

1 William J. Brunick, Esq. [SB No. 46289]
2 **BRUNICK, McELHANEY & KENNEDY PLC**
3 1839 Commercenter West
4 San Bernardino, California 92408

5 MAILING:
6 P.O. Box 13130
7 San Bernardino, California 92423-3130

8 Telephone: (909) 889-8301
9 Facsimile: (909) 388-1889
10 E-Mail: bbrunick@bmblawoffice.com

*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

11 Attorneys for Cross-Complainant,
12 ANTELOPE VALLEY-EAST KERN WATER AGENCY

13
14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

17 Coordination Proceeding
18 Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
No. 4408

19 **ANTELOPE VALLEY**
20 **GROUNDWATER CASES**

Santa Clara Case No.
1-05-CV-049053
The Honorable Jack Komar, Dept.17

21 **Included Actions:**

ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S REQUEST THAT
JUDICIAL NOTICE BE TAKEN

22 Los Angeles County Waterworks District
23 No. 40 vs. Diamond Farming Company, a
24 corporation, Superior Court of California,
25 County of Los Angeles, Case No.
26 BC325201;

Motion Date: January 27, 2014
Time: 9:00 a.m.
Room: To be determined

27 Los Angeles County Waterworks District
28 No. 40 vs. Diamond Farming Company, a
corporation., Superior Court of California,
County of Kern, Case No. S-1500-CV-254-
348;

Trial Date: February 10, 2014
Time: 9:00 a.m.
Room: 1 (Los Angeles Superior Court)

Wm. Bolthouse Farms, Inc. vs. City of
Lancaster, Diamond Farming Company, a
corporation, vs. City of Lancaster, Diamond
Farming Company, a corporation vs.
Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
RIC 353840, RIC 344436, RIC 344668.

1 In connection with its motion for summary adjudication filed concurrently herewith,
2 cross-complainant, the Antelope Valley-East Kern Water Agency (AVEK), pursuant to the
3 provisions of Evidence Code sections 452 and 453, hereby requests that the Court take judicial
4 notice of the following documents and matters:

- 5 1. Findings of Fact and Conclusions of Law in *City of Los Angeles v. City of San Fernando*,
6 dated January 26, 1979, attached as Exhibit 1 hereto.
- 7 2. MWD's "History and First Annual Report, Commemorative Edition," June 2011, pages
8 311-312, attached as Exhibit 2 hereto.
- 9 3. Metropolitan Water District Act, Sections 133 and 135, copy attached as Exhibit 3
10 hereto.
- 11 4. January 26, 1979 Judgment in *City of Los Angeles v. City of San Fernando*, copy attached
12 as Exhibit 4 hereto.
- 13 5. City of Santa Maria Resolution No. 820509, attached as Exhibit 5 hereto.
- 14 6. City of Santa Maria's Resolution No. 90-31, dated March 20, 1990, attached as Exhibit
15 6 hereto.
- 16 7. City of Santa Maria's January 15, 1991, Resolution No. 91-12, attached as Exhibit 7
17 hereto.
- 18 8. Santa Maria's September 3, 1991, Resolution No. 91-151, attached as Exhibit 8 hereto.
- 19 9. Judgment After Trial entered on January 25, 2008, in *Santa Maria Valley Water*
20 *Conservation District v. City of Santa Maria, et al.*, Santa Clara Superior Court Lead
21 Case No. 1-97-CV-770214, a copy of which is attached as Exhibit 9 hereto.
- 22 10. ULARA Watermaster Report for Water Year 1978-1979.
- 23 11. July, 1962, Report of Referee in *City of San Fernando*, Vol. I.
- 24 12. July, 1962, Report of Referee in *City of San Fernando*, Vol. II.
- 25 13. DWR Bulletin No. 181-69, Watermaster Service in ULARA for October 1, 1968 through
26 September 30, 1969.
- 27 14. March 18, 1977, Remand Procedure Order No. 1 in *City of San Fernando*
- 28

1 Courts may take judicial notice of "Regulations and legislative enactments issued by or
2 under the authority of . . . any public entity in the United States" (Evid. Code § 452, subd. (b)),
3 and also of "[r]ecords of [] any court of this state" (Evid. Code § 452, subd. (d)). Additionally,
4 moving party has certified copies of Exhibits 5, 6, 7 and 8, and will provide same at the hearing
5 on the motion. By this request, AVEK gives the Court and adverse parties sufficient notice and
6 information to enable them to take judicial notice of the referenced records attached hereto.

7 Dated: November 11, 2013

BRUNICK, McELHANEY & KENNEDY


8
9
10 By: William J. Brunick
11 WILLIAM J. BRUNICK
12 LELAND P. McELHANEY
13 Attorneys for Cross-Complainant,
14 ANTELOPE VALLEY-EAST KERN
15 WATER AGENCY
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California 92408-3303.

■ **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

Executed on November 11, 2013, at San Bernardino, California.


P. Jo Anne Quihuis