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

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8 Attorneys for Cross-Complainant,
9 ANTELOPE VALLEY-EAST KERN WATER AGENCY

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

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

Judicial Council Coordination Proceeding
No. 4408

15 **ANTELOPE VALLEY**
16 **GROUNDWATER CASES**

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

17 **Included Actions:**

**PUBLIC OVERLIERS EVIDENTIARY
OBJECTIONS TO EXHIBITS AND
STATEMENTS IN DECLARATIONS
SUPPORTING MUTUALS' MOTION
TO INTERPRET JUDGMENT**

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

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

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

Date: May 25, 2016
Time: 9:30 a.m.
Dept.: Room 222
Los Angeles Superior Court
Hon. Jack Komar, Judge Presiding

1 Cross-Defendants, the City of Los Angeles, by and through its Department of Airports,
2 Los Angeles World Airports (LAWA), the County Sanitation Districts of Los Angeles County
3 Nos. 14 and 20 (LA County Sanitation), the Antelope Valley - East Kern Water Agency
4 (AVEK) (collectively, "Public Overliers") submit the following evidentiary objections to
5 various statements made in, and exhibits attached to, the declarations and pleadings filed in
6 support of the Mutuels' Motion to Interpret the Judgment:

7 **A. John Ukkestad Declaration**

8 1. Paragraph 3 of Mr. Ukkestad's declaration which references the Antelope Valley
9 Accord, certain provisions thereof, and that such represented "the consensus of those
10 participating in the process of negotiating the development of the Antelope Valley Accord."

11 Objections: irrelevant (Evid. Code 210 and 350); inadmissible hearsay (Evid. 1200);
12 confidential settlement negotiations (Evid. Code 1152); mediation privilege (Evid. Code 1119).

13 2. Hearsay statement attributed to Mr. John Calandri: "The landowners are fractionalized."
14 (Ukkestad Decl., page 3, lines 20-21). Objection: irrelevant (Evid. Code 210 and 350) and
15 inadmissible hearsay (Evid. 1200).

16 3. Hearsay statement attributed to Mr. Gary Van Dam: "the two Landowner Seats were 'the
17 farmers' seats.'" (Ukkestad Decl., page 4, lines 4-6.) Objection: irrelevant (Evid. Code sections
18 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

19 4. Hearsay statement attributed to Mr. Dennis Atkinson: "it was his understanding that
20 AVEK, Waterworks District No. 40, and the representative holding the second Public Water
21 Supplier Watermaster Seat had already come to an agreement on who the Watermaster
22 Engineer would be." (Ukkestad Decl., page 4, lines 14-17.) Objection: irrelevant (Evid. Code
23 sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

24 **B. Michael Davis Declaration**

25 1. Hearsay statement that, "As a result of those discussions, the parties developed a set of
26 principles that they suggested be used in developing a final, comprehensive settlement (often
27 referred to as the 'Waldo Accord' or 'Antelope Valley Accord')." (Davis' Decl., page 3, line
28 26 to page 4, line 2). Objections: irrelevant (Evid. Code sections 210 and 350); inadmissible

1 hearsay (Evid. Code section 1200); confidential settlement negotiations (Evid. Code 1152);
2 mediation privilege (Evid. Code 1119).

3 2. Mutuals' Exhibit 3 (Antelope Valley Accord). Objections: irrelevant (Evid. Code 210
4 and 350); inadmissible hearsay (Evid. 1200); confidential settlement negotiations (Evid. Code
5 1152); mediation privilege (Evid. Code 1119).

6 3. Mutuals' Exhibit 4 (Ex Parte Application . . . for Continuance of Trial). Objection:
7 irrelevant (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code section
8 1200).

9 4. Hearsay statement attributed to Douglas J. Evertz that "parties representing a vast
10 majority of the pumping in this Adjudication participated in crafting the Antelope Valley
11 Accord . . ." (David Dec., paragraph 9.) Objection: irrelevant (Evid. Code sections 210 and
12 350) and inadmissible hearsay (Evid. Code section 1200).

13 5. Hearsay statement that, "The formation of the Watermaster was a primary subject of the
14 discussions culminating in the Antelope Valley Accord" (Davis Decl., paragraph 10.)
15 Objection: irrelevant (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code
16 section 1200).

17 6. Hearsay statement regarding settlement discussions facilitated by Justice Robie (Davis
18 Decl., paragraphs 10 and 11). Objection: irrelevant (Evid. Code sections 210 and 350),
19 inadmissible hearsay (Evid. Code section 1200), and confidential settlement negotiations (Evid.
20 Code section 1152).

