

**LAW OFFICES OF
SHELDON R. BLUM**

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STATE BAR NO. 83304

Attorney For Defendant Sheldon R. Blum Trustee
For The Sheldon R. Blum Trust

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

Coordinated Proceedings
Special Title {Rule 1550 (b)}

Judicial Council Coordination
Proceeding No. 4408

**ANTELOPE VALLEY GROUNDWATER
CASES**

Santa Clara Case No. 1-05-CV-049053
Assigned to Hon. Jack Komar

Included Actions:

**DEFENDANT SHELDON R. BLUM TRUSTEE
FOR THE SHELDON R. BLUM TRUST'S
NOTICE OF INTENT TO PARTICIPATE IN
PHASE 2 TRIAL, & REQUEST TO APPEAR
TELEPHONICALLY VIA COURTCALL**

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Los Angeles County Superior Court
Case No. BC 325 201

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.

Kern County Superior Court
Case No. S-1500-CV-254-348

Date: October 6, 2008
Time: 9:00 am
Dept. No.: 1
Judge: Hon. Jack Komar

Wm. Bolthouse Farms, Inc., v. City of
Lancaster; Diamond Farming Co. v. City of
Lancaster; Diamond Farming Co. v. City of
Palmdale Water District.

Riverside County Superior Court
Consolidated Action Nos. RIC 344 840,
RIC 344 436, RIC 344 668

AND RELATED CROSS-ACTIONS.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant SHELDON R. BLUM, TRUSTEE For The

1 SHELDON R. BLUM TRUST (hereinafter referred to as "BLUM TRUST"), intends to participate
2 in the above-entitled Phase 2 Trial presently scheduled to commence on October 6, 2008, at
3 9:00 am, in Department 1, of the Los Angeles County Superior Court, and appear telephonically
4 utilizing CourtCall with prior arraignments made with the Court.

5 Good cause exists for not posting this Notice by Thursday, September 18, 2008,
6 based on the grounds that although Defendant BLUM TRUST was not previously intending to
7 participate in the Phase 2 Trial, as no expert witnesses had been retained nor designated and
8 no trial exhibits were intended to be introduced into evidence, a change of circumstances
9 occurred on Friday, September 19, 2008, which may be interpreted by others as requiring
10 Defendant BLUM TRUST'S participation.

11 On September 19, 2008, counsel for Defendant BLUM TRUST received in the US Mail
12 and "Approved As To Form & Content" by signature, a document entitled "[PROPOSED]
13 ORDER GRANTING BOLTHOUSE PROPERTIES, LLC., AND WM. BOLTHOUSE FARM,
14 INC'S REQUEST TO FILE AMENDED ANSWER TO CROSS-COMPLAINT AND REQUEST
15 TO FILE AMENDED CROSS-COMPLAINT, (hereinafter referred to as "BOLTHOUSES"), which
16 is subject to be signed by Judge Jack Komar. The Proposed Order contains new litigation
17 conditions on Defendant BLUM TRUST based upon the severance of the BLUM TRUST Cross-
18 Complaint from this herein action, and upon the representation that Defendant BLUM TRUST
19 will protect the water rights of properties the trust owns in the area of adjudication. In exchange
20 for Defendant's undertaking these conditions, Cross-Complainants BOLTHOUSES' have now
21 agreed to remove both BLUM TRUST as a Cross-Defendant and the BLUM TRUST parcels
22 from the BOLTHOUSES' Proposed Amended Cross-Complaint.
23
24

25 Notwithstanding Defendant BLUM TRUST'S Answer & Thirty One (31), Affirmative
26 Defenses asserted against Plaintiff LOS ANGELES COUNTY WATERWORKS DISTRICT NO.
27


1 40, Complaint For Declaratory And Injunctive Relief and Adjudication of Water Rights, filed on
2 November 29, 2004, which clearly protects the water rights of Defendant BLUM TRUST'S
3 owned parcels in the adjudication area, upon further consideration of the terms of the
4 'Approved' September 19, 2008, Proposed Order, these new litigation requirements, may
5 possibly be construed by others as requiring Defendant's participation in the Phase 2 Trial,
6 including the questioning of witnesses and/or to participate in oral argument before the court.

7 Based on the foregoing 'Approved' September 19, 2008, Proposed Order, and in an
8 abundance of caution, it now appears that Defendant BLUM TRUST should modify and revise
9 their Phase 2 Trial strategy, and therefore requests Court permission to participate in the Phase
10 2 Trial and allow Mr. Blum to reduce travel and hotel expense by authorizing him to utilize
11 CourtCall to telephonically appear and monitor the Trial. Consistent therewith, no prejudice or
12 harm is present nor foreseen to occur to any party by this herein Notice.
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14 Respectfully submitted,

15 Dated: September 22, 2008

16 LAW OFFICES OF SHELDON R. BLUM

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18 SHELDON R. BLUM, Esq.
19 Attorney For Defendant SHELDON R. BLUM,
20 TRUSTEE For The SHELDON R. BLUM TRUST

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