

SCOTT K. KUNEY, SBN 111115
THE LAW OFFICES OF YOUNG WOOLDRIDGE, LLP
1800 30th Street, Fourth Floor
Bakersfield, CA 93301
Telephone: (661) 327-9661
Facsimile: (661) 327-0720

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE 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 254348;

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, consolidated actions,
Case Nos. RIC 353840, RIC 344436, RIC
344668

RICHARD WOOD, on behalf of himself and
all other similarly situated v. A.V. Materials,
Inc., et al., Superior Court of California, County
of Los Angeles, Case No. BC509546

Judicial Council Coordination Proceeding
No. 4408

CLASS ACTION

Santa Clara Case NO. 1-05-CV-049053
Assigned to the Honorable Jack Komar

**DECLARATION OF SCOTT K. KUNEY
IN SUPPORT OF MOTION TO BE
RELIEVED AS COUNSEL**

1 1. I am an attorney duly licensed to practice law before all courts of the State of California.
2 I am a partner with The Law Offices of Young Wooldridge, LLP, attorneys of record for Mr. Gary Van
3 Dam in the above-entitled action. The following matters are within my own personal knowledge, and if
4 called as a witness, I could testify competently thereto;

5 2. I am personally familiar with the records and files of this litigation;

6 3. This office served as legal counsel for Mr. Gary Van Dam (an individual) in all phases of
7 litigation beginning in approximately December 2005 until January 19, 2016.

8 4. This case arises out a proceeding which sought "a judicial determination of the
9 respective rights of the Parties to produce Groundwater from the Antelope Valley Groundwater Basin."
10 (Judgment, p. 2) The Court entered its Judgment determining the Parties respective rights in this case
11 on December 23, 2015. Notice of Entry of Judgment was made December 28, 2015.

12 5. Immediately following the entry of the Judgment, on January 19, 2016, I was instructed
13 by Mr. Gary Van Dam to stop performing any legal services with regard to his interests in the Antelope
14 Valley Groundwater Adjudication. As requested by Mr. Van Dam, ever since that date up to the present
15 our offices have not performed any further legal services for Mr. Gary Van Dam or any other member
16 of his family represented in this matter.

17 6. On September 28, 2017 and also on March 2, 2018, I sent to Mr. Gary Van Dam a
18 Substitution of Attorney (Pursuant to Code of Civil Procedure Section 284(1)) form signed by me and
19 requested that he sign and return the forms for filing with the Court as our offices were no longer
20 serving as legal counsel in the Adjudication and had not provided any legal services to Mr. Gary Van
21 Dam for over two years. Unfortunately, Mr. Gary Van Dam has declined to sign and return the
22 Substitution of Attorneys forms on both occasions.

23 7. When I requested that Mr. Gary Van Dam sign a Substitution of Attorney form, I
24 simultaneously requested that Mrs. Gertrude Van Dam and Mr. Craig Van Dam likewise sign and return
25 Substitution of Attorney forms. Those forms were signed by Mrs. Gertrude Van Dam and Mr. Craig
26 Van Dam and have been previously filed with Court (Exhibits "A" and "B" attached hereto and
27 incorporated herein.)

28 8. According to this Court's current docket the following matters are calendared for
hearing in the Adjudication:

- 1 a. April 30, 2018, 9:00a.m. (Courtcall): Two motions filed on behalf of the Antelope Valley
2 Watermaster, each upon unanimous consent of the Water Master Board, to request the
3 Court's approval of certain actions required under the terms of the Judgment: 1. Motion For
4 Order Establishing August 1 For Filing of Watermaster's Annual Report; and 2. Motion for
5 Approval of Rules And Regulations Concerning New Production And Well Replacement
6 Wells.
- 7 b. June 20, 2018 at 9a.m., (Los Angeles County Superior Court): In a separate action albeit
8 coordinated in the Adjudication, *Little Rock Sand and Gravel, Inc. v. Granite Construction*
9 *Co.*, Superior Court of California, County of Los Angeles, North Judicial District, Case No.
10 MC026932, a briefing schedule and hearing date has been scheduled to address an *inter se*
11 dispute between these two parties.

