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James A. Worth #147207
2 **McMURTREY, HARTSOCK & WORTH**
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EXEMPT FROM FILING FEE
(Government Code § 6103)

6 Attorneys for Defendant/Cross-Defendant,
7 BORON COMMUNITY SERVICES
8 DISTRICT

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

12 Coordination Proceeding
13 Special Title (Rule 3.550(c))

Judicial Council Coordination
Proceeding No. 4408

14 ANTELOPE VALLEY GROUNDWATER CASES

Santa Clara Case No. 1-05-CV-049053

15 Included Actions:

16 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
17 Superior Court of California, County of Los
Angeles, Case No. BC 325201;

**[PROPOSED] STIPULATION FOR
PHASE 4 TRIAL REGARDING
DEFENDANT/CROSS-DEFENDANT
BORON COMMUNITY SERVICES
DISTRICT'S GROUNDWATER
PRODUCTION AND BENEFICIAL
USES**

18 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
19 Superior Court of California, County of Kern, Case
20 No. S-1500-CV-254348

[Assigned for All Purposes to the
Honorable Jack Komar]

21 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
Diamond Farming Co. v. City of Lancaster,
22 Diamond Farming Co. v. Palmdale Water Dist.,
Superior Court of California, County of Riverside,
23 Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

Action Filed: October 26, 2005

24 AND RELATED ACTIONS.
25

26 ///

27 ///

28 ///

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 Boron Community Services District hereby seeks stipulation to the facts enumerated below
3 regarding Boron's groundwater production, State Water Project water purchases, total water use
4 and the uses to which Boron applied said water, with counsel for each party requested to execute
5 the appropriate signature block below and serve the same, or to contact Boron's counsel to discuss
6 the same if some modification is requested:

7 1. The Boron Community Services District ("Boron") was established on January 19,
8 1953 and has been continuously serving its customers with groundwater since its date of
9 establishment. Although the community of Boron is situated entirely outside of the Jurisdictional
10 Boundary of the Antelope Valley Groundwater Adjudication, it is partially served by two (2)
11 groundwater wells (Wells 13 and 15) located within the Jurisdictional Boundary, approximately
12 four (4) miles to the west of Boron. The number of service connections has varied over the years
13 and there are presently approximately 600 connections that serve approximately 2,500 people.
14 Boron is located entirely within Kern County.

15 2. Boron owns two (2) parcels in Kern County that have groundwater production wells
16 and overlie the Antelope Valley Area of Adjudication as decided by this Court.

17 3. The Assessor's Parcel Numbers for these two (2) parcels are: 232-220-27-7 (Well
18 13) and 232-220-31-9 (Well 15).

19 4. Boron has continuously owned the parcels since the mid 1950's

20 5. Boron produces water from these parcels for distribution to its customers.

21 6. Boron measures the groundwater production on the above-referenced parcels/wells
22 using water meters on a daily basis. The records for these water meters for the years 2000-2004,
23 2011 and 2012 ("Meter Readings") are attached to Defendant/Cross-Defendant Boron Community
24 Services District Response to Discovery Order for Phase 4 Trial ("Boron Response to Discovery
25 Order") submitted to the Court and posted on the Court's website on December 21, 2012 and are
26 hereby incorporated as if attached hereto.

27 7. A true and correct copy of the Meter Readings for the month of December 2012 is
28 attached hereto as Exhibit "A".

1 8. The Meter Readings set forth the total yearly groundwater production amounts by
2 metered water well on the above-referenced parcels for the years 2000-2004, 2011, and 2012
3 (through November 30, 2012).

4 9. Boron did not use Well 13 during the subject years. Boron's annual groundwater
5 production from Well 15 is as follows:

6
7 **2000** 318 A/F
8 **2001** 413 A/F
9 **2002** 416 A/F
10 **2003** 516 A/F
11 **2004** 455 A/F
12 **2011** 228 A/F
13 **2012** 233 A/F

14 10. In addition to groundwater pumping, Boron purchased State Water Project ("SWP")
15 water from the Antelope Valley-East Kern Water Agency ("AVEK") for use by its customers. The
16 amount of water purchased from AVEK is shown on the Meter Readings and is further evidenced
17 by the AVEK Invoices attached to Defendant/Cross-Defendant Boron Community Services District
18 Response to Discovery Order for Phase 4 Trial ("Boron Response to Discovery Order") submitted
19 to the Court and posted on the Court's website on December 21, 2012 and are hereby incorporated
20 as if attached hereto.

