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

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
12

13 Coordination Proceeding
Special Title (Rule 1550(b))
14

Judicial Council Coordination Proceeding
No. 4408

15 **ANTELOPE VALLEY**
GROUNDWATER CASES
16

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

17 **Included Actions:**

ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S OBJECTIONS TO
PUBLIC WATER SUPPLIERS'
DEPOSITION NOTICES
(Code Civil Procedure §2025.410)

18 Los Angeles County Waterworks District
No. 40 vs. Diamond Farming Company, a
19 corporation, Superior Court of California,
County of Los Angeles, Case No.
20 BC325201;

Trial Date: February 10, 2014
Time: 9:00 a.m.
Dept.: TBD

21 Los Angeles County Waterworks District
No. 40 vs. Diamond Farming Company, a
22 corporation., Superior Court of California,
County of Kern, Case No. S-1500-CV-254-
23 348;

24 Wm. Bolthouse Farms, Inc. vs. City of
Lancaster, Diamond Farming Company, a
25 corporation, vs. City of Lancaster, Diamond
Farming Company, a corporation vs.
26 Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
27 RIC 353840, RIC 344436, RIC 344668.
28

1 The Antelope Valley-East Kern Water Agency submits the following objections to the
2 Public Water Suppliers' Notice of Depositions of AVEK's Designated Percipient Witnesses, and
3 the Public Water Suppliers' Notice of Deposition of Person Most Knowledgeable for the
4 Antelope Valley-East Kern Water Agency, as follows:

5 1. The provisions of Code of Civ. Procedure section 2025.270, in pertinent part, provide:
6 (a) *An oral deposition shall be scheduled for a date at least 10 days after service of the*
7 *deposition notice.*

8 Nonetheless, the Public Water Suppliers' Notice of Depositions of AVEK's Designated
9 Percipient Witnesses notices the depositions of Dwayne Chisam and Mike Flood to be taken
10 only seven (7) calendar days after service of the deposition notice. While the deponents will
11 appear for their depositions on the scheduled date and will make a good faith effort to produce
12 non-privileged documents pursuant to the document production requests contained in the
13 deposition notice, they will do so subject to and without waiving any of the objections stated
14 herein; it must be noted further that, because of the insufficient notice provided, these deponents
15 are not required to produce any documents at the taking of their depositions.

16 2. The document production requests contained in the deposition notices are overly broad;
17 among other things, they purport to require the production of privileged confidential
18 communications between attorney and client, which will not be produced.

19 3. The document production requests contained in both deposition notices also call for the
20 production of voluminous records which have already been produced in this action including,
21 without limitation, the documents produced and referenced in AVEK's request for judicial
22 notice filed in support of its motion for summary adjudication; the documents produced and
23 referenced in the AVEK's recent discovery responses; and, the documents produced and
24 referenced in AVEK's previously posted declarations in lieu of depositions; etc. Such previously
25 produced documents will not be produced again at the noticed depositions.

26 4. The request for documents regarding "any water pumped by AVEK in the BASIN" is
27 ambiguous and vague. It is unclear therefrom whether this should include water pumped by any
28 of AVEK's tenants, predecessors in interest, or whether it includes in lieu water.

1 5. The requests directed to Dan Flory and Dwayne Chisam, for “all DOCUMENTS that
2 supports [sic] YOUR Declaration in support of AVEK’s Motion for Summary Adjudication .
3 . .” manifestly fails to specify with reasonable particularity the documents, or categories of
4 documents, requested to be produced (Code Civ. Procedure, § 2025.220(4)).

5 6. The requests for certain documents “authored and/or received by YOU relating to . . .”
6 is ambiguous and vague. It is unclear whether these requests would include documents
7 “received” by AVEK of which the individual deponent is incidentally aware, or whether it
8 relates only to documents specifically addressed to and actually “received” by the deponent. The
9 individual deponents will interpret these requests as calling only for the production of
10 documents which were either “authored and/or received by” the deponent personally, rather than
11 documents that were “received” by any other person, including AVEK.

12 Dated: December 23, 2013

BRUNICK, MCELHANEY & KENNEDY


13
14 By: 

15 WILLIAM J. BRUNICK
16 LELAND P. MCELHANEY
17 Attorneys for Cross-Complainant,
18 ANTELOPE VALLEY-EAST KERN
19 WATER AGENCY
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**STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO**

On December 23, 2013, I served the foregoing document described as: **ANTELOPE VALLEY-EAST KERN WATER AGENCY'S OBJECTIONS TO PUBLIC WATER SUPPLIERS' DEPOSITION NOTICES** on the interest parties in this action in the following manner:

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


Leland P. McElhaney