21 7. Hearsay statement that, "the Stipulating Parties agreed . . . that the specific procedures
22 for implementing that framework [section 18.1.1] would be addressed after the Judgment was
23 entered." (Davis Decl., page 5, lines 22-24). Objection: irrelevant (Evid. Code sections 210 and
24 350) and inadmissible hearsay (Evid. Code section 1200).

25 8. Hearsay statements in Exhibits 7 (December 25, 2015, in Antelope Valley Press
26 newspaper article) and 8 (e-mail correspondence) to Davis Declaration. Objection: irrelevant
27 (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

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1 9. Hearsay statements and opinions in January 10, 2016 letter from an attorney that “the
2 agenda for the January 12, 2016 meeting was not consistent with the terms of the Judgment
3 pertaining to the formation of the Watermaster,” in Exhibit 10 to Davis’ Declaration. Objection:
4 irrelevant (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code section
5 1200).

6 10. Hearsay statement attributed to Mr. John Calandri: “The landowners are fractionalized.”
7 (Davis Decl., page 7, lines 12-14). Objection: irrelevant (Evid. Code sections 210 and 350) and
8 inadmissible hearsay (Evid. Code section 1200).

9 11. Mr. Davis’ opinion testimony that AVEK had Robert Wagner give a presentation at one
10 of the Watermaster formation meetings “as if he were already selected as the Watermaster
11 Engineer” (Davis Decl., page 7, lines 14-18). Objection: improper opinion testimony of lay
12 witness not rationally based on the witness perception and not helpful to a clear understanding
13 of the balance of his testimony (Evid. Code section 800).

14 11. Hearsay statements attributed to counsel for AVEK, AGWA and Los Angeles County
15 Sanitation Districts Nos. 14 and 20 at page 8, lines 3-12 (Davis Decl., 8:3-11). (Evid. Code
16 sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

17 12. Mutuels’ Exhibit 20 -- January 29, 2016 Antelope Valley Press article. Objections:
18 irrelevant (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code section
19 1200).

20 13. Mutuels’ Exhibit 21 – Video Recording of March 31, 2016. Objection: not properly
21 authenticated.

22 14. Mutuels’ Exhibit 22 – April 4, 2016 e-mail from Nelson to Ukkestad. Objection:
23 irrelevant (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code section
24 1200).

25 15. Mutuels’ Exhibit 23 – April 13, 2016 letter from R. Nelson. Objection: irrelevant (Evid.
26 Code sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

27 16. Mutuels’ Exhibit 24 – April 13, 2016 video recording. Objection: not properly
28 authenticated.

1 17. Mutuels' Exhibit 25 – April 18, 2016 Rosamond News article. Objection: irrelevant
2 (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

3 18. Mutuels' Exhibit 27 – February, 2016 email exchange between various attorneys.
4 Objection: irrelevant (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code
5 section 1200).

6 **C. MELODY BROWN DECLARATION**

7 1. Hearsay statement attributed to Mr. Van Dam (Brown Decl., page 3, lines 23-24) that
8 “the two Landowner Watermaster seats were ‘the farmers’ seats.” Objection: irrelevant (Evid.
9 Code sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

10 2. Hearsay statement attributed to Dennis Atkinson (Brown Decl., page 5, paragraph 12)
11 that “Tejon has sold more water to AVEK than the State of California has sold to AVEK.”
12 Objection: irrelevant (Evid. Code sections 210 and 350), no foundation and inadmissible
13 hearsay (Evid. Code section 1200).

14 **D. ROBERT HIGHTOWER DECLARATION**

15 1. Hearsay statement attributed to Mr. Van Dam (Hightower Decl., page 3, lines 17-18)
16 that “the two Landowner Watermaster seats were ‘the farmers’ seats.” Objection: irrelevant
17 (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

18 **E. WILLIAM HUNT DECLARATION**

19 1. Hearsay statement attributed to Mr. Calandri (Hunt Decl., page 3, lines 13-14) that, “the
20 Landowners were divided regarding how to fill the two Landowner Watermaster seats.”
21 Objection: irrelevant (Evid. C. §§ 210 and 350) and inadmissible hearsay (Evid. C. § 1200).

