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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
REQEUSTS FOR PRODUCTION OF
DOCUMENTS, SET TWO**

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

I. INTRODUCTION

LITTLE ROCK SAND AND GRAVEL, INC. (the "Demanding Party" or "Little Rock") served its Requests for Production of Documents, Set Two (the "Demand") 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 Demand.

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 Demand is not timely under Code of Civil Procedure section 2024.020.
3. "Ground 3" means that the Demand contains a preface or instruction not approved under Chapter 17 of the Civil Discovery Act.
4. "Ground 4" means that the Demand is not full and complete in and of itself.
5. "Ground 5" means that the Demand contains subparts, or a compound, conjunctive, or disjunctive request.
6. "Ground 6" means that the documents sought are equally available to the Demanding Party.
7. "Ground 7" means that the excessive use of definitions and instructions makes the Demand vague, ambiguous and unintelligible, overly burdensome and oppressive, and fails to describe the documents with reasonable particularity. (*Calcor Space Facility v. Superior Court*

(1997) 53 Cal.App.4th 216.)

8. "Ground 8" means that the documents sought come within the lawyer-client privilege. (Code Civ. Proc., § 2031.240(b).)

9. "Ground 9" means that the documents sought are protected work-product under Code of Civil Procedure section 2018.030. (Code Civ. Proc., § 2031.240(b).)

10. "Ground 10" means that the Demand is vague, ambiguous and unintelligible and fails to describe documents with reasonable particularity. (Code Civ. Proc., § 2031.030(c)(1).)

11. "Ground 11" means that the Demand is oppressive, harassing and burdensome.

12. "Ground 12" means that the Demand is overbroad.

13. "Ground 13" means that the Demand seeks confidential and/or trade secret information.

14. "Ground 14" means that the documents sought are protected by the right of privacy.

15. "Ground 15" means that the Demand seeks matter protected from premature disclosure by Code of Civil Procedure section 2034.210 et. seq.

16. "Ground 16" means that the Demand seeks to impose an obligation on the Responding Party that exceeds the scope of permissible discovery under the Discovery Act.

III. GENERAL OBJECTIONS

The Responding Party objects to the Demand on Ground 2 and on the grounds that this action should have been filed, if at all, as a post-judgment proceeding in the Antelope Valley Groundwater Cases before Judge Komar, and not as a separate action and discovery in this action should be conducted only to the extent authorized by Judge Komar. In other words, the improper filing of this separate action should not operate to require the Responding Party to respond to discovery pertaining to the subject matter of the Antelope Valley Groundwater Cases except as authorized by Judge Komar.

The Responding Party objects to the Demand on Grounds 1, 3, 7, 8, 9, 10, 11, 12, 13, and 16.

The Responding Party objects to the production of documents on the date specified, at the location specified, and in the form specified in the Demand on Grounds 11 and 16.

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 PRODUCTION NO. 20:

All DOCUMENTS that RELATE TO the amount of groundwater that YOU extracted from WELL 1 in any year from 1987 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

In addition to and without waiving the General Objections stated in Part III above, Responding Party objects to Request No. 20 on grounds 1, 7, 8, 9, 10, 11, and 12. Responding Party's groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to produce and store groundwater in the basin are governed by the judgment and are not based on prior water use. Additionally, Responding Party's groundwater production data was previously provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS that RELATE TO the amount of groundwater that YOU extracted from WELL 2 in any year from 1987 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

In addition to and without waiving the General Objections stated in Part III above, Responding Party objects to Request No. 21 on grounds 1, 7, 8, 9, 10, 11, and 12. Responding Party's groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to produce and store groundwater in the basin are governed by the judgment and are not based on prior water use. Additionally, Responding Party's groundwater production data was previously

1 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
2 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

3 **REQUEST FOR PRODUCTION NO. 22:**

4 All DOCUMENTS that RELATE TO the amount of groundwater that YOU extracted
5 from WELL 3 in any year from 1987 to the present.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

7 In addition to and without waiving the General Objections stated in Part III above,
8 Responding Party objects to Request No. 22 on grounds 1, 7, 8, 9, 10, 11, and 12. Responding
9 Party's groundwater production, whether prior to entry of judgment in the Antelope Valley
10 Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties'
11 rights to produce and store groundwater in the basin are governed by the judgment and are not based
12 on prior water use. Additionally, Responding Party's groundwater production data was previously
13 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
14 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

15 **REQUEST FOR PRODUCTION NO. 23:**

16 All DOCUMENTS that RELATE TO the amount of groundwater that YOU extracted
17 from WELL 4 in any year from 1987 to the present.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

19 In addition to and without waiving the General Objections stated in Part III above,
20 Responding Party objects to Request No. 23 on grounds 1, 7, 8, 9, 10, 11, and 12. Responding
21 Party's groundwater production, whether prior to entry of judgment in the Antelope Valley
22 Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties'
23 rights to produce and store groundwater in the basin are governed by the judgment and are not based
24 on prior water use. Additionally, Responding Party's groundwater production data was previously
25 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
26 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

27 **REQUEST FOR PRODUCTION NO. 24:**

1 All DOCUMENTS that RELATE TO the amount of groundwater that YOU extracted
2 from any source, well or otherwise, located on the ADJACENT LAND from the time that YOU
3 first owned the ADJACENT LAND to the present.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**


5 In addition to and without waiving the General Objections stated in Part III above,
6 Responding Party objects to Request No. 24 on grounds 1, 7, 8, 9, 10, 11, and 12. Responding
7 Party's groundwater production, whether prior to entry of judgment in the Antelope Valley
8 Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties'
9 rights to produce and store groundwater in the basin are governed by the judgment and are not based
10 on prior water use. Additionally, Responding Party's groundwater production data was previously
11 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
12 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

13
14 Dated: January 12, 2018

As to objections only,

15 KUHS & PARKER

16
17 By


18 Bernard C. Barmann, Jr., Attorneys for
19 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 PRODUCTION OF DOCUMENTS, SET TWO** 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

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 placed 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.

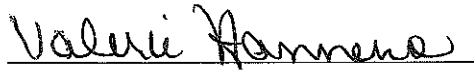
— (BY EMAIL TRANSMISSION) on January 12, 2018, at approximately p.m. to:

— (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