

BRADLEY T. WEEKS, Bar No. 173745
CHARLTON WEEKS LLP

1031 West Avenue M-14, Suite A
Palmdale, CA 93551
(661) 265-0969

Attorney for Quartz Hill Water District
Defendant/Cross Complainant

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE 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. BC325201;

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Superior Court of California
County of Kern, Case No. S-1500-CV-254-
348;

Wm. Bolthouse Farms, Inc. v. City of
Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California
County of Riverside, consolidated actions
Case Nos. RIC 353840, RIC 344436,
RIC 344668.

**Judicial Council Coordination Proceeding No.
4408**

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

APPLICATION FOR ORDER TO SHOW
CAUSE RE IMPOSITION OF SANCTIONS
FOR FAILURE TO PROVIDE
INFORMATION TO COURT

DECLARATION OF BRADLEY T. WEEKS

Quartz Hill Water District applies for an order requiring the parties set forth on Exhibit
Five to the Declaration of Bradley T. Weeks to show cause why their water right claims, or in the
alternative, all claims based upon historical groundwater pumping, should not be lost.

1 This application is made pursuant to the provisions of Code of Civil Procedure section
2 1211 on the grounds that on November 16, 2011 this court issued an Order to Show Cause to the
3 parties of this case to provide the following information:

- 4
- 5 1. The amount of the water right, if any, you are claiming in this lawsuit;
 - 6 2. The amount of pumping, if any, you are claiming in this lawsuit;
 - 7 3. The location and source of such pumping;
 - 8 4. The basis for the computation of claimed pumping, such as metering; and
 - 9 5. The time frame for the pumping from which the calculations were made.

10 The parties listed on Exhibit Five to the Declaration of Bradley T. Weeks failed to provide
11 the required information or show cause why their water rights should not be lost. This application
12 is based upon the accompanying declaration of Bradley T. Weeks and the records and files in this
13 action.

14
15 Dated: January 19, 2012

CHARLTON WEEKS LLP



Bradley T. Weeks
Attorney for Quartz Hill Water District

DECLARATION OF BRADLEY T. WEEKS

I, Bradley T. Weeks, declare as follows:

1. I am the attorney for Quartz Hill Water District, a party in this action.

2. On November 16, 2011, this court posted the Order to Show Cause ("OSC") attached to this declaration as Exhibit One.

3. The OSC required that the listed information be filed with the court at the Superior Court Clerk's office, Los Angeles Superior Court, Central-District-Central Civil West Courthouse, 600 S. Commonwealth, Room 314, Los Angeles, or posted electronically to the case website no later than December 6, 2011.

4. The parties were advised in the OSC that "Failure to file and post this information to the case website may result in a loss of your water rights."

5. The OSC was directed to all parties to this litigation, excepting those parties listed on Exhibit A to the OSC.

6. I prepared Exhibit Two to this declaration. I have reviewed the E-Service List for this case and E-Service list for the electronic service OSC. Exhibit Two is a list of all parties who have registered for electronic service in this case and received electronic service of the OSC¹. Exhibit Two does not include the parties listed on Exhibit A to the OSC.

7. The OSC was posted on the Santa Clara Superior Court website on November 16, 2011.

8. I thereafter compiled a list of the parties who had answered and had not registered for electronic service. This list is attached to this declaration as Exhibit Three. Most of these answers were electronically filed by the County of Los Angeles between December 20, 2006 and December 29, 2006, items 398 thru 406 on the court's website. I mailed a copy of the OSC to these parties at the addresses listed on their answers on November 23, 2011. I posted the proof of service of this mailing on November 23, 2011.

¹ Since service of the OSC three parties have registered for electronic service: Baxter Mutual Water Co.; Chavez, Efren; Qarmout, Elias. All three of these parties responded to the OSC.

1 9. In summary, Exhibit Two to this Declaration is a list of all parties who have
2 electronically registered for service and were obligated to respond to the OSC. Exhibit Three is a
3 list of parties who filed answers in this action and who had not registered for electronic service.

4 10. Exhibit Four to this declaration is a list of all the parties who did respond to the
5 OSC and whose responses have been posted on the Santa Clara Superior Court website. I
6 understand that some parties filed paper responses with the Los Angeles Superior Court. I do not
7 have a copy of those filings, and I don't know who those parties are, but I will supplement this
8 declaration once I have that information.

9 11. Exhibit Five is a list of those parties who should have responded to this court's
10 OSC but who have failed to do so. I created this list by combining the parties who registered and
11 did not register for electronic service (Exhibits Two and Three), and subtracted those parties who
12 posted a response (Exhibit Four).