21 11. For the calendar years 2000 through 2004, Boron delivered water to Phillips Lab
22 which is located at Rocket Site on Edwards Air Force Base. Phillips Lab purchased the water
23 directly from AVEK. Water delivered to Phillips Lab does not constitute water use by Boron. The
24 AVEK Invoices do not include the water purchased by Phillips Lab. Boron stopped delivering
25 water to Phillips Lab after 2004.

26 12. The annual amount (in acre feet) of SWP purchased by Boron is as follows:

27 **2000** Water Imported from AVEK 613
28 AVEK water delivered to Phillips 299
 SWP Purchased by Boron **314**
 2001 Water Imported from AVEK 509
 AVEK water delivered to Phillips 277

1		SWP Purchased by Boron	232
2	2002	Water Imported from AVEK	436
3		AVEK water delivered to Phillips	188
4		SWP Purchased by Boron	248
5	2003	Water Imported from AVEK	406
6		AVEK water delivered to Phillips	197
7		SWP Purchased by Boron	209
8	2004	Water Imported from AVEK	475
9		AVEK water delivered to Phillips	94
10		SWP Purchased by Boron	381
11	2011	SWP Purchased by Boron	189
12	2012	SWP Purchased by Boron	194

13 13. Boron's total annual water use, includes groundwater and SWP water purchased
14 from AVEK, is as follows:

14	2000	632 A/F
15	2001	645 A/F
16	2002	664 A/F
17	2003	725 A/F
18	2004	836 A/F
19	2011	417 A/F
20	2012	427 A/F

21 14. Such water was delivered to Boron's customers and used for municipal, industrial
22 and domestic purposes.

23 15. Boron does not have the ability to differentiate between indoor and outdoor water
24 use but encourages conservation.

25 Dated: March 15, 2013

McMURTREY, HARTSOCK & WORTH

26 By: 

JAMES A. WORTH

Attorneys for Defendant/Cross-Defendant,
Boron Community Services District

27 Dated: March ____, 2013

ALESHIRE & WYNDER, LLP

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By: _____
WESLEY A. MILIBAND
Attorneys for Cross-Defendant and
Cross-Complainant,
Phelan Piñon Hills Community
Services District

Dated: March ____, 2013

LeBEAU • THELEN, LLP

By: _____
BOB H. JOYCE
Attorneys for DIAMOND FARMING
COMPANY, a California corporation,
CRYSTAL ORGANIC FARMS, a limited
liability company, GRIMMWAY
ENTERPRISES, INC., and LAPIS LAND
COMPANY, LLC

Dated: March ____, 2013

AKLUFİ AND WYSOCKI

By: _____
JOSEPH AKLUFİ
Attorneys for John Boruchin and Dora Boruchin
as Trustee for the John and Dora Boruchin
Living Trust, Robert D. Raney and Shirley B.
Raney, as Trustees for the Robert and Shirley
Raney Living Trust

Dated: March ____, 2013

ALSTON & BIRD, LLP

By: _____

1 EDWARD J. CASEY
2 Attorneys for AV Solar Ranch 1, LLC, Gaskell
3 SunTower, LLC, LV Ritter Ranch, LLC,
4 Northrup Grumman Corporation, Palm Hills
5 Property, LLC, Red Daw SunTower, LLC, SGS
6 Antelope Valley Development, LLC, Sempra
7 Energy, Sierra SunTower, LLC, Southern
8 California Edison Company, Tumbleweed
9 SunTower, LLC, eSolar, Inc., enXco
10 Development Corporation

