

1 **MUSICK, PEELER & GARRETT LLP**

2 ATTORNEYS AT LAW
3 ONE WILSHIRE BOULEVARD, SUITE 2000
4 LOS ANGELES, CALIFORNIA 90017-3383
5 TELEPHONE (213) 629-7600
6 FACSIMILE (213) 624-1376

7 Theodore A. Chester, Jr. (State Bar No. 105405)

8 *t.chester@mpglaw.com*

9 Steven Casselberry (State Bar No. 74234)

10 *s.casselberry@mpglaw.com*

11 Stephen R. Isbell (State Bar No. 247151)

12 *s.isbell@mpglaw.com*

13 Attorneys for LITTLE ROCK SAND AND GRAVEL, INC.

14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

17 **ANTELOPE VALLEY GROUNDWATER**
18 **CASES**

19 **INCLUDED ACTIONS:**

20 Los Angeles County Waterworks District No.
21 40 v. Diamond Farming Co., Superior Court of
22 California, County of Los Angeles, Case No.
23 BC325201;

24 Los Angeles County Waterworks District No.
25 40 v. Diamond Farming Co., Superior Court of
26 California, County of Kern, Case No. S-1500-
27 CV-254348;

28 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 Nos. 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. BC364553;

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

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

Judicial Counsel Coordination No. 4408

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

Assigned to Honorable Jack Komar

**SUPPLEMENTAL RESPONSE TO
REQUESTS FOR ADMISSION, SET ONE,
PROPOUNDED BY GRANITE
CONSTRUCTION COMPANY**

1 PROPOUNDING PARTY: GRANITE CONSTRUCTION COMPANY

2 RESPONDING PARTY: LITTLE ROCK SAND AND GRAVEL, INC.

3 SET NO.: ONE

4 Pursuant to the provisions of *Code of Civil Procedure* Section 2033.210, *et seq.*, LITTLE
5 ROCK SAND AND GRAVEL, INC. ("Responding Party" or "Little Rock"), hereby
6 supplementally responds to REQUESTS FOR ADMISSION, SET ONE, propounded by
7 GRANITE CONSTRUCTION COMPANY ("Propounding Party" or "Granite") as follows:

8 **PRELIMINARY STATEMENT**

9 The following Supplemental Responses are made solely for the purpose of this action.
10 Each Supplemental Response is subject to any and all objections to competency, relevance,
11 materiality, propriety, and admissibility. All objections are reserved and may be asserted at the
12 appropriate time, including trial and/or any evidentiary hearings. The Supplemental Responses are
13 based upon information presently available to Responding Party. The fact that Responding Party
14 has responded to or objected to any Request should not be taken as an admission that the Request
15 or Response thereto constitutes admissible evidence. The mere fact that Responding Party has
16 responded to part of or all of any Request shall not constitute a waiver by Responding Party of any
17 objections to the Request.

18 Responding Party has not completed its investigation and discovery of the matters at issue
19 in this action and the responses are based upon its knowledge, information and belief as of this
20 date. Responding Party reserves the right to make further responses if it appears that any omission
21 or error has been made in connection with these responses or in the event future or more accurate
22 information is available. The Supplemental Responses are made without prejudice to the right to
23 present such additional evidence as may be later discovered or evaluated at trial and/or any
24 evidentiary hearings.

25 **GENERAL OBJECTIONS**

26 Responding Party objects to the Requests for Admission to the extent they request any
27 information protected by any privilege, including the attorney-client privilege and attorney work
28 product doctrine. In particular, without waiving the generality of this objection, writings

transmitted by or between Responding Party (or its principals or agents) and its counsel or prepared and/or maintained internally by counsel, or prepared and/or maintained by Responding Party in contemplation or in connection with litigation, will not be referred to in these responses.

RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 10:

GRANITE'S Little Rock Quarry is comprised of both GRANITE'S property adjacent to the LITTLE ROCK PROPERTY and the LITTLE ROCK PROPERTY.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Little Rock objects to this Request on the ground that the term "comprised" renders this Request vague and ambiguous. Additionally, Little Rock objects to this Request on the ground that the undefined term "Little Rock Quarry" is vague and ambiguous. Without waiving this objection, Little Rock responds as follows:

Little Rock admits that Granite operates its quarrying business on the land that Little Rock has leased to Granite since 1987. Little Rock lacks sufficient information to respond to the remainder of this Request, and thus, except as otherwise admitted, Little Rock denies this Request.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Little Rock objects to this Request on the ground that the term "comprised" renders this Request vague and ambiguous. Additionally, Little Rock objects to this Request on the ground that the undefined term "Little Rock Quarry" is vague and ambiguous. Without waiving this objection, Little Rock responds as follows:

Little Rock admits that Granite operates its quarrying business on the land that Little Rock has leased to Granite since 1987. Except to the extent admitted, Little Rock denies the remainder of this Request, because after making reasonable inquiry, the information known and readily obtainable to Little Rock is insufficient to enable it to admit the remainder of the Request.

///

///

///

1083196.1

1 **REQUEST FOR ADMISSION NO. 12:**

2 GRANITE amended its Mining and Reclamation Plan in 2011 to include GRANITE'S
3 land adjacent to the LITTLE ROCK PROPERTY within quarry operations, with YOUR
4 knowledge and consent.

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

6 Little Rock objects to this Request on the ground that it requests information that is neither
7 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without
8 waiving this objection, Little Rock responds as follows:

9 Little Rock lacks sufficient information to respond to this Request and, thus, denies this
10 Request.

11 **SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

12 Little Rock objects to this Request on the ground that it requests information that is neither
13 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without
14 waiving this objection, Little Rock responds as follows:

15 After making reasonable inquiry, the information known and readily obtainable to Little
16 Rock is insufficient to enable it to admit this Request, and on that ground, Little Rock denies this
17 Request.

18
19 DATED: January 4, 2018

MUSICK, PEELER & GARRETT LLP

20
21 By:



22 Theodore A. Chester, Jr.

23 Stephen R. Isbell

24 Attorneys for Plaintiff LITTLE ROCK SAND
25 AND GRAVEL, INC.
26
27
28

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

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES


I have read the foregoing **SUPPLEMENTAL RESPONSE TO REQUESTS FOR ADMISSION, SET ONE, PROPOUNDED BY GRANITE CONSTRUCTION COMPANY** and know its contents.

☒ I am, President of Little Rock Sand and Gravel, Inc., a party to this action, and am authorized to make this verification for and on its behalf. I am informed and believe that the matters stated therein are true.

Executed on January 3, 2018, at Lancaster, California.

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

George M. Lane
Print Name of Signator


Signature

- 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

**STATE OF CALIFORNIA,
COUNTY OF ORANGE**

On January 4, 2018, I served the foregoing document described as: **SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSIONS, SET ONE, PROPOUNDED BY GRANITE CONSTRUCTION COMPANY** on the interested parties in this action by posting the document listed above to the <http://www.avwatermaster.org> website in regard to the Antelope Valley Groundwater Adjudication matter, pursuant to the Electronic Filing and Service Standing Order of Judge Komar and through the OneLegal website (www.onelegal.com).

☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the address listed below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Musick, Peeler & Garrett LLP 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. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Costa Mesa, California.

Robert G. Kuhs
Bernard C. Barmann, Jr.
Kuhs & Parker
1200 Truxtun Ave., Ste. 200
P.O. Box 2205
Bakersfield, CA 93303

Executed on January 4, 2018, at Costa Mesa, California.

/s/	Judy Jacobs
	Judy Jacobs