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Attorneys for Granite Construction Company

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

**ANTELOPE VALLEY GROUNDWATER  
CASES**

**INCLUDED ACTIONS:**

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

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

Wm. Bolthouse Farms, Inc. v. City of Lancaster,  
Diamond Farming Co. v. Lancaster, Diamond  
Farming Co. v. Palmdale Water Dist., Superior  
Court of California, County of Riverside, Case  
No. RIC 353840, RIC 344436, RIC 344668

Rebecca Lee Willis v. Los Angeles County  
Waterworks District No. 40  
Superior Court of California, County of Los  
Angeles, Case No. BC 364553

Wood v. A.V. Materials, Inc., et al., Superior  
Court of California, County of Los Angeles, Case  
No. BC 509546

Little Rock Sand and Gravel, Inc. v. Granite  
Construction Co., Superior Court of California,  
County of Los Angeles, North Judicial District,  
Case No. MC026932

**Judicial Council Coordination No.  
4408**

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

**RESPONSE TO LITTLE ROCK  
SAND AND GRAVEL, INC.'S  
REQUESTS FOR ADMISSION, SET  
ONE**

RESPONDING PARTY: GRANITE CONSTRUCTION COMPANY  
DEMANDING PARTY: LITTLE ROCK SAND AND GRAVEL, INC.  
SET NUMBER: ONE

## **I. INTRODUCTION**

LITTLE ROCK SAND AND GRAVEL, INC. (the "Demanding Party" or "Little Rock") served its Requests for Admission, Set One (the "Request") by mail on GRANITE CONSTRUCTION COMPANY, (the "Responding Party" or "Granite") on December 12, 2017. This is the Responding Party's responses and objections to the Request.

## **II. DEFINITIONS**

The following words and phrases, in addition to the words and phrases defined in Part 1 hereof, shall govern the construction of these responses and objections unless the context otherwise requires:

1. "Ground 1" means that the information sought is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)

2. "Ground 2" means that the Request is not timely under Code of Civil Procedure section 2024.020.

3. "Ground 3" means that the Request contains a preface or instruction not approved under Chapter 17 of the Civil Discovery Act. (Code Civ. Proc., § 2033.060(d).)

4. "Ground 4" means that the Request is not full and complete in and of itself. (Code Civ. Proc. § 2033.060(d).)

5. "Ground 5" means that the Request includes a capitalized term but does not include a definition of that term in the Request. (Code Civ. Proc., § 2033.060(e).)

6. "Ground 6" means that the Request contains subparts, or a compound, conjunctive, or disjunctive request. (Code Civ. Proc., § 2033.060(f).)

7. "Ground 7" means that the Request is unduly annoying, embarrassing, oppressive, harassing, burdensome and expensive. (Code Civ. Proc., § 2033.030(c).)

8. "Ground 8" means that the Request is vague, ambiguous and unintelligible.

9. "Ground 9" means that the information sought comes within the lawyer-client privilege. (Code Civ. Proc., § 2033.230.)

10. "Ground 10" means that the information sought is protected work-product under Code of Civil Procedure section 2018.030. (Code Civ. Proc., § 2033.230.)

11. "Ground 11" means that the Request is made in bad faith for an improper purpose. The Demanding Party seeks to have the Responding Party admit as fact that which the Demanding Party has no reasonable basis to believe is true.

### III. GENERAL OBJECTIONS

The Responding Party has not fully completed investigation of the facts relating to this case, has not completed discovery concerning this case, and has not completed trial preparation. The responses disclose only those contentions which presently occur to the Responding Party. It is anticipated that further discovery, investigation, legal research and analysis will supply additional facts, add meaning to the known facts, as well as establish entirely new factual contentions and legal contentions. Therefore, the following responses are given without prejudice to the Responding Party's right to produce evidence of any subsequently discovered fact which the Responding Party may later recall.

The Responding Party objects to each Request on Grounds 8 and 9 to the extent the Request calls for the disclosure of information protected by these privileges.

#### IV. RESPONSES

Without waiving the general objections contained in Part III hereof or the specific objections contained in this part, the Responding Party responds as follows:

**REQUEST FOR ADMISSION NO. 1:**

YOU have never extracted any groundwater from any source, well or otherwise, located on the ADJACENT LAND.

**RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

In addition to and without waiving the General Objections stated in Part III above, Responding Party objects to this request on grounds 1, 3, 7 and 8. Responding Party's groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater

1 Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to  
2 produce and store groundwater in the basin are governed by the judgment and are not based on prior  
3 water use. Additionally, Responding Party's groundwater production data was previously  
4 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of  
5 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698. Responding Party  
6 further objects because Responding Party, as an overlying landowner, has exercised its overlying  
7 groundwater extraction rights by pumping water from wells located on other parcels, as it is  
8 entitled to do.

