

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): 105405 Theodore A. Chester, Jr. Smiland Chester Alden LLP 140 S. Lake Avenue, Suite 274 Pasadena, CA 91101 TELEPHONE NO.: (213) 891-1010 FAX NO. (Optional): E-MAIL ADDRESS (Optional): tchester@smilandlaw.com ATTORNEY FOR (Name): Little Rock Sand & Gravel, et al.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District	
PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER CASES DEFENDANT/RESPONDENT: George Lane, Little Rock Sand & Gravel, et al. OTHER:	CASE NUMBER: 1-05-CV-049053/JCCP 4408 JUDICIAL OFFICER: Hon. Jack Komar
PROPOSED ORDER (COVER SHEET)	DEPT.: 1

**NOTE:** This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:  
Cross-Defendants George Lane, Little Rock Sand and Gravel, Inc., et al.
2. Title of the proposed order:  
Lane Objections to Granite's Declarations in Support of Its Opposition to Lane Motion
3. The proceeding to which the proposed order relates is:
  - a. Description of proceeding: Lane Family's Motion for Post-Judgment Supplemental Order
  - b. Date and time: March 21, 2016; 1:30 p.m
  - c. Place: Santa Clara County Superior Court, 191 N. First Street, San Jose, CA 95113
4. The proposed order was served on the other parties in the case.

Theodore A. Chester, Jr.  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY)

1  
2  
3  
4 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
5 COUNTY OF LOS ANGELES

6 Coordination Proceeding Special Title  
7 (Rule 1550 (b))

Judicial Council Coordination No. 4408  
[Assigned to Hon. Jack Komar; Dept 17]

8 ANTELOPE VALLEY GROUNDWATER  
9 CASES

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

10 Included CONSOLIDATED Actions:

11 Los Angeles County Waterworks District No.  
12 40 vs. Diamond Farming Company  
13 Los Angeles Superior Court Case No.  
BC325201

[PROPOSED] RULINGS/ORDER TO  
LANE FAMILY'S OBJECTIONS TO  
GRANITE CONSTRUCTION  
COMPANY'S DECLARATIONS IN  
SUPPORT OF ITS OPPOSITION TO  
MOTION FOR POST-JUDGMENT  
SUPPLEMENTAL ORDER

14 Los Angeles County Waterworks District No.  
15 40 vs. Diamond Farming Company  
16 Kern County Superior Court Case No. S-1500-  
CV-254348 NFT

Date: March 21, 2016  
Time: 1:30 p.m.  
Dept.: 1  
Place: San Jose Superior Court  
191 N. First Street  
San Jose, CA 95113

17 Diamond Farming Company vs. City of  
18 Lancaster Riverside County Superior Court  
19 Lead Case No. RIC 344436 [Consolidated w/  
Case Nos. 344668 & 353840]

20 Willis v. Los Angeles County Waterworks  
21 District No. 40; Los Angeles Superior Court  
22 Case No. BC 364553

23 Wood v. Los Angeles County Waterworks  
24 District No. 40; Los Angeles Superior Court  
Case No. BC 391869

25  
26 The Court makes the following evidentiary rulings/order with respect to Lane Family's  
27 Objections to Granite Construction Company's Declarations in Support of its Opposition to  
28 Lane Family's Motion for Post-Judgment Supplemental Order:

[PROPOSED] RULINGS/ORDER TO LANE FAMILY'S OBJECTIONS TO GRANITE CONSTRUCTION  
COMPANY'S DECLARATIONS IN SUPPORT OF ITS OPPOSITION TO MOTION FOR POST  
JUDGMENT SUPPLEMENTAL ORDER

## INTRODUCTION

Cross-Defendants, Little Rock Sand and Gravel, the George & Charlene Lane Trust, the Frank & Yvonne Lane 1993 Family Trust, Monte Vista Building Sites, Inc., and A.V. Materials, Inc. (the "Lane Family") submit the following Objections to the Declarations of Robert G. Kuhs, William Taylor, Richard G. Zimmer, Michael D. McLachlan, Joseph D. Hughes, Bob H. Joyce, each submitted in Opposition to the Lane Family Motion for Post-Judgment Supplemental Order Re Granite Construction Company.