13 12. As the court may recall, the only party to appear at the OSC on December 13, 2011,
14 did not provide any documents, and stated his client had not historically pumped groundwater.

15 13. I request this court issued the proposed order that accompanies this declaration. I
16 will serve it by mail on those parties who have not registered for electronic service.

17
18 I declare under penalty of perjury under the laws of the State of California the foregoing is
19 true and correct.

20
21 Dated: January 19, 2012



Bradley T. Weeks
Attorney for Quartz Hill Water District

CHARLTON WEEKS LLP
1031 West Avenue M-14, Suite A
Palmdale, CA 93551

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EXHIBIT ONE

ORDER TO SHOW CAUSE FOR FAILURE TO PROVIDE INFORMATION -
HEARING SET FOR DECEMBER 13, 2011

NOV 21 2011

John A. Clarke, Executive Officer/Clerk
BY Raul Sanchez, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

COORDINATION PROCEEDING) Judicial Council Coordination Proceeding
SPECIAL TITLE (Rule 1550(b))) No. 4408

ANTELOPE VALLEY GROUNDWATER) CASE NO. 1-05-CV-409053
CASES)

INCLUDED ACTIONS:) ~~[2nd CORRECTED]~~ PROPOSED ORDER

LOS ANGELES COUNTY)
WATERWORKS DISTRICT NO. 40 v.)
DIAMOND FARMING COMPANY, et al.,)
Los Angeles Superior Court Case No.)
BC325201)

LOS ANGELES COUNTY)
WATERWORKS DISTRICT NO. 40 v.)
DIAMOND FARMING COMPANY, et al.,)
Kern County Superior Court Case No. S-)
1500-CV-254348)

DIAMOND FARMING COMPANY, and)
W.M. BOLTHOUSE FARMS, INC., v.)
CITY OF LANCASTER, et al.,)
Riverside Superior Court)
Case No. RIC 344436 [c/w case no. RIC)
344668 and 353840])

The Court will soon be setting this matter for trial. The parties identified on Exhibit "A" attached hereto and herein incorporated by reference, have provided the basis for their water rights claims to the Honorable Justice Robie. All parties not identified on Exhibit "A" are ordered to provide the following information to this Court:

1. The amount of the water right, if any, you are claiming in this lawsuit;
2. The amount of pumping, if any, you are claiming in this lawsuit;
3. The location and source of such pumping;
4. The basis for the computation of claimed pumping, such as metering; and
5. The time frame for the pumping from which the calculations were made.

This information must be filed at the Superior Court Clerks office, Los Angeles Superior Court, Central-District-Central Civil West Courthouse, 600 S. Commonwealth, Room 314, Los Angeles, or posted electronically to the case website no later than December 6, 2011. Failure to file and post this information to the case website may result in a loss of your water rights.

If you fail to timely file and post this information, you are hereby ordered to appear on December 13, 2011, at 10:00 a.m., at the Los Angeles Superior Court, Central-District-Central Civil West Courthouse, 600 S. Commonwealth, Department 316, Room 1515, Los Angeles, to show cause why your water right claim or claims should not be lost.

This Order applies to all parties in the case who claim a water right of any kind, whether or not you currently pump and/or have ever pumped water from the Basin.

DATED: NOVEMBER 16, 2011



HONORABLE JACK KOMAR
JUDGE OF THE SUPERIOR COURT

EXHIBIT "A"

LIST OF PARTIES

AC Warnack	Littlerock Creek ID
Adams Bennett	Littlerock Sand and Gravel
AGWA	Llano Water Co etc.
AV Mutual Group	New Anaverde
AV Water storage	North Edwards CSD
AVEK	Northrop
Blum Trust	Palm Ranch ID
Bolthouse	Palmdale WD
Cal Water	Phelan Pinon Hills CSD
City of Lancaster	Quartz Hill WD
City of Los Angeles	Rosamond CSD
Copa de Oro	Rosamond Ranch
County Sanitation Districts	Service Rock
Desert Lake CWD	SGS (Sempra)
Diamond/Lapis/Grimmway/Crystal	Sheep Creek Water Co.
Gene Wheeler Farms	State of California
Golden Sands	Tejon Ranch
Granite Construction	United States
Landinv	US Borax
Lane - 85thW and K-8	Van Dam parties
Lane - Fairmont	WAGAS Land Co.
Lane - Godde Pass Property	Waterworks District 40
Lane - The Ranch	WDS California II
Little Baldy	Wood Class
Littlerock Aggregate	

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I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

[2nd CORRECTED] PROPOSED ORDER

— by placing _ the original, _ a true copy thereof, enclosed in a sealed enveloped addressed as follows:

Executed on November 15, 2011, at Bakersfield, California.

(Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Nanette Maxey
NANETTE MAXEY
2455-2

- 1 Alta Vista SunTower, LLC
- 2 Andrews, Franklin D.
- 3 Andrews, Treba
- 4 Angelo and Dolores M. Cassara as Trustees of the Cassara Marital Trust
- 5 Antelope Valley Country Club Improvement Company, Inc.
- 6 Antelope Valley Joint Union High School District
- 7 Arklin Brothers Enterprises
- 8 Arklin, Philip H.
- 9 AV Solar Ranch 1, LLC
- 10 Balice, Maria
- 11 Balice, Norman
- 12 Blayney, Randall
- 13 Bloom, Melody
- 14 Boron Community Services District
- 15 Boruchin, as Trustee for the John and Dora Boruchin Living Trust, John
- 16 Britton Associates, LLP
- 17 Bujulian Brothers, Inc.
- 18 Burrows, Bruce: 300 A 40 H, LLC
- 19 Bushnell Enterprises, LLC
- 20 Cabahug, Jaime and Arlene
- 21 Cameron Properties
- 22 Chan, Hawk Nin: Self-Representing
- 23 City National Bank, Trustee
- 24 Collicutt, Ikuku
- 25 Eastley, Philip
- 26 enXco Development Corporation (Sued as Roe 452)
- 27 eSolar, Inc.
- 28 Estrada, David-Estrada, Rita

EXHIBIT TWO

PARTIES WHO HAVE REGISTERED FOR ELECTRONIC SERVICE

- 1 Estrada, David-Estrada, Rita
- 2 Florence Cernicky as Trustee of the Cernicky Trust
- 3 Frankie H. Salomon Trust
- 4 Fredrichsen, Lewis
- 5 Fry, Ron
- 6 Gaskell SunTower, LLC
- 7 Gateway Triangle Properties
- 8 Hancock, Catherine
- 9 Hancock, Timothy
- 10 Harbaugh, Barry
- 11 Harris, Steven
- 12 Healy Enterprises, Inc.
- 13 Herrmann, David
- 14 High Desert Investments, LLC
- 15 Huth, Clinto
- 16 Iannaccone, Elizabeth: Pro-per
- 17 Jung, Irene
- 18 Jung, Paul
- 19 Landfield, Richard
- 20 Lebata, Inc.
- 21 Leduc, Larry V.
- 22 Leduc, Sonia S.
- 23 Leslie Property
- 24 Lu, Clark C.
- 25 Lu, Danny C.
- 26 Lyon, Alice
- 27 Mason, David S.
- 28 Mathis, Joe

EXHIBIT TWO

PARTIES WHO HAVE REGISTERED FOR ELECTRONIC SERVICE

- 1 Matsui, Jeanne
- 2 Max Webb Trustee of the Webb Trust of 1978
- 3 Melinda L. Gillman, Trustee of the Grubb Family Trust
- 4 Melvin Thomas Andrews and Margaret E. Andrews, Trustees of the Andrews Living Trust dated
- 5 August 2, 2004
- 6 Middle Butte Mine, Inc.
- 7 Mountain Brook Ranch, LLC
- 8 Murphy, Patty
- 9 Nibbelink Family Trust
- 10 Palmdale Hills Property LLC
- 11 Pittman, Thomas
- 12 Prewoznik, Marilyn J.
- 13 Prewoznik, Marilyn J., as Trustee of the Marilyn J. Prewoznik Trust
- 14 Rafferty, Gary - Rafferty, Nona
- 15 Raney, as Trustee for the Robert and Shirley Raney Living Trust , Shirley B.
- 16 Red Dawn SunTower, LLC
- 17 Shakib, Kamram
- 18 Shokrian, Elias
- 19 Shokrian, Shirley
- 20 Sierra SunTower, LLC
- 21 Sorrento West Properties, Inc.
- 22 Southern California Edison Company
- 23 The Philip H. Arklin Family Trust Dated April 28, 1994
- 24 Three Arklin Limited Liability Company, The
- 25 Tom, Jung N.
- 26 Treacy, Patrick
- 27 Tumbleweed SunTower, LLC
- 28 Valentine, Roland