11 Dated: March ____, 2013

AVILA & PUTNAM

12 By: _____

13 VERNON PUTNAM
14 Attorneys for David S. Mason

15 Dated: March ____, 2013

BARTKIEWICZ, KRONICK & SHANAHAN

16 By: _____

17 RYAN BEZERRA
18 Attorneys for Copa De Oro Land Company

19 Dated: March ____, 2013

BEST, BEST & KRIEGER, LLP

20 By: _____

21 JEFFREY DUNN
22 Attorneys for Los Angeles County Waterworks
23 District No. 40

24 Dated: March ____, 2013

LAW OFFICES OF SHELDON R. BLUM

25 By: _____

26 SHELDON R. BLUM
27 Attorneys for Sheldon R. Blum, Trustee for the
28 Sheldon R. Blum Trust, Sheldon R. Blum,
individually

1 Dated: March ____, 2013

BROWNSTEIN, HYATT, FARBER,
SCHRECK, LLP

3 By: _____
4 MICHAEL FIFE
5 BRADLEY HERREMA
6 Attorneys for Antelope Valley Ground Water
7 Agreement Association, Efren Chavez, Del Sur
8 Ranch, LLC, Healy Enterprises, Inc., Bruce
9 Burrows, 300 A 40 H, LLC

10 Dated: March ____, 2013

BRUNICK, McELHANEY & KENNEDY, PLC

11 By: _____
12 WILLIAM BRUNICK
13 Attorneys for Antelope Valley East-Kern Water
14 Agency
15 MARVIN G. BURNS, A LAW CORPORATION

16 Dated: March ____, 2013

17 By: _____
18 MARVIN BURNS
19 Attorneys for George C. Stevens, Jr., as Trustee
20 of the George C. Stevens, Jr. Trust

21 Dated: March ____, 2013

THE CAMPBELL LAW

22 By: _____
23 CLAYTON CAMPBELL
24 Attorneys for Larry V. Leduc, Sonia S. Leduc

25 Dated: March ____, 2013

CARLSMITH, BALL

26 By: _____
27 ALLAN GRAF
28 Attorneys for Leslie Property

Dated: March ____, 2013

LAW OFFICES OF LYNN CHAO, A.P.C.

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By: _____
LYNN CHAO
Attorneys for Clark C. Lu, Danny C. Lu

Dated: March ____, 2013

CHARLTON WEEKS, LLP

By: _____
BRADLEY WEEKS
Attorneys for Quartz Hill Water District

Dated: March ____, 2013

LAW OFFICES OF WILLIAM ALLEN CLARK

By: _____
WILLIAM CLARK
Attorneys for Antelope Valley Country Club
Improvement Company, Inc.
CLIFFORD & BROWN

Dated: March ____, 2013

By: _____
RICHARD G. ZIMMER
Attorneys for Bolthouse Properties, LLC, Wm.
Bolthouse Farms, Inc.

Dated: March ____, 2013

COVINGTON & CROWE, LLP

By: _____
ROBERT DOUGHERTY
Attorneys for White Fence Farms Mutual Water
Co., Inc.

Dated: March ____, 2013

ELLISON, SCHNEIDER & HARRIS

By: _____
CHRISTOPHER SANDERS
Attorneys for County Sanitation Districts Nos.
14 and 20 of Los Angeles County

Dated: March ____, 2013

ESKRIDGE LAW

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By: _____
GAYLE ESKRIDGE
Attorneys for Cal-Golf, Inc.

Dated: March ____, 2013

FAGEN, FRIEDMAN & FULFROST, LLP

By: _____
DAPHNE BORROMEO HALL
KIMBERLY SMITH
Attorneys for Antelope Valley Joint Union High
School District

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///

Dated: March ____, 2013

GREENAN, PEFFER, SALLANDER
& LALLY, LLP

By: _____
RAY PEFFER
Attorneys for David Herrmann

Dated: March ____, 2013

GRESHAM, SAVAGE, NOLAN & TILDEN

By: _____
MICHAEL DUANE DAVIS
Attorneys for A.V. United Mutual Group,
Adams Bennett Investments, LLC, Antelope
Valley Ground Water Agreement Association,
Baxter Mutual Water Co., Golden Sands Mobile
Home Park, Saint Andrew's Abbey, Inc., Service
Rock Products, LP, Sheep Creek Water
Company, White Fence Farms Mutual Water
Co. Inc.