### I. OBJECTIONS TO DECLARATION OF RICHARD G. ZIMMER IN OPPOSITION TO LANE FAMILY'S MOTION FOR POST JUDGMENT SUPPLEMENTAL ORDER RE GRANITE CONSTRUCTION COMPANY:

Material Objected To:	Grounds for Objection	Ruling
Zimmer Dec., ¶ 5, lines 21-26: "I understood based in part on the Phase 4 evidence that Granite operated two quarries within the AVAA, the Big Rock Quarry and the Little Rock Quarry. I also understood that Granite owns the land under the Big Rock Quarry in fee, and that the land under the Little Rock Quarry is owned in part by Granite, and in part by LS&G and leased to Granite. It was represented at these meetings that Granite, not LS&G, was using the water."	Irrelevant (Evid. Code §§210, 350); Lacks foundation (Evid. Code §403); Speculation/lacks personal knowledge (Evid. Code §702); Hearsay (Evid. Code §1200); Legal conclusion (Evid. Code §310).	Sustained: ____  Overruled: ____
Zimmer Dec., ¶ 6, lines 1-3: "As a necessary part of the allocation settlement between the stipulating parties, it was my understanding that Ted Chester and Robert Kuhs had reached an agreed allocation of the 234 acre-feet as between Granite and LS&G at the meeting when final agreement was reached as to party allocation."	Speculation/lacks personal knowledge (Evid. Code §702); Irrelevant (Evid. Code §§210, 350); Lacks foundation (Evid. Code §403); Improper secondary evidence (Evid. Code §1521); Hearsay (Evid. Code §1200); Improper conclusion ( <i>Evinger v. MacDougall</i> , 28 Cal App.2 <sup>nd</sup> 175 (1938); Legal conclusion (Evid. Code §310).	Sustained: ____  Overruled: ____

<b>Material Objected To:</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
Zimmer Dec., ¶ 8, lines 11-12: "Any change in the allocation on Exhibit 4 would jeopardize the Judgment and Physical Solution."	Speculation, lacks personal knowledge (Evid. Code §702); Legal conclusion (Evid. Code §310).	Sustained: ____  Overruled: ____

**II. OBJECTIONS TO DECLARATION OF JOSEPH D. HUGES IN OPPOSITION TO LANE FAMILY'S MOTION FOR POST JUDGMENT SUPPLEMENTAL ORDER RE GRANITE CONSTRUCTION COMPANY**

<b>Material Objected To:</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
Hughes Dec., ¶5, lines 21-26: "I understood based in part on the Phase 4 evidence that Granite operated two quarries within the AVAA, the Big Rock Quarry and the Little Rock Quarry. I also understood that Granite owns the land under the Big Rock Quarry in fee, and that the land under the Little Rock Quarry is owned in part by Granite, and in part by LS&G and leased to Granite and that Granite, not LS&G, was using the water."	Irrelevant (Evid. Code §§210, 350); Lacks foundation (Evid. Code §403); Speculation / lacks personal knowledge (Evid. Code §702); Hearsay (Evid. Code §1200); Legal conclusion (Evid. Code §310).	Sustained: ____  Overruled: ____
Hughes Dec., ¶ 6, lines 3-6: "As a necessary part of the allocation settlement between the stipulating parties, Ted Chester and Robert Kuhs reached an agreed allocation settlement of the 234 acre-fee as between Granite and LS&G."	Speculation/ lacks personal Knowledge (Evid. Code §702); Irrelevant (Evid. Code §§210, 350); Lacks foundation (Evid. Code §403); Improper secondary evidence (Evid. Code §1521); Legal conclusion (Evid. Code §310); Improper conclusion (Evinger v. MacDougall, 28 Cal App 2nd 175 (1938)).	Sustained: ____  Overruled: ____
Hughes Dec., ¶ 8, lines 9-10: "Any change in the allocation on Exhibit 4 would jeopardize the Judgment and Physical Solution."	Speculation/ lacks personal Knowledge (Evid. Code §702); Legal conclusion (Evid. Code §310).	Sustained: ____  Overruled: ____

