramos, declare:

I am employed in the County of Los Angeles, State of California. My business address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On December 21, 2012, I served the document(s) described as **RESPONSE TO DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL** on the interested parties in this action as follows:

☐ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.

☒ BY ELECTRONIC MAIL: By posting the document listed above to the Santa Clara Superior Court website: www.scefiling.org regarding the ANTELOPE VALLEY GROUNDWATER matter.

☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

☒ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ [Federal] I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 21, 2012, at Los Angeles, California.


YOLANDA S. RAMOS