

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

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

MOTION FOR ORDER NO PARTIES ARE  
EXEMPT FROM ACTIVE PARTICIPATION

**I. PROCEDURAL HISTORY**

Previously, Quartz Hill Water District “QHWD” propounded discovery on each party in this case, seeking information that would enable all the parties to ascertain the historical water production for each of the parties. Unfortunately, several parties did not respond at all or request an extension. After previous motion practice, on February 14, 2012, the Court considered QHWD’s motion to deem requests for admission admitted and compel response to interrogatories and request for production of documents.

On November 21, 2011, the Court issued its own Order to Show Cause, also requesting information concerning the historical pumping activity of all parties, excepting only certain parties that were named within the order itself. This OSC was electronically served and QHWD served those parties who had not registered for electronic service by United States mail. Virtually no parties responded to this OSC or produced the requested information. To date, the Court has not taken steps to enforce this Order. On February 14, 2012, the Court considered QHWD’s application for another OSC regarding this court’s prior order.

The Court referred in its previous hearing to “active” and “inactive” parties. Active parties who do not settle will be required to respond to the discovery; but there will be parties who neither settle nor address the discovery, nor respond to the OSC; these “inactive” parties need to be addressed by the Court in some fashion.

To facilitate this, the court solicited a motion from QHWD, to serve additional and even more formal notice that they are now considered “active” parties and therefore that they must provide information regarding their historical groundwater use – or else those parties may lose important water rights.

1 The Court requested QHWD serve these formerly-“inactive” parties by United States Mail  
2 with a Notice that they are “active” parties; with all written discovery; and by implication the prior  
3 November 21, 2011 OSC. In order to determine the identity of these parties with precision,  
4 QHWD respectfully proposes that these be identified as those parties who are not exempted from  
5 providing information on the Court’s November 21, 2011 order,<sup>1</sup> or those parties who have not  
6 requested an extension to respond to QHWD’s discovery.

7  
8 While certain parties find reason to be optimistic concerning the future prospects of  
9 settlement following the mediation session of February 29, 2012, there is as of yet no settlement  
10 agreement, or notice of settlement, or notice of proposed settlement terms, that can presently be  
11 mailed to the inactive parties. Until and unless such terms can be reached, all parties and the Court  
12 will need to move forward and ascertain all historical groundwater production, if any, from those  
13 parties who have not participated in the mediation and discovery to date.

14  
15 **II. REQUESTED RELIEF**

16  
17 Quartz Hill Water District requests that the Court order that no party is exempt from active  
18 participation in this litigation.

19  
20 Quartz Hill Water District requests the Court order all parties comply with its November  
21 21, 2011 order, other than parties who were exempted by the order or who have previously  
22 responded, within thirty five days after mail service and set an order to show cause for those  
23 parties who do not respond at the next hearing date following the April 17, 2012 hearing currently  
24 scheduled.

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26  
27  
28 <sup>1</sup> It should be noted that the responses to the Court’s November 21, 2011 order that were physically delivered to the Court, as opposed to circulated by way of electronic posting, have not been provided to counsel.

1 Quartz Hill Water District requests the Court approve the form of the notice attached  
2 hereto as Exhibit One.

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4 CHARLTON WEEKS LLP

5 Dated: March 6, 2012



6 Bradley T. Weeks  
7 Attorney for Quartz Hill Water District  
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**Judicial Council Coordination Proceeding No.  
4408**

Santa Clara Case No. 1-05-CV-049053  
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**NOTICE OF ORDER TO SHOW CAUSE RE  
IMPOSITION OF SANCTIONS FOR  
FAILURE TO PROVIDE INFORMATION TO  
COURT**

**NOTICE THAT NOT NO PARTIES ARE  
EXEMPT FROM ACTIVE PARTICIPATION**

**IMPORTANT NOTICE TO ALL ANTELOPE VALLEY  
GROUNDWATER CASE PARTIES**

1 YOU ARE RECEIVING THIS NOTICE BECAUSE YOU ARE A PARTY TO THE  
2 ANTELOPE VALLEY GROUNDWATER CASE. THIS LAWSUIT INVOLVES YOUR  
3 GROUNDWATER RIGHTS IN THE ANTELOPE VALLEY. THIS IS AN IMPORTANT  
4 LEGAL NOTICE.

5  
6 You were sent this notice because you have appeared in the Antelope Valley Groundwater  
7 Case. Many parties to this case have filed appearances, but chosen to take an inactive role. It is  
8 important that you now take an active role, or your water rights may be diminished or lost. In the  
9 past the court permitted parties to take an inactive role. Recently the court has ordered that no  
10 party is exempt from active participation.

11  
12 Enclosed with this notice is an order by the court. It is imperative that if you wish to claim  
13 groundwater rights based upon your historical pumping of groundwater, you must provide the  
14 above information to the court on or before \_\_\_\_\_. This information should be filed with  
15 the Los Angeles Superior Court at Central Civil West, 600 South Commonwealth Avenue, Los  
16 Angeles, California, 90005 with reference to “**Judicial Council Coordination Proceeding No.**  
17 **4408**” or electronically posted at the Santa Clara County Superior Court's Electronic Filing  
18 System (<http://www.scefiling.org>) with reference to “1-05-CV-049053: Antelope Valley  
19 Groundwater Cases (JCCP 4408)”.

20  
21 The Court has set an order to show cause on \_\_\_\_\_, 2012, at 9:00 a.m. at Central  
22 Civil West, 600 South Commonwealth Avenue, 15th Floor, Room 1515, Los Angeles, California,  
23 90005 for parties who have not responded to the court order to show cause why their water rights  
24 should deemed unexercised.

25  
26 Enclosed with this notice are written questions from one of the parties, legally referred to  
27 as “discovery.” You have thirty-five days after these documents are mailed to respond. The date of  
28 your receipt of the documents is not what controls your time to respond. Your failure to respond

1 may cause your or your water rights to be diminished, or lost entirely. Therefore, it is important  
2 that you do respond to these documents and provide the requested information truthfully,  
3 completely, and promptly. If you do not know the answer to a particular question or request for  
4 information, it is better that you indicate that you do not know the answer, rather than not  
5 responding at all.

6  
7 You should seek advice from an attorney of your own choice. The Court cannot appoint an  
8 attorney for you.

9  
10 CHARLTON WEEKS LLP

11 Dated: March 6, 2012

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12 Bradley T. Weeks  
13 Attorney for Quartz Hill Water District  
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**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 March 6, 2012, at my place of business at Palmdale, California, a copy of the following DOCUMENT(s):

MOTION 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 March 6, 2012

  
Bradley T. Weeks