**III. OBJECTIONS TO DECLARATION OF BOB H. JOYCE IN OPPOSITION TO LANE FAMILY'S MOTION FOR POST JUDGMENT SUPPLEMENTAL ORDER RE GRANITE CONSTRUCTION COMPANY**

<b>Material Objected To:</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
Joyce Dec., ¶ 5, lines 21-26: "I understood based in part on the Phase 4 evidence that Granite operated two quarries within the AVAA, the Big Rock Quarry and the Little Rock Quarry. I also understood that Granite owns the land under the Big Rock Quarry in fee, and that the land under the Little Rock Quarry is owned in part by Granite, and in part by LS&G and leased to Granite. Granite, not LS&G, was using the water."	Irrelevant (Evid. Code §§210, 350); Lacks foundation (Evid. Code §403); Speculation / lacks personal knowledge (Evid. Code §702); Hearsay (Evid. Code §1200); Legal conclusion (Evid. Code §310).	Sustained: ____  Overruled: ____
Joyce Dec., ¶ 6, lines 1-3: "As a necessary part of the allocation settlement between the stipulating parties, Ted Chester and Robert Kuhs reached an agreed allocation settlement of the 234 acre-feet as between Granite and LS&G."	Speculation/ lacks personal Knowledge (Evid. Code §702); Irrelevant (Evid. Code §§210, 350); Lacks foundation (Evid. Code §403); Improper secondary evidence (Evid. Code §1521); Legal conclusion (Evid. Code §310); Improper conclusion ( <i>Evinger v. MacDougall</i> , 28 Cal.App.2nd 175 (1938)).	Sustained: ____  Overruled: ____
Joyce Dec. ¶ 6 lines 3-7: "I specifically told Mr. Chester that my clients would not agree to an allocation of water for Mr. Chester's other client Bruce Burrows/300 A40 H LLC, unless doing so resulted in a global settlement among all stipulating parties."	Irrelevant (Evid. Code §§210, 350); Probative value is outweighed by prejudice (Evid. Code § 352) Statements regarding Mr. Chester's other client are irrelevant and should be stricken. (Evid. Code §353).	Sustained: ____  Overruled: ____
Joyce Dec., ¶ 8, lines 9-10: "Any change in the allocation on Exhibit 4 would jeopardize the Judgment and Physical Solution."	Speculation/ lacks personal Knowledge (Evid. Code §702); Legal conclusion (Evid. Code §310).	Sustained: ____  Overruled: ____

**IV. OBJECTIONS TO DECLARATION OF MICHAEL D. MCLACHLAN IN  
OPPOSITION TO LANE FAMILY'S MOTION FOR POST JUDGMENT  
SUPPLEMENTAL ORDER RE GRANITE CONSTRUCTION COMPANY**