12 9. The Judgment in the Adjudication was appealed on or about February 2016 and the
13 appeal has been transferred to the Court of Appeal, Fifth Appellate District. Our offices have never
14 been requested to perform any legal services for Mr. Gary Van Dam relating to any appeal in this
15 matter. According to the Appellate Court's docket there is no approved briefing schedule yet ordered
16 by the Court of Appeal.

17 10. I am not aware of any circumstance which indicates that Mr. Gary Van Dam will suffer
18 any undue prejudice if the Court issues the accompanied Order Granting Attorney's Motion to be
19 Relieved as Counsel as requested.

20 11. I respectfully request that the Court exercise its sound discretion and grant this
21 Attorney's Motion to be Relieved as Counsel as requested.

22 I declare under penalty of perjury under the laws of the State of California that this declaration
23 was executed this 15TH day of March, 2018, at Bakersfield, California.

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27 SCOTT K. KUNEY
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EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Scott K. Kuney SBN: 111115 THE LAW OFFICES YOUNG WOOLDRIDGE, LLP 1800 30th Street, 4th Floor BAKERSFIELD, CA 93301 TELEPHONE NO.: 6613279661 FAX NO. (Optional): E-MAIL ADDRESS (Optional): skuney@youngwooldridge.com ATTORNEY FOR (Name): Antelope Valley Groundwater Adjudication		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles MAR 14 2018 Sherril H. Gustin, Executive Officer/Clerk By: Gloria Robinson, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse on Hill St.		
CASE NAME: Antelope Valley Groundwater Cases		
SUBSTITUTION OF ATTORNEY—CIVIL (Without Court Order)		
		CASE NUMBER: JCCP 4408, 1-05-CV-049053

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): Gertrude Van Dam makes the following substitution:

1. Former legal representative ☐ Party represented self ☒ Attorney (name): Scott K. Kuney
 2. New legal representative ☒ Party is representing self ☐ Attorney
 a. Name: Gertrude Van Dam b. State Bar No. (If applicable):
 c. Address (number, street, city, ZIP, and law firm name, if applicable): 9753 E Avenue F-8, Lancaster, CA 93535

d. Telephone No. (include area code): n/a

3. The party making this substitution is a ☐ plaintiff ☒ defendant ☐ petitioner ☐ respondent ☐ other (specify):

***NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

- Guardian
- Conservator
- Trustee
- Personal Representative
- Probate fiduciary
- Corporation
- Guardian ad litem
- Unincorporated association

If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.

NOTICE TO PARTIES WITHOUT ATTORNEYS

A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.

Date: 3-2-2018

Gertrude Van Dam

(TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY)

5. ☒ I consent to this substitution.

Date: 3-2-2018

Scott K. Kuney

(TYPE OR PRINT NAME)


 (SIGNATURE OF FORMER ATTORNEY)

6. ☒ I consent to this substitution.

Date: 3-2-2018

Gertrude Van Dam

(TYPE OR PRINT NAME)


 (SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)

Page 1 of 2

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF KERN

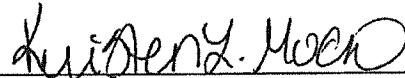
I, KRISTEN L. MOEN, declare: I am and was at all times of the service hereunder mentioned, over the age of eighteen (18) years. My business address is: 1800 30th Street, Fourth Floor, Bakersfield, CA 93301.

