

1 **MUSICK, PEELER & GARRETT LLP**

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

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

t.chester@mpglaw.com

5 Steven Casselberry (State Bar No. 74234)

s.casselberry@mpglaw.com

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

s.isbell@mpglaw.com

7 Attorneys for LITTLE ROCK SAND AND GRAVEL, INC.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10 **ANTELOPE VALLEY GROUNDWATER**
11 **CASES**

12 INCLUDED ACTIONS:

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

14 Los Angeles County Waterworks District No.
15 40 v. Diamond Farming Co., Superior Court of
California, County of Kern, Case No. S-1500-
16 CV-254348;

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

20 Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40
21 Superior Court of California, County of Los
22 Angeles, Case No. BC364553;

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

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

Judicial Counsel Coordination No. 4408

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

Assigned to Honorable Jack Komar

**RESPONSE TO REQUESTS FOR
PRODUCTION OF DOCUMENTS, SET
THREE, PROPOUNDED BY GRANITE
CONSTRUCTION COMPANY**

1 PROPOUNDING PARTY: GRANITE CONSTRUCTION COMPANY
2 RESPONDING PARTY: LITTLE ROCK SAND AND GRAVEL, INC.
3 SET NO.: THREE

4 Pursuant to California *Code of Civil Procedure* Section 2031.010, et seq., LITTLE ROCK
5 SAND AND GRAVEL, INC. ("Responding Party" or "Little Rock") responds to GRANITE
6 CONSTRUCTION COMPANY's ("Requesting Party" or "Granite") Request for Production of
7 Documents, Set Three, as follows:

8 **PRELIMINARY STATEMENT**

9 The following responses are made solely for the purpose of the above-captioned action.
10 Each response is subject to any and all objections to competency, relevancy, materiality, propriety,
11 and admissibility, and any and all other objections and grounds which would require the exclusion
12 of any response herein if the requests were asked of, or if any statement contained herein was
13 made by, a witness present and testifying in Court, all of which objections and grounds may be
14 interposed at the appropriate time.

15 The following responses and objections are based upon the facts and information now
16 known to Responding Party and shall not in any way be deemed admissions or representations that
17 further facts, information, or witnesses having knowledge relevant to the subject matter of these
18 requests do not exist. As discovery proceeds, Responding Party anticipates that further facts,
19 information, documents and witnesses may be discovered by it or may be determined to be
20 relevant. Without in any way obligating itself to do so, Responding Party reserves the right to
21 alter, supplement, amend or otherwise modify these responses in any way at any time based on
22 facts determined to be relevant or revealed to Responding Party through discovery and further
23 investigation.

24 This Preliminary Statement is incorporated in its entirety into each and every Response and
25 is further incorporated by reference as part of the General Objections.

26 ///

27 ///

28 ///

1083368.1

1 **GENERAL OBJECTIONS**

2 1. Responding Party objects to each and every request to the extent that it seeks, in
3 whole or in part, information constituting or relating to attorney-privilege communications
4 between Responding Party and its counsel, or information within the scope of the attorney work
5 product doctrine, including the opinions, conclusions, thoughts, legal research, strategies, theories
6 and/or mental impressions of Responding Party's attorneys.

7 2. Responding Party objects to each and every request to the extent it seeks
8 information neither relevant to the subject matter of this litigation nor reasonably calculated to
9 lead to the discovery of admissible evidence.

10 3. Responding Party objects to these Requests to the extent that they are overbroad,
11 oppressive, unduly burdensome, irrelevant, immaterial, meant to harass, and not reasonably
12 calculated to lead to the discovery of admissible evidence.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

15 **REQUEST FOR PRODUCTION NO. 29:**

16 All DOCUMENTS identified in YOUR response to GRANITE'S Special Interrogatories,
17 Set One.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

19 Little Rock Sand and Gravel, Inc. objects to this Request on the following grounds: (1) the
20 Request demands documents that are equally available to and/or already in the possession of
21 Granite Construction Company ("Granite"), including documents that Little Rock has already
22 produced to Granite, and as such, this Request is unduly burdensome; and (2) it demands
23 documents that contain settlement communications that are confidential under *Evidence Code*
24 section 1152 and, as such, are not relevant nor reasonably calculated to lead to the discovery of
25 admissible evidence. Without waiving these objections, Little Rock responds as follows:

26 ///

27 ///

28 ///

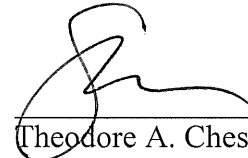
1083368.1

1 All documents responsive to this Request have already been produced by Little Rock
2 and/or are already in Granite's possession, including the parties' filings in the Antelope Valley
3 Groundwater Cases.

4
5 DATED: January 2, 2018

MUSICK, PEELER & GARRETT LLP

6
7 By:



8 Theodore A. Chester, Jr.

9 Stephen R. Isbell

10 Attorneys for Plaintiff LITTLE ROCK SAND
11 AND GRAVEL, INC.
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 **RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS, SET THREE, PROPOUNDED BY GRANITE CONSTRUCTION COMPANY** and know its contents.

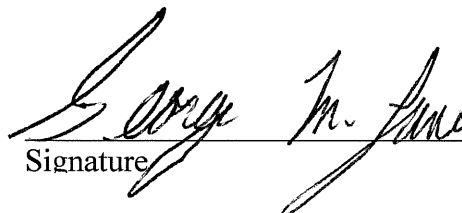
☒ I am, President of Little Rock Sand and Gravel, Inc., a party to this action, and am authorized to make this verification for and on its behalf. I am informed and believe that the matters stated therein are true.

Executed on January 10, 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

Antelope Valley Groundwater Cases
Santa Clara County Case No. 1-05-CV-049053
Judicial Council Coordination (“JCCP”) No. 4408
California Court of Appeal, Fourth District, Division Two, Case No. E065512

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is Musick Peeler & Garrett LLP, 650 Town Center Drive, Suite 1200, Costa Mesa, CA 92626-1925.

On January 2, 2018, I served the foregoing document described as: **RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS, SET THREE, 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 TwoLegal website (www.Twolegal.com).

The file transmission was reported as complete to all parties appearing on the <http://www.avwatermaster.org> electronic