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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

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 325 201

**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 of 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
(Consolidated Actions)

Judicial Council Coordination
Proceeding No. 4408

Assigned to The Honorable
Jack Komar

**U.S. BORAX'S OBJECTIONS AND
RESPONSES TO FIRST SET OF
SPECIALLY PREPARED
INTERROGATORIES**

PROPOUNDING PARTIES:

City of Palmdale; City of Lancaster; Los Angeles County
Waterworks District No. 40; Palmdale Water District; Quartz
Hill Water District; Littlerock Creek Irrigation District; Palm
Ranch Irrigation District; Rosamond Community Services
District; California Water Service Company, successor-in-
interest to Antelope Valley Water Company

RESPONDING PARTIES:

U.S. Borax, Inc.

SET NO.:

One

PLEASE TAKE NOTICE THAT pursuant to Code of Civil Procedure section 2031, Defendant U.S. Borax Inc. ("Borax") responds and objects to the Propounding Parties' Specially Prepared Interrogatories (Set No. 1) as follows:

GENERAL CAVEAT

In responding to the First Set of Specially Prepared Interrogatories, Borax reserves all objections relating to evidence; the right to introduce at trial evidence which is presently unknown to it or is discovered subsequent to the date of this response; and the right to amend this response without motion at any time.

Borax has not fully completed its investigation of the facts relating to this case, has not completed discovery in this action and has not completed its preparation for trial. All of the responses contained herein are based only upon such information and documents as are presently available to and specifically known to Borax, and Borax discloses only those contentions that presently occur to it. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to the known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in and variations from the contentions set forth herein. The following responses and objections are given without prejudice to Borax's right to produce evidence of any facts that it later may recall. Further, such response is made without prejudice to Borax's right to produce facts, witnesses and documents omitted from these responses by oversight, inadvertence and good faith error or mistake.

INTERROGATORY NO. 1:

If you have asserted an affirmative defense in response to any complaint or cross-complaint in these proceedings that alleges that the complaining party has failed to join an indispensable party, please IDENTIFY any such indispensable party.

RESPONSE TO INTERROGATORY NO. 1:

Without waiving and subject to the foregoing general caveat and objections, Borax objects to this interrogatory to the extent that it seeks information contained in public records such as property tax records which are equally available to the Propounding Parties. An interrogating party cannot

1 force the answering party to search public records to ascertain answers to interrogatories. If
2 information is as readily available to one party as to its opponents, “no perceivable purpose
3 consonant with the discovery laws is served by compelling one party to search public records,
4 compile the results and furnish them to his opponent.”

5 Borax further objects to this interrogatory because identifying and joining indispensable
6 parties is the responsibility of Plaintiffs. The Complaint seeks a judicial determination of all rights to
7 groundwater within the Antelope Valley groundwater basin. Adjudicating those water rights requires
8 all the owners of lands within the watershed in the action. Under Code of Civil Procedure section
9 389(c), a complaint or cross-complaint shall state the names, if known to the pleader, of any persons
10 who are not joined and the reasons why they are not joined. Plaintiffs have neither named necessary
11 or indispensable parties in their cross-complaint nor provided the reasoning why such necessary or
12 indispensable parties are not joined. They instead seek to transfer this task of identifying such parties
13 to Borax and other defendants.

14 Nevertheless, in a good faith effort to comply with the spirit of this discovery request and
15 without waiving the foregoing objections, Borax responds that it currently does not know the identity
16 of any necessary or indispensable parties. Borax further responds that a review of public records will
17 reveal the identity of such parties. Finally, Borax believes that not every public water supplier has
18 been named in this action.

19 Discovery in this action is ongoing and, therefore, Borax reserves the right to supplement this
20 response upon the discovery of additional related facts.

21 **INTERROGATORY NO. 2:**

22 If you have asserted an affirmative defense in response to any complaint or cross-complaint in
23 these proceedings that alleges that the complaining party has failed to join a necessary party, please
24 IDENTIFY any such necessary party.

25 **RESPONSE TO INTERROGATORY NO. 2:**

26 Please see the Response to Interrogatory No. 1, above.
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1 **INTERROGATORY NO. 3:**

2 Are you aware of any PROPERTY within the BASIN for which the PROPERTY OWNER
3 has not been named as a party to these proceedings?

4 **RESPONSE TO INTERROGATORY NO. 3:**

5 Please see the Response to Interrogatory No. 1, above.

6 **INTERROGATORY NO. 4:**

7 If your response to Interrogatory No. 3 is affirmative, please IDENTIFY the PROPERTY.

8 **RESPONSE TO INTERROGATORY NO. 4:**

9 Please see the Response to Interrogatory No. 1, above.

10 **INTERROGATORY NO. 5:**

11 If your response to Interrogatory No. 3 is affirmative, please IDENTIFY the PROPERTY
12 OWNER.

13 **RESPONSE TO INTERROGATORY NO. 5:**

14 Please see the Response to Interrogatory No. 1, above.

15 **INTERROGATORY NO. 6:**

16 If your response to Interrogatory No. 3 is affirmative, please state whether you believe that
17 groundwater has been pumped from that PROPERTY.

18 **RESPONSE TO INTERROGATORY NO. 6:**

19 Please see the Response to Interrogatory No. 1, above.

20 **INTERROGATORY NO. 7:**

21 If your response to Interrogatory No. 3 is affirmative, please state whether you believe that
22 groundwater is currently being pumped from that PROPERTY.

23 **RESPONSE TO INTERROGATORY NO. 7:**

24 Please see the Response to Interrogatory No. 1, above.

25 **INTERROGATORY NO. 8:**

26 Please state the name of any other person or entity you believe is an indispensable party to
27 these proceedings.
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1 **RESPONSE TO INTERROGATORY NO. 8:**

2 Please see the Response to Interrogatory No. 1, above.

3 **INTERROGATORY NO. 9:**

4 Please state the name of any other person or entity you believe is a necessary party to these
5 proceedings.

6 **RESPONSE TO INTERROGATORY NO. 9:**

7 Please see the Response to Interrogatory No. 1, above.

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9 Dated: June 21, 2007

EDGAR B. WASHBURN
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12 By: /s/
13 William M. Sloan
14 Attorneys for U.S. BORAX, INC.
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