On March 13, 2018, I caused to be served the below listed document(s) entitled as: **SUBSTITUTION OF ATTORNEY-CIVIL**, on the interested parties in this action:

☒ (BY POSTING) I posted the document(S) listed above to the Santa Clara County Superior Court website @ www.scefiling.org and Glotrans website in the action of the Antelope Valley Groundwater Cases.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 13, 2018, at Bakersfield, California



KRISTEN L. MOEN

1 ANTELOPE VALLEY WATERMASTER
ELECTRONIC DOCUMENT SERVICE - WWW.AVWATERMASTER.ORG
c/o Glotrans
2915 McClure Street
Oakland, CA94609
2 EMAIL: Support@Glotrans.com

3
4 ANTELOPE VALLEY WATERMASTER
IN AND FOR ANTELOPE VALLEY, CALIFORNIA

5 Coordination Proceeding Special Title (Rule) Antelope Valley Groundwater Cases (JCCP
1550(b)) ANTELOPE VALLEY GROUNDWATER CASES) 4408)
6 (JCCP 4408) Included Actions: Los Angeles)
County Waterworks District No. 40) Lead Case No.1-05-CV-049053
7)
Plaintiff,) Hon. Jack Komar
vs.)
8)
Diamond Farming Co. Superior Court of)
California County of Los Angeles, Case No.)
9 BC 325 201 Los Angeles County Waterworks)
District No. 40 v. Diamond Farming Co.)
Superior Court of California, County of)
10 Kern, Case No. S-1500-CV-254-348 Wm.)
Bolthouse Farms, Inc. v. City of Lancaster)
Diamond Farming Co. v. City of Lancaster)
11 Diamond Farming Co. v. Palmdale Water Dist.)
Superior Court of California, County of)
Riverside, consolidated actions, Case Nos.)
12 RIC 353 840, RIC 344 436, RIC 344 668)
Defendant.)
13)
AND RELATED ACTIONS) **PROOF OF SERVICE**
Electronic Proof of Service

14 I am employed in the County of Alameda, State of California.

15 I am over the age of 18 and not a party to the within action; my business address is 2915 McClure
Street, Oakland, CA 94609.

16 The documents described on page 2 of this Electronic Proof of Service were submitted via the
worldwide web on Tue. March 13, 2018 at 4:00 PM PDT and served by electronic mail notification.

17 I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and
18 am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described
document's electronic service in the following manner:

19 The document was electronically uploaded to the Antelope Valley Watermaster's website,
20 <http://www.avwatermaster.org>, on Tue. March 13, 2018 at 4:00 PM PDT .

21 An electronic mail message was transmitted to all parties on the electronic service list maintained for this
case at www.avwatermaster.org. The message identified the document and provided instructions for accessing
22 the document on the worldwide web.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct. Executed on March 13, 2018 at Oakland, California.

Dated: March 13, 2018

For WWW.AVWATERMASTER.ORG

Andy Jamieson

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1 ANTELOPE VALLEY WATERMASTER DOCUMENTS
2 ANVELOPE VALLEY WATERMASTER - WWW.AVWATERMASTER.ORG

3 Electronic Proof of Service
4 Page 2

5 Document(s) submitted by Scott K. Kuney of Law Offices of Young Wooldridge LLP on Tue. March 13, 2018 at 4:00
6 PM PDT

7 1. Substitution of Attorney: Substitution of Attorney-Civil for Gertrude Van Dam
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EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Scott K. Kuney SBN: 111115 THE LAW OFFICES YOUNG WOOLDRIDGE, LLP 1800 30th Street, 4th Floor BAKERSFIELD, CA 93301 TELEPHONE NO.: 6613279661 FAX NO. (Optional): E-MAIL ADDRESS (Optional): skuney@youngwooldridge.com ATTORNEY FOR (Name): Antelope Valley Groundwater Adjudication		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles MAR 14 2018 Sheri A. Carter, Executive Officer/Clerk By: Chonetta Robinson, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse on Hill St.		
CASE NAME: Antelope Valley Groundwater Cases		
SUBSTITUTION OF ATTORNEY—CIVIL (Without Court Order)		CASE NUMBER: JCCP 4408, 1-05-CV-049053

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): Craig Van Dam makes the following substitution:

