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

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 AT
PHASE V TRIAL

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;

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

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;

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 For the trial of this action, cross-complainant, the Antelope Valley-East Kern Water
2 Agency (AVEK), pursuant to the provisions of Evidence Code sections 452 and 453, hereby
3 requests that the Court take judicial notice of the following documents and matters:

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

14. March 18, 1977, Remand Procedure Order No. 1 in *City of San Fernando*, attached as Exhibit 14 hereto.

15. AVEK Resolution No. R-91-12, dated February 13, 1991, attached as Exhibit 15 hereto.

16. AVEK's cross-complaint filed in this action, attached as Exhibit 16 hereto.

17. AVEK's Resolution No. R-08-14, dated June 24, 2008, attached as Exhibit 17 hereto.

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


Dated: January 30, 2014

BRUNICK, McELHANEY & KENNEDY

By: 

WILLIAM J. BRUNICK
LELAND P. McELHANEY
Attorneys for Cross-Complainant,
ANTELOPE VALLEY-EAST KERN
WATER AGENCY

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P. Jo Anne Quihuis