<b>Material Objected To:</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
McLachlan Dec., ¶ 5, lines 15-19: "I understood based in part on the Phase 4 evidence that Granite operated two quarries within the AVAA, the Big Rock Quarry and the Little Rock Quarry. I also understood that Granite owns the land under the Big Rock Quarry, and that the land under the Little Rock Quarry is owned in part by Granite, and in part by LS&G and leased to Granite. I was also informed that Granite, not LS&G, was using the water."	Irrelevant (Evid. Code §§210, 350); Lacks foundation (Evid. Code §403); Speculation/lacks personal knowledge (Evid. Code §702); Hearsay (Evid. Code §1200); Legal conclusion (Evid. Code §310).	Sustained: ____  Overruled: ____
McLachlan Dec., ¶ 6, lines 23-26: "As a necessary part of the allocation settlement between the stipulating parties, Ted Chester and Robert Kuhs reached an agreed allocation settlement of the 234 acre-feet as between Granite, with Granite retaining 100 acre-feet and LS&G receiving the balance."	Speculation/lacks personal Knowledge (Evid. Code §702); Irrelevant (Evid. Code §§210, 350); Lacks foundation (Evid. Code §403); Legal conclusion (Evid. Code §310); Improper secondary evidence (Evid. Code §1521); Improper conclusion (Evinger v. MacDougall, 28 Cal.App.2nd 175 (1938); Hearsay (Evid. Code §1200).	Sustained: ____  Overruled: ____
McLachlan Dec., ¶7 line 28, and lines 1-2: "At this time, it was my understanding, based upon the prior representations of counsel, that allocation issues had been resolved."	Speculation/lacks personal Knowledge (Evid. Code §702); Irrelevant (Evid. Code §§210, 350); Lacks foundation (Evid. Code §403); Improper secondary evidence (Evid. Code §1521); Improper conclusion (Evinger v. MacDougall, 28 Cal.App.2nd 175 (1938); Hearsay (Evid. Code §1200).	Sustained: ____  Overruled: ____

<b>Material Objected To</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
McLachlan Dec. ¶ 9, lines 15-18: "I concluded that the potential allocation dispute between LS&G and Granite was terminated with the submission of the LS&G signature page."	Speculation/lacks personal knowledge (Evid. Code §702); Legal conclusion (Evid. Code §310); Lacks foundation (Evid. Code §403); Irrelevant (Evid. Code §§210, 350).	Sustained: ____  Overruled: ____
McLachlan Dec. ¶ 10, lines 9-10: "Any change in the allocation on Exhibit 4 would jeopardize the Judgment and Physical Solution."	Speculation/lacks personal knowledge (Evid. Code §702); Legal conclusion (Evid. Code §310); Lacks foundation (Evid. Code §403).	Sustained: ____  Overruled: ____

**V. OBJECTIONS TO DECLARATION OF WILLIAM TAYLOR IN OPPOSITION TO LANE FAMILY'S MOTION FOR POST JUDGMENT SUPPLEMENTAL ORDER RE GRANITE CONSTRUCTION COMPANY**

<b>Material Objected To:</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
Taylor Dec., ¶ 7, lines 5-6: "Mining at the Big Rock Quarry is limited by permit until mining at the Little Rock Quarry is terminated."	Lacks foundation (Evid. Code §403); Hearsay (Evid. Code §1200); Legal conclusion (Evid. Code § 310).	Sustained: ____  Overruled: ____
Taylor Dec., ¶ 9, lines 14-16: "Granite purchased the Granite Adjacent Property, in part, because the commercially viable alluvial deposits on the Leased Property were nearing depletion."	Lacks foundation (Evid. Code § 40); Irrelevant (Evid. Code § 210, 310); Improper secondary evidence (Evid. Code § 803).	Sustained: ____  Overruled: ____
Taylor Dec., ¶ 10, lines 22-23: "The Amended Reclamation Plan was approved and since January 2013 Granite has operated the Little Rock Quarry as an integrated unit."	Lacks foundation (Evid. Code §403); Hearsay (Evid. Code §1200); Irrelevant (Evid. Code § 210, 310).	Sustained: ____  Overruled: ____
Taylor Dec., ¶ 11 lines 26-27, 1-2): "The commercial viable alluvial deposits on the Leased Property were	Lacks foundation (Evid. Code §403); Hearsay (Evid. Code §1200);	Sustained: ____  Overruled: ____

