

1 EDGAR B. WASHBURN (BAR NO. 34038)  
2 *Email: EWashburn@mofo.com*  
3 WILLIAM M. SLOAN (BAR NO. 203583)  
4 *Email: WSloan@mofo.com*  
5 MORRISON & FOERSTER LLP  
6 425 Market Street  
7 San Francisco, California 94105-2482  
8 Telephone: 415.268.7000  
9 Facsimile: 415.268.7522  
10  
11 Attorneys for U.S. BORAX INC.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

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

13 **ANTELOPE VALLEY GROUNDWATER CASES**

14 Included Actions:

15 **Los Angeles County Waterworks District No. 40 v.**  
16 **Diamond Farming Co.**  
Superior Court of California, County of Los Angeles,  
Case No. BC 325 201

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

19 **Wm. Bolthouse Farms, Inc. v. City of Lancaster**  
20 **Diamond Farming Co. v. City of Lancaster**  
21 **Diamond Farming Co. v. Palmdale Water Dist.**  
22 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 RESPONSE  
REGARDING CLASS  
CERTIFICATION**

Date: August 20, 2007  
Time: 9:00 a.m.  
Dept: 1

23  
24 U.S. Borax takes no position on the Motion for Class Certification, but brings to the Court's  
25 attention that at least two categories of interests remain unaddressed—(1) landowners outside the  
26 public water purveyors' service district boundaries that have wells, and (2) landowners inside the  
27 public water purveyors' service boundaries (including those that have wells). For landowners outside  
28 service districts, the county public records suggest that there are several thousand "improved"

1 parcels. For landowners within service districts, if they are excluded from this adjudication, U.S.  
2 Borax renews its request that the purveyors provide assurances that those landowners will be  
3 prevented from pumping groundwater.

4 Dated: August 6, 2007

EDGAR B. WASHBURN  
WILLIAM M. SLOAN  
MORRISON & FOERSTER LLP

7 By: /s/ William M. Sloan  
8 William M. Sloan  
9 Attorneys for U.S. BORAX INC.