Dated: March ____, 2013

HANNA & MORTON, LLP

By: _____

EDWARD RENWICK
Attorneys for WAGAS Land Company, LLC

Dated: March ____, 2013

HERUM, CRABTREE

By: _____
ALEXIS STEVENS
JEANNE ZOLEZZI
Attorneys for Antelope Valley Water Storage,
LLC

Dated: March ____, 2013

HEWITT & TRUSZKOWSKI

By: _____
STEPHEN HEWITT
Attorneys for Clinto Huth
JEFFER, MANGELS, BUTLER & MARMARO

Dated: March ____, 2013

By: _____
NEILL BROWER
KENNETH EHRLICH
Attorneys for City National Bank, Trustee

Dated: March ____, 2013

LAW OFFICE OF MATTHEW A. KECES

By: _____
MATTHEW KECES
Attorneys for Lebata, Inc.

Dated: March ____, 2013

By: _____
TERRI KENNEDY
Attorneys for Alice Lyon

Dated: March ____, 2013

KLEIN, DeNATALE, GOLDNER, COOPER,
ROSENLIEB & KIMBALL, LLP

By: _____

1 JOSEPH HUGHES
2 Attorneys for H&N Development Co. West, Inc.

3 Dated: March ____, 2013

KRAUSE, KALFAYAN, BENINK
& SLAVENS, LLP

6 By: _____
7 RALPH KALFAYAN
8 Attorneys for the Willis Class

9 Dated: March ____, 2013

KRONICK, MOSKOVITZ, TIEDEMANN
& GIRARD

11 By: _____
12 JANET GOLDSMITH
13 Attorneys for City of Los Angeles

14 Dated: March ____, 2013

KUHS & PARKER

16 By: _____
17 ROBERT KUHS
18 Attorneys for Granite Construction Company,
19 Tejon Ranchcorp

20 Dated: March ____, 2013

LAW OFFICE OF MICHAEL J. LaCILENTO

22 By: _____
23 MICHAEL LaCILENTO
24 Attorneys for Maria Balice, Norman Balice

25 Dated: March ____, 2013

LAGERLOF, SENEAL, GOSNEY & KRUSE, LLP

27 By: _____
28 THOMAS BUNN, III
Attorneys for Palmdale Water District

Dated: March ____, 2013

LATHAM & WATKINS, LLP

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By: _____
DANIEL BRUNTON
Attorneys for AV Solar Ranch 1, LLC, High
Desert Investments, LLC

Dated: March ____, 2013

LEMIEUX & O'NEILL

By: _____
WAYNE LEMIEUX
Attorneys for Big Rock Mutual Water
Company, Desert Lakes Community Services
District, Littlerock Creek Irrigation District,
Llano Mutual Water Company, Llano-Del Rio
Water Company, North Edwards Water District,
Palm Ranch Irrigation District

///
Dated: March ____, 2013

LOS ANGELES CITY ATTORNEY'S OFFICE

By: _____
JULIE C. RILEY
Attorneys for City of Los Angeles

Dated: March ____, 2013

LAW OFFICES OF MICHAEL D. McLACHLAN
APC

By: _____
MICHAEL McLACHLAN
Attorneys for Wood Class

Dated: March ____, 2013

MESERVE, MUMPER & HUGHES, LLP

By: _____
CLIFF MELNICK
Attorneys for Cameron Properties

Dated: March ____, 2013

By: _____

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RAMSEY KAWAR
Attorney for Middle Butte Mine, Inc.

Dated: March ____, 2013

MORRISON & FOERSTER, LLP

By: _____
WILLIAM SLOAN
Attorneys for U.S. Borax, Inc.

Dated: March ____, 2013

MURPHY & EVERTZ

By: _____
DOUGLAS J. EVERTZ
Attorneys for City of Lancaster, Rosamond
Community Services District

///
Dated: March ____, 2013

LAW OFFICES OF PAT MURPHY

By: _____
PAT MURPHY
Attorneys for Patty Murphy

Dated: March ____, 2013

LAW OFFICE OF DANIEL M. O'LEARY

By: _____
DANIEL M. O'LEARY
Attorneys for Richard A. Wood

Dated: March ____, 2013

PILLSBURY, WINTHROP, SHAW, PITTMAN, LLP

By: _____
BRIAN MARTIN
Attorneys for Sorrento West Properties, Inc.