EXHIBIT TWO

PARTIES WHO HAVE REGISTERED FOR ELECTRONIC SERVICE

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- 1 Ruth A. Cumming, Trustee of The Cumming Family Trust dated April 17, 1997
- 2 Rodrigo L. Gabuya
- 3 A. David Kagon & Dorothy H. Kagon, individually
- 4 A. David Kagon & Dorothy H. Kagon, Trustees of Kagon Trust
- 5 Jane Kagon, individually
- 6 Robert Kagon, individually
- 7 Barbara L. Keys, Trustee of the Barbara L. Keys Family Trust
- 8 Jack D. Kahlo
- 9 Maria B. Gorrindo, Trustee of the Maria Gorrindo Trust
- 10 Maria B. Gorrindo, individually
- 11 Frank S. Chiodo
- 12 Frank S. Chiodo
- 13 David L. Bowers
- 14 Patricia Anne Recht
- 15 Ronald E. Bowers
- 16 Eugene Gabrych
- 17 Marian Gabrych
- 18 Elias Qarmout
- 19 Airtrust Singapore Private, Ltd.
- 20 ABC Williams Enterprises, LP
- 21 Marilyn Burgess Myers
- 22 Herbert Katz & Marianne Katz, Trustees of the Katz Trust
- 23 John Hui
- 24 United Holdings Corp.
- 25 Robert A. Loving
- 26 Norman S. Werth and Margaret A. Werth
- 27 Patricia J. Riggins, Trustee of the Riggins Family Trust
- 28 Choon Suk Park

EXHIBIT THREE

PARTIES WHO HAVE NOT REGISTERED FOR ELECTRONIC SERVICE

- 1 Jean Park
- 2 Lilian Kaufman
- 3 Lilian Kaufman as Trustee of the Lilian S. Kaufman Trust
- 4 Laverne Burroughs, Trustee, The Burroughs Family Irrevocable Trust dated August 1, 1995
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EXHIBIT THREE

PARTIES WHO HAVE NOT REGISTERED FOR ELECTRONIC SERVICE

- 1 Baxter Mutual Water Co.
- 2 Max Webb Trustee of the Webb Trust of 1978
- 3 White Fence Farms 3
- 4 Burrows, Bruce - 300 A 40 H, LLC
- 5 Chavez, Efren
- 6 Qarmout, Elias
- 7 Southern California Edison Company
- 8 Red Dawn SunTower, LLC
- 9 Sierra SunTower, LLC
- 10 eSolar, Inc.
- 11 Gaskell SunTower, LLC
- 12 Tumbleweed SunTower, LLC
- 13 Little Rock Sand and Gravel, Inc.
- 14 The Frank and Yvonne Lane Family Trust, Dated March 5, 1993 as Restated July 20, 2000
- 15 Monte Vista Building Sites Inc.
- 16 A. V. Materials, Inc.
- 17 The George and Charlene Lane Family Trust
- 18 Willis, Rebecca
- 19 Boruchin, as Trustee for the John and Dora Boruchin Living Trust, John
- 20 Raney, as Trustee for the Robert and Shirley Raney Living Trust , Shirley B.
- 21 Boruchin, as Trustee for the John and Dora Boruchin Living Trust, Dora
- 22 Raney, as Trustee for the Robert and Shirley Raney Living Trust , Robert D.
- 23 Rosamond Community Service District
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EXHIBIT FOUR

PARTIES WHO RESPONDED TO ORDER TO SHOW CAUSE

- 1 A. David Kagon & Dorothy H. Kagon, individually
- 2 A. David Kagon & Dorothy H. Kagon, Trustees of Kagon Trust
- 3 ABC Williams Enterprises, LP
- 4 Airtrust Singapore Private, Ltd.
- 5 Alta Vista SunTower, LLC
- 6 Andrews, Franklin D.
- 7 Andrews, Treba
- 8 Angelo and Dolores M. Cassara as Trustees of the Cassara Marital Trust
- 9 Antelope Valley Country Club Improvement Company, Inc.
- 10 Antelope Valley Joint Union High School District
- 11 Arklin Brothers Enterprises
- 12 Arklin, Philip H.
- 13 AV Solar Ranch 1, LLC
- 14 Balice, Maria
- 15 Balice, Norman
- 16 Barbara L. Keys, Trustee of the Barbara L. Keys Family Trust
- 17 Blayney, Randall
- 18 Bloom, Melody
- 19 Boron Community Services District
- 20 Britton Associates, LLP
- 21 Bujulian Brothers, Inc.
- 22 Bushnell Enterprises, LLC
- 23 Cabahug, Jaime and Arlene
- 24 Cabahug, Jaime and Arlene
- 25 Cameron Properties
- 26 Chan, Hawk Nin: Self-Representing
- 27 Choon Suk Park
- 28 City National Bank, Trustee