1	substantially depleted by year 2015.”	Legal conclusion (Evid. Code §310).	
2			
3	Taylor Dec., ¶ 15, lines 18-20: “Granite	Lacks foundation (Evid. Code §403);	Sustained: ____
4	has repeatedly advised Mr. Lane that	Hearsay (Evid. Code §1200);	Overruled: ____
5	Granite would stand by the allocation	Improper legal conclusion (Evid. Code §310).	
6	reached between Granite and LS&G on	Offers to compromise (Evid. Code §1152);	
7	March 31, 2014, allocating 100 acre	Improper secondary evidence	
8	feet of water to Granite and 134 acre	(Evid. Code §1521);	
9	feet to LS&G for Granite’s Little Rock	Irrelevant (Evid. Code §§210, 310).	
10	Quarry.”		
11	Taylor Dec., ¶ 16, lines 18-20: “Granite	Improper secondary evidence	Sustained: ____
12	agreed to allocate the water for Little	(Evid. Code §1521);	Overruled: ____
13	Rock Quarry 100/123 AF.”	Irrelevant (Evid. Code §§210, 310);	
14		Offers to compromise (Evid. Code §1152)	
15	Taylor Dec. ¶ 16, lines 21-28, lines 1-2:	Lacks foundation (Evid. Code §403);	Sustained: ____
16	“Granite did not and could not have	Hearsay (Evid. Code §1200);	Overruled: ____
17	agreed to a smaller allocation. To do	Improper legal conclusion (Evid. Code §310);	
18	so, would jeopardize the financial	Offers to compromise (Evid. Code §1152);	
19	viability of Granite’s Little Rock	Improper secondary evidence	
20	Quarry, and also its Big Rock Quarry	(Evid. Code §1521);	
21	in the future. Furthermore, if the	Irrelevant (Evid. Code §§210, 310);	
22	allocation between Granite and LS&G	Improper opinion (Evid. Code §803).	
23	is not enforced, Granite would be left at		
24	a competitive disadvantage with		
25	respect to the other rock, sand and		
26	gravel producers with the AVAA, who		
27	secured sufficient supplies to continue		
28	their quarry operations. Granite did not		
	and would not have agreed to an		
	allocation that would financially impair		
	Granite’s AVAA quarry operations.”		

//

//



**VI. OBJECTIONS TO DECLARATION OF ROBERT G. KUHS IN OPPOSITION TO LANE FAMILY'S MOTION FOR POST JUDGMENT SUPPLEMENTAL ORDER RE GRANITE CONSTRUCTION COMPANY**

<b>Material Objected To:</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
Kuhs Dec., ¶ 6, lines 5-12: I also spoke to Mr. Chester about the water allocations for Mr. Chester's several other clients including Bruce Burrows. Mr. Chester was very concerned about whether he could obtain an allocation of water for Mr. Burrows following the Phase 4 trial during which Mr. Burrow [sic] could not produce any credible evidence of water use on his peach orchard and stipulated to pumping only 100 AF in 2011 and 2012"	Irrelevant (Evid. Code §§210, 310); Lacks foundation (Evid. Code §403); Hearsay (Evid. Code §1200); Improper secondary evidence (Evid. Code §1521); Improper opinion (Evid. Code §803); Compromise of claim (Evid. Code § 1152); Probative value is outweighed by prejudice (Evid. Code §352); Statements regarding Mr. Chester's "other clients" are irrelevant and should be stricken. (Evid. Code §353).	Sustained: ____  Overruled: ____
Kuhs Dec., ¶ 7, lines 13-16: "During settlement negotiations I, as well as Bob Joyce, counsel for Grimmway, told Mr. Chester that Granite and Grimmway would not support an allocation of water to Mr. Burrows or agree on an allocation of water to Mr. Chester's other clients, unless the parties also reached a global settlement including the allocation between Granite and LS&G. Following this dialogue, I asked Mr. Chester to make Granite a "fair offer" of water allocation between the parties. In response Mr. Chester offered to allocate 90 AF to granite and 144 AF to LS&G. I countered at 100 AF for Granite and 134 AF for LS&G. After some discussion, Mr. Chester stated that LS&G would agree to the 100/134 AF split between Granite and LS&G but that Granite should bear the risk of any further reduction on Exhibit 4, the spreadsheet showing the allocation of	Compromise of claim (Evid. Code §1152); Probative value is outweighed by prejudice (Evid. Code §352); Statements regarding Mr. Chester's "other clients" are irrelevant and should be stricken. (Evid. Code §353).	Sustained: ____  Overruled: ____