Dated: March ____, 2013

PIRCHER, NICHOLS & MEEKS

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Dated: March ____, 2013

By: _____
JAMES GOLDMAN
Attorneys for New Anaverde, LLC

PROCOPIO, CORY, HARGREAVES
& SAVITCH, LLP

Dated: March ____, 2013

By: _____
WALTER RUSINEK
Attorneys for NRG Solar Alpine, LLC

LAW OFFICES OF MANUEL RIVAS, JR.

Dated: March ____, 2013

By: _____
MANUEL RIVAS
Attorneys for Elias Qarmout

LAW OFFICES OF FRANK SATALINO

Dated: March ____, 2013

By: _____
FRANK SATALINO
Attorneys for Rosamond Ranch, Elias Shokrian,
Shirley Shokrian

SHEPPARD, MULLIN, RICHTER
& HAMPTON, LLC

Dated: March ____, 2013

By: _____
GEOFFREY K. WILLIS
Attorneys for Bushnell Enterprises, LLC

SMLAND & CHESTER

By: _____
THEODORE CHESTER
Attorneys for Landinv, Inc.

1 Dated: March ____, 2013

ANDREW D. STEIN & ASSOCIATES, INC.

2
3 By: _____

4 ANDREW STEIN
Attorneys for Randall Blayney

5 Dated: March ____, 2013

LAW OFFICE OF KURT STIEFLER

7 By: _____

8 KURT STIEFLER
Attorneys for Little Baldy Mutual Water
9 Company

10 ///

11 ///

12 ///

13 Dated: March ____, 2013

EDWARD H. STONE, A LAW CORPORATION

15 By: _____

16 EDWARD STONE
Attorneys for Britton Associates, LLP, Steven
17 Harris

18 Dated: March ____, 2013

SULLIVAN, HILL, LEWIN, REZ & ENGEL

20 By: _____

21 ROBERT ALLENBY
Attorneys for Jung N. Tom

22
23 Dated: March ____, 2013

TAYLOR & RING

25 By: _____

26 JAMES LEWIS
Attorneys for A.V. Materials, Inc., A.C.
Warnack, as Trustee of the A.C. Warnack Trust,
27 Holliday Rock Co., Inc., Little Rock Sand and
Gravel, Inc., Littlerock Aggregate Co., Inc., dba

Antelope Valley Aggregate, Inc., Monte Vista Building Sites, Inc., Nibbelink Family Trust, The Frank and Yvonne Lane Family Trust dated March 5, 1993 as Restated July 20, 2000, The George and Charlene Lane Family Trust

Dated: March ____, 2013

CALIFORNIA WATER SERVICE COMPANY

By: _____
JOHN TOOTLE

///

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///

///

Dated: March ____, 2013

WEITKAMP & WEITKAMP

By: _____
JOHN WEITKAMP
Attorneys for Arklin Brothers Enterprises, Philip H. Arklin, Mountain Brook Ranch, LLC, The Philip H. Arklin Family Trust dated April 28, 1994, The Three Arklin Limited Liability Company

Dated: March ____, 2013

LAW OFFICES OF YOUNG WOOLDRIDGE, LLP

By: _____
SCOTT K. KUNEY
Attorneys for Bujulian Brothers, Inc., Craig Van Dam, Delmar D. Van Dam, Gary Van Dam, Gertrude J. Van Dam, WDS California II, LLC

Dated: March ____, 2013

OFFICE OF THE ATTORNEY GENERAL

By: _____

MARILYN H. LEVIN
Attorneys for State of California, Santa Monica
Mountains Conservancy, 50th District
Agricultural Association

Dated: March ____, 2013

U.S. DEPARTMENT OF JUSTICE

By: _____
LEE LEININGER
Attorneys for United States Department of
Justice

EXHIBIT “A”