9 **REQUEST FOR ADMISSION NO. 2:**

10 From 1987 to the present, YOU have extracted more groundwater from WELL 1 than  
11 WELL 2.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

13 In addition to and without waiving the General Objections stated in Part III above,  
14 Responding Party objects to this request on grounds 1, 3, 7 and 8. Responding Party's  
15 groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater  
16 Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to  
17 produce and store groundwater in the basin are governed by the judgment and are not based on prior  
18 water use. Additionally, Responding Party's groundwater production data was previously  
19 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of  
20 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

21 **REQUEST FOR ADMISSION NO. 3:**

22 From 1987 to the present, YOU have extracted more groundwater from WELL 1 than  
23 WELL 3.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

25 In addition to and without waiving the General Objections stated in Part III above,  
26 Responding Party objects to this request on grounds 1, 3, 7 and 8. Responding Party's  
27 groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater  
28 Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to

1 produce and store groundwater in the basin are governed by the judgment and are not based on prior  
2 water use. Additionally, Responding Party's groundwater production data was previously  
3 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of  
4 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

5 **REQUEST FOR ADMISSION NO. 4:**

6 From 1987 to the present, YOU have extracted more groundwater from WELL 1 than  
7 WELL 4.


8 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

9 In addition to and without waiving the General Objections stated in Part III above,  
10 Responding Party objects to this request on grounds 1, 3, 7 and 8. Responding Party's  
11 groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater  
12 Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to  
13 produce and store groundwater in the basin are governed by the judgment and are not based on prior  
14 water use. Additionally, Responding Party's groundwater production data was previously  
15 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of  
16 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

17  
18 Dated: January 12, 2018

As to objections only,

19 KUHS & PARKER

20  
21 By   
22 Bernard C. Barmann, Jr., Attorneys for  
23 Granite Construction Company  
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**PROOF OF SERVICE  
STATE OF CALIFORNIA, COUNTY OF KERN**

I, Valerie Hanners, declare:

I am employed in the County of Kern, State of California. I am over the age of 18 and am not a party to the within action; my business address is Kuhs & Parker, 1200 Truxtun Avenue, Suite 200, Bakersfield, California 93301.

On January 12, 2018, I caused the foregoing document(s) described as **RESPONSE TO LITTLE ROCK SAND AND GRAVEL INC.'S REQUESTS FOR ADMISSION, SET ONE** to be served on the parties in this action, as follows:

Theodore A. Chester, Jr. (U.S. Mail)  
Stephen R. Isbell  
Musick, Peeler & Garrett, LLP  
One Wilshire Boulevard, Suite 2000  
Los Angeles, CA 90017-3383

All Parties in the Antelope Valley Groundwater Cases  
(Electronic service via Glotrans)

X (BY ELECTRONIC SERVICE) by serving the document(s) listed above via Antelope Valley Watermaster Electronic Document Service – (www.avwatermaster.org) c/o Glotrans, to all parties appearing on the electronic service list for the Antelope Valley Groundwater case. Electronic service is complete at the time of transmission. My electronic notification email address is [vhanners@kuhsparkerlaw.com](mailto:vhanners@kuhsparkerlaw.com)

X (BY U.S. MAIL) on January 12, 2018, at Bakersfield, California, pursuant to C.C.P. section 1013(a), I:  
\_\_\_\_\_ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

X placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is place for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

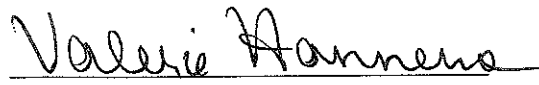
\_\_\_\_\_ (BY EMAIL TRANSMISSION) on January 12, 2018, at approximately p.m. to:

\_\_\_\_\_ (BY FACSIMILE TRANSMISSION) on January 12, 2018 at approximately \_\_\_\_\_ p.m., pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was 661/322-2906. A transmission report (copy attached hereto) was properly issued by the sending facsimile machine, and the transmission was reported as completed and without error.

\_\_\_\_\_ (BY PERSONAL SERVICE) on January 12, 2018 pursuant to C.C.P. section 1011, I caused such envelope to be delivered by hand personally to the addressee(s):

\_\_\_\_\_ (BY OVERNIGHT COURIER) on January 12, 2018 pursuant to C.C.P. section 1013I(d), I caused such envelope with delivery fees fully prepared to be sent by Federal Express to **Theodore A. Chester, Jr. at Musick, Peeler & Garrett, LLP.**

\_\_\_\_\_ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that the foregoing was executed on January 12, 2018, in Bakersfield, California.

  
Valerie Hanners