1. Former legal representative ☐ Party represented self ☒ Attorney (name): Scott K. Kuney
 2. New legal representative ☒ Party is representing self ☐ Attorney
 a. Name: Craig Van Dam b. State Bar No. (if applicable):
 c. Address (number, street, city, ZIP, and law firm name, if applicable): 7316 West D-8, Lancaster, CA 93535

d. Telephone No. (include area code): 661-510-8205

3. The party making this substitution is a ☐ plaintiff ☒ defendant ☐ petitioner ☐ respondent ☐ other (specify):

***NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

- Guardian
- Personal Representative
- Guardian ad litem
- Conservator
- Probate fiduciary
- Unincorporated association
- Trustee
- Corporation

If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.

NOTICE TO PARTIES WITHOUT ATTORNEYS

A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.

Date: 3-2-2018

Craig Van Dam

(TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY)

5. ☒ I consent to this substitution.

Date: 3-2-2018

Scott K. Kuney

(TYPE OR PRINT NAME)

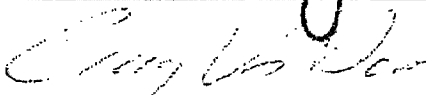

 (SIGNATURE OF FORMER ATTORNEY)

6. ☒ I consent to this substitution.

Date: 3-2-2018

Craig Van Dam

(TYPE OR PRINT NAME)


 (SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)

Page 1 of 2

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF KERN

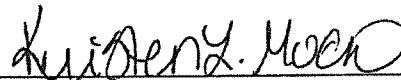
I, KRISTEN L. MOEN, declare: I am and was at all times of the service hereunder mentioned, over the age of eighteen (18) years. My business address is: 1800 30th Street, Fourth Floor, Bakersfield, CA 93301.

On March 13, 2018, I caused to be served the below listed document(s) entitled as:
SUBSTITUTION OF ATTORNEY-CIVIL, on the interested parties in this action:

☒ (BY POSTING) I posted the document(S) listed above to the Santa Clara County Superior Court website @ www.scefiling.org and Glotrans website in the action of the Antelope Valley Groundwater Cases.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 13, 2018, at Bakersfield, California



KRISTEN L. MOEN

1 ANTELOPE VALLEY WATERMASTER
2 ELECTRONIC DOCUMENT SERVICE - WWW.AVWATERMASTER.ORG
3 c/o Glotrans
4 2915 McClure Street
5 Oakland, CA94609
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ANTELOPE VALLEY WATERMASTER
IN AND FOR ANTELOPE VALLEY, CALIFORNIA

Coordination Proceeding Special Title (Rule 1550(b)) ANTELOPE VALLEY GROUNDWATER CASES (JCCP 4408) Included Actions: Los Angeles County Waterworks District No. 40)	Antelope Valley Groundwater Cases (JCCP 4408)
)	
)	Lead Case No.1-05-CV-049053
)	
Plaintiff,)	Hon. Jack Komar
vs.)	
)	
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, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668)	
)	
Defendant.)	
)	
AND RELATED ACTIONS)	PROOF OF SERVICE Electronic Proof of Service

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the worldwide web on Tue. March 13, 2018 at 3:58 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described document's electronic service in the following manner:

The document was electronically uploaded to the Antelope Valley Watermaster's website, <http://www.avwatermaster.org>, on Tue. March 13, 2018 at 3:58 PM PDT .

An electronic mail message was transmitted to all parties on the electronic service list maintained for this case at www.avwatermaster.org. The message identified the document and provided instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 13, 2018 at Oakland, California.

Dated: March 13, 2018

For WWW.AVWATERMASTER.ORG

Andy Jamieson

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1 ANTELOPE VALLEY WATERMASTER DOCUMENTS
2 ANVELOPE VALLEY WATERMASTER - WWW.AVWATERMASTER.ORG

3 Electronic Proof of Service
4 Page 2

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7 1. Substitution of Attorney: Substitution of Attorney-Civil for Craig Van Dam
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