1 2 3 4 5 6	productions [ <i>sic</i> ] rights to the adjusted native yield. I responded that Granite would bear the risk of future reductions, but should likewise receive the benefit of any future increased allocation, should that occur. Mr. Chester stated that he would check with his client and advise.”		
7 8 9 10 11 12 13 14 15	Kuhs Dec., ¶ 7, lines 26-27, lines 1-2: Mr. Chester and I then advised the several members of the larger group of settling parties that Granite and LS&G had agreed on an allocation which also resulted in an agreed allocation to Mr. Chester’s other clients. In fact Mr. Burrow received a very generous 295 AF.”	Irrelevant (Evid. Code §§210, 310); Lacks foundation (Evid. Code §403); Hearsay (Evid. Code §1200); Improper secondary evidence (Evid. Code §1521); Improper opinion (Evid. Code §803); Probative value is outweighed by prejudice (Evid. Code §352); Statements regarding Mr. Chester’s other clients are irrelevant and should be stricken. (Evid. Code §353).	Sustained: ____  Overruled: ____
16 17 18 19 20 21 22 23	Kuhs Dec., ¶ 9, lines 15-19: “I also advised Mr. Chester that Granite and other parties such as Grimmway and Bolthouse would not have agreed to give Mr. Chester’s other clients the generous allocations shown on Exhibit 4 if the parties had knows that LS&G would attempt to renege on the agreed allocation reached on March 31, 2014.”	Lacks foundation (Evid. Code §403); Hearsay (Evid. Code §1200); Improper secondary evidence (Evid. Code §1521); Improper opinion (Evid. Code §803); Probative value is outweighed by prejudice (Evid. Code §352); Statements regarding Mr. Chester’s other clients are irrelevant and should be stricken. (Evid. Code §353).	Sustained: ____  Overruled: ____
24 25 26 27 28	Kuh’s Dec., ¶ 11, lines 1-3: “Attached as Exhibit D is a true and correct copy of a September 3, 2014, letter from Ted Chester to me wherein Mr. Chester was again trying to renegotiate the 100/134 AF allocation.”	Offers to compromise (Evid. Code §1152); Lacks foundation (Evid. Code §403); Improper legal conclusion (Evid. Code §310); Improper secondary evidence (Evid. Code §1521);	Sustained: ____  Overruled: ____

	Improper opinion (Evid. Code §803); Exhibit D is objected to on the basis of: Offers to compromise (Evid. Code §1152).	
Kuh's Dec., ¶ 12, lines 4-7: "Attached as Exhibit E is a true and correct copy of my December 10, 2014, letter sent in response to Mr. Chester's September 3, 2014, letter, wherein I indicated that Granite intended to stand by the 100/134 allocation reached between the parties on March 31, 2014."	Offers to compromise (Evid. Code §1152); Improper secondary evidence (Evid. Code §1521); Improper opinion (Evid. Code §803); Exhibit E is objected to on the basis of: Offers to compromise (Evid. Code §1152); Improper legal conclusion (Evid. Code §310).	Sustained: ____ Overruled: ____
Kuh's Dec., ¶ 13, lines 8-9: "Attached as Exhibit F is a true and correct copy of a December 17, 2014, letter sent by Mr. Chester to me responding to my prior letter."	Offers to compromise (Evid. Code §1152); Exhibit F is objected to on the basis of: Offers to compromise (Evid. Code §1152); Improper legal conclusion (Evid. Code §310).	Sustained: ____ Overruled: ____
Kuh's Dec., ¶ 15 lines 18-22: "Following the January 7, 2015, hearing, I, as well as other counsel, including Mr. McLachlan, Bob Joyce and others, made it clear in several phone conversations with Ted Chester that his clients could not be part of the global settlement and simultaneously reserve issues for further litigation between Granite and LS&G."	Improper legal conclusion (Evid. Code §310); Hearsay (Evid. Code § 1200).	Sustained: ____ Overruled: ____
Kuh's Dec., ¶ 16, lines 26-28: "In doing so, LS&G bound itself to the terms of the Stipulation and Judgment and waived any right to litigate any dispute with the stipulating parties, including Granite."	Improper legal conclusion (Evid. Code §310); Improper Opinion (Evid. Code §803).	Sustained: ____ Overruled: ____