EXHIBIT FIVE

PARTIES WHO DID NOT RESPOND TO ORDER TO SHOW CAUSE

- 1 Collicutt, Ikuku
- 2 David L. Bowers
- 3 Eastley, Philip
- 4 Elias Qarmout
- 5 enXco Development Corporation (Sued as Roe 452)
- 6 Estrada, David-Estrada, Rita
- 7 Eugene Gabrych
- 8 Florence Cernicky as Trustee of the Cernicky Trust
- 9 Frank S. Chiodo
- 10 Frank S. Chiodo
- 11 Frankie H. Salomon Trust
- 12 Fredrichsen, Lewis
- 13 Fry, Ron
- 14 Gateway Triangle Properties
- 15 Hancock, Catherine
- 16 Hancock, Timothy
- 17 Harbaugh, Barry
- 18 Harris, Steven
- 19 Healy Enterprises, Inc.
- 20 Herbert Katz & Marianne Katz, Trustees of the Katz Trust
- 21 Herrmann, David
- 22 High Desert Investments, LLC
- 23 Huth, Clinto
- 24 Iannaccone, Elizabeth: Pro-per
- 25 Jack D. Kahlo
- 26 Jane Kagon, individually
- 27 Jean Park
- 28 John Hui

EXHIBIT FIVE

PARTIES WHO DID NOT RESPOND TO ORDER TO SHOW CAUSE

- 1 Jung, Irene
- 2 Jung, Paul
- 3 Landfield, Richard
- 4 Laverne Burroughs, Trustee, The Burroughs Family Irrevocable Trust dated August 1, 1995
- 5 Leбата, Inc.
- 6 Leduc, Larry V.
- 7 Leduc, Sonia S.
- 8 Leslie Property
- 9 Lilian Kaufman
- 10 Lilian Kaufman as Trustee of the Lilian S. Kaufman Trust
- 11 Lu, Clark C.
- 12 Lu, Danny C.
- 13 Lyon, Alice
- 14 Maria B. Gorrindo, individually
- 15 Maria B. Gorrindo, Trustee of the Maria Gorrindo Trust
- 16 Marian Gabrych
- 17 Marilyn Burgess Myers
- 18 Mason, David S.
- 19 Mathis, Joe
- 20 Matsui, Jeanne
- 21 Melinda L. Gillman, Trustee of the Grubb Family Trust
- 22 Melvin Thomas Andrews and Margaret E. Andrews, Trustees of the Andrews Living Trust dated
- 23 August 2, 2004
- 24 Middle Butte Mine, Inc.
- 25 Mountain Brook Ranch, LLC
- 26 Murphy, Patty
- 27 Nibbelink Family Trust
- 28 Norman S. Werth and Margaret A. Werth

EXHIBIT FIVE

PARTIES WHO DID NOT RESPOND TO ORDER TO SHOW CAUSE

- 1 Palmdale Hills Property LLC
- 2 Patricia Anne Recht
- 3 Patricia J. Riggins, Trustee of the Riggins Family Trust
- 4 Pittman, Thomas
- 5 Prewoznik, Marilyn J.
- 6 Prewoznik, Marilyn J., as Trustee of the Marilyn J. Prewoznik Trust
- 7 Rafferty, Gary - Rafferty, Nona
- 8 Robert A. Loving
- 9 Robert Kagon, individually
- 10 Rodrigo L. Gabuya
- 11 Ronald E. Bowers
- 12 Ruth A. Cumming, Trustee of The Cumming Family Trust dated April 17, 1997
- 13 Shakib, Kamram
- 14 Shokrian, Elias
- 15 Shokrian, Shirley
- 16 Sorrento West Properties, Inc.
- 17 The Philip H. Arklin Family Trust Dated April 28, 1994
- 18 Three Arklin Limited Liability Company, The
- 19 Tom, Jung N.
- 20 Tom, Jung N.
- 21 Treacy, Patrick
- 22 United Holdings Corp.
- 23 Valentine, Roland

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EXHIBIT FIVE

PARTIES WHO DID NOT RESPOND TO ORDER TO SHOW CAUSE

PROOF OF SERVICE

I am employed in the aforesaid county, State of California; I am over eighteen years of age and not a party to the within action; my business address is 1031 West Avenue M-14, Suite A, Palmdale, California, 93551.

On January 19, 2011, at my place of business at Palmdale, California, a copy of the following DOCUMENT(s):

APPLICATION FOR ORDER TO SHOW CAUSE RE IMPOSITION OF SANCTIONS FOR FAILURE TO PROVIDE INFORMATION TO COURT

By posting the DOCUMENT listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Matter:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 19, 2011

Gayle Fenald