22 2. Hearsay statement attributed to Mr. Van Dam (Hightower Decl., page 3, lines 17-18)
23 that “the two Landowner Watermaster seats were ‘the farmers’ seats.” Objection: irrelevant
24 (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

25 **F. WILLIAM HUNT DECLARATION**

26 1. Hearsay statement attributed to Mr. Van Dam (Hunt Decl., page 3, line 27 to page 4, line
27 1) that “the two Landowner Watermaster seats were ‘the farmers’ seats.” Objection: irrelevant
28 (Evid. Code sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

1 **G. BRUCE NELSON DECLARATION**

2 1. Hearsay statements regarding discussions and alleged "consensus" relating to the
3 Antelope Valley Accord (Nelson Decl., paragraphs 8, 9 and 10). Objection: irrelevant (Evid.
4 Code sections 210 and 350), inadmissible hearsay (Evid. Code section 1200), and
5 argumentative.

6 2. Hearsay statement attributed to Mr. Van Dam (Nelson Decl., page 4, lines 20-21) that
7 "the two Landowner Watermaster seats were 'the farmers' seats." Objection: irrelevant (Evid.
8 Code sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

9 **H. MARY WOOD DECLARATION**

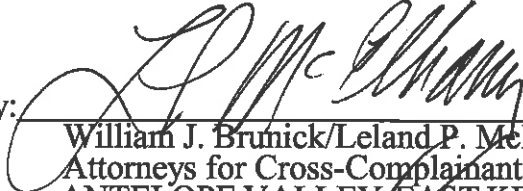
10 1. Hearsay statement attributed to Mr. Dennis Atkinson: "it was his understanding that
11 AVEK, Waterworks District No. 40, and the representative holding the second Public Water
12 Supplier Watermaster Seat had already come to an agreement on who the Watermaster
13 Engineer would be." (Wood Decl., page 5, lines 4-7.) Objection: irrelevant (Evid. Code
14 sections 210 and 350) and inadmissible hearsay (Evid. Code section 1200).

15 2. Opinion of lay witness that, "It seemed to me, based on Mr. Atkinson's statement, that
16 there had been prior meetings or discussions about that issue outside of the Watermaster
17 formation discussions which members of the public were not allowed to attend." (Wood Decl.,
18 page 5, lines 9-11.) Objection: improper opinion testimony of lay witness not rationally based
19 on the witness perception and not helpful to a clear understanding of the balance of his
20 testimony (Evid. Code section 800).

21 Dated: May 24, 2016

BRUNICK, McELHANEY & KENNEDY

22
23 By:


William J. Brunick/Leland P. McElhaney
Attorneys for Cross-Complainant,
ANTELOPE VALLEY EAST KERN
WATER AGENCY

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Dated: May 24, 2016

ELLISON, SCHNEIDER & HARRIS L.L.P.

By: Christopher M. Sanders
Christopher M. Sanders
Attorneys for the County Sanitation
Districts of Los Angeles County
Nos. 14 and 20

Dated: May 24, 2016

KRONICK, MOSKOVITZ, TIEDEMANN
& GIRARD

By: S/ SEE ATTACHED
Stanley C. Powell,
Attorneys for the City of Los Angeles
By and through its Department of Airports
Los Angeles World Airports

1 Dated: May 24, 2016

ELLISON, SCHNEIDER & HARRIS L.L.P.

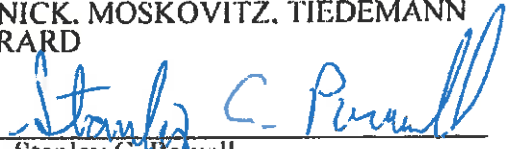
2
3 By:

Christopher M. Sanders
Attorneys for the County Sanitation
Districts of Los Angeles County
Nos. 14 and 20

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5
6 Dated: May 24, 2016

KRONICK, MOSKOVITZ, TIEDEMANN
& GIRARD

7
8
9 By:


Stanley C. Powell,
Attorneys for the City of Los Angeles
By and through its Department of Airports
Los Angeles World Airports

1 PROOF OF SERVICE

2 **STATE OF CALIFORNIA** }
3 **COUNTY OF SAN BERNARDINO** }

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

6 On May 24, 2016, I served the foregoing document(s) described as: **PUBLIC**
7 **OVERLIERS EVIDENTIARY OBJECTIONS TO EXHIBITS AND STATEMENTS IN**
8 **DECLARATIONS SUPPORTING MUTUALS' MOTION TO INTERPRET JUDGMENT**
on the interested parties in this action served in the following manner:

9 XX **BY ELECTRONIC SERVICE AS FOLLOWS** by **POSTING** the document(s)
10 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.

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

13 Executed on May 24, 2016, at San Bernardino, California.

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15 _____
16 P. Jo Anne Quihuis
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