<p>Kuh's Dec., ¶ 20, lines 12-18: "I forwarded the email to Michael McLachlan, who likewise told Mr. Chester that the Stipulation was dispositive. Mr. McLachlan went on to inform Mr. Chester that pursuit of the dispute would be a violation of the Stipulation, and that if Mr. Chester did not drop the issue, Mr. McLachlan would file a motion to have LS&amp;G deemed a non-stipulator. A true and correct copy of the email exchange is attached as Exhibit I."</p>	<p>Hearsay (Evid. Code §1200); Improper secondary evidence (Evid. Code §1521); Improper opinion (Evid. Code §803); Exhibit I, itself, is objected to on the basis of: Improper legal conclusion (Evid. Code §310); Hearsay (Evid. Code §1200); Improper secondary evidence.</p>	<p>Sustained: ____  Overruled: ____</p>
<p>Kuh's Dec. ¶ 22, lines 3-7: "On January 27, 2016, I received an email from Mr. Chester wherein Mr. Chester offered to allocate Granite a mere 70 AF of the total 234 AF for Granite's Little Rock Quarry, a true and correct copy of which is attached as Exhibit J."</p>	<p>Offers to compromise (Evid. Code §1152); Exhibit J, itself, is objected to on the basis of: Improper legal conclusion (Evid. Code §310); Hearsay (Evid. Code §1200); Improper secondary evidence.</p>	<p>Sustained: ____  Overruled: ____</p>
<p>Kuh's Dec. ¶ 23, lines 8-15: In summary, Granite and LS&amp;G agreed to an allocation of 100 AF to Granite for Granite's Little Rock Quarry on March 31, 2014. Since that time, LS&amp;G has tried in a variety of ways to coerce Granite into a smaller allocation. Granite has steadfastly refused to decrease or increase its requested allocation in deference to the global settlement and the Stipulation. Nor would Granite have agreed to the allocations on Exhibit 4 to Mr. Chester's other clients had we known that LS&amp;G would attempt to renege on the March 31, 2014 allocation."</p>	<p>Offers to compromise (Evid. Code §1152); Irrelevant (Evid. Code § 210); Hearsay (Evid. Code § 1200); Lacks foundation (Evid. Code § 403); Speculation/lacks personal knowledge (Evid. Code § 702); Legal conclusion (Evid. Code § 310); Probative value is outweighed by prejudice (Evid. Code § 352); Statements regarding Mr. Chester's other clients are irrelevant and should be stricken. (Evid. Code §353).</p>	<p>Sustained: ____  Overruled: ____</p>

**IT IS SO ORDERED:**

Dated: March \_\_\_, 2016

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I, Felicia Herbstreith am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 140 South Lake Avenue, Suite 274, Pasadena, California 91101.

**RULING/ORDER TO LANE FAMILY’S OBJECTIONS TO GRANITE  
CONSTRUCTION COMPANY’S DECLARATIONS IN SUPPORT OF IT OPPOSITION  
TO MOTION FOR POST JUDGMENT SUPPLEMENTAL ORDER** on the interested  
parties in this action by posting the document listed above to the Santa Clara County Superior  
website in regard to the Antelope Valley Groundwater Adjudication matter, pursuant to the  
Electronic Filing and Service Standing Order of Judge Komar.

**Executed on March 14, 2016, at Pasadena, California.**

**[PROPOSED] RULINGS/ORDER TO LANE FAMILY'S OBJECTIONS TO GRANITE CONSTRUCTION  
COMPANY'S DECLARATIONS IN SUPPORT OF ITS OPPOSITION TO MOTION FOR POST  
JUDGMENT SUPPLEMENTAL ORDER**