MONTH: Dec - 12

PUMPING METER READINGS

	WELL NO. 13	WELL NO. 15	VAULT AT WELLS	AVEK	BLEND
31		727128- 41	960977- 39	880468- 36	933070- 81
30		726949- 20	960808- 19	880432- 17	932906- 38
29		726863- 39	960726- 37	880415- 36	932681- 79
28		726691- 20	960544- 19	880379- 20	932424- 42
27		726662- 21	960480- 19	880359- 18	932288- 40
26		726512- 24	960396- 22	880341- 22	932157- 48
25		726406- 25	960298- 23	880319- 22	932002- 48
24		726299- 30	960199- 30	880297- 27	931847- 62
23		726169- 20	960070- 19	880270- 18	931646- 40
22		726082- 43	959988- 41	880252- 34	931517- 81
21		725895- 21	959811- 20	880218- 17	931254- 40
20		725804- 21	959725- 20	880201- 18	931123- 41
19		725712- 42	959638- 39	880183- 34	930991- 80
18		725531- 21	959468- 20	880149- 19	930730- 41
17		725439- 21	959381- 20	880130- 18	930598- 41
16		725348- 22	959295- 19	880112- 20	930465- 45
15		725258- 41	959212- 40	880092- 33	930320- 76
14		725075- 20	959038- 19	880059- 18	930073- 40
13		724988- 20	958953- 19	880041- 18	929944- 40
12		724900- 41	958872- 39	880023- 35	929814- 80
11		724721- 21	958704- 20	879988- 19	929534- 41
10		724630- 20	958618- 19	879969- 18	929419- 40
9		724541- 20	958534- 19	879951- 18	929288- 40
8		724452- 20	958450- 19	879933- 18	929157- 40
7		724363- 20	958366- 19	879915- 19	929026- 40
6		724274- 21	958282- 19	879896- 17	928895- 40
5		724182- 62	958198- 58	879879- 56	928766- 122
4		723914- 20	957945- 19	879823- 18	928368- 40
3		723826- 41	957862- 38	879805- 36	928239- 81
2		723648- 21	957695- 19	879769- 19	927976- 41
1		723558- 39	957611- 37	879750- 36	927844- 79
TOTAL		8.20 A.F.	7.73 A.F.	7.18 A.F.	16.04 A.F.
B+A	BCSD used	16.04 A.F.			
A-P	BCSD purchased	8.31 A.F.			

1 **PROOF OF SERVICE**

2

3 **STATE OF CALIFORNIA, COUNTY OF KERN**

4 I, GUADALUPE GONZALEZ, declare: I am and was at the time of the service hereunder
5 mentioned, over the age of eighteen (18) years and not a party to the within cause. My business
address is 2001 22nd Street, Suite 100, Bakersfield, California 93301.

6 On March 15, 2013, I served the document(s) titled:

7 **[PROPOSED] STIPULATION FOR PHASE 4 TRIAL REGARDING**
8 **DEFENDANT/CROSS-DEFENDANT BORON COMMUNITY**
9 **SERVICES DISTRICT'S GROUNDWATER PRODUCTION AND**
BENEFICIAL USES

10 to be served on the parties in this action as follows:

11

12 **XXX** **(BY ELECTRONIC TRANSMISSION)** I caused such document(s) listed above to be
13 posted to the Santa Clara County Superior Court website in regard to the Antelope Valley
Groundwater matter.

14 **(BY MAIL)** I am readily familiar with the firm's practice of collection and processing of
documents for mailing. Under that practice, it would be deposited with the United States
15 Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California,
in the ordinary course of business.

16 **(BY FACSIMILE TRANSMISSION)** A transmission report was properly issued by the
17 sending facsimile machine, and the transmission was reported as completed and without
error.

18 **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices
19 of the addressee(s).

20 **(BY OVERNIGHT COURIER)** I caused such envelope with delivery fees fully prepaid to
be sent by overnight courier.

21 Executed on March 15, 2013, at Bakersfield, California.

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

24 **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court
25 at whose direction the service was made.

26 
27 **GUADALUPE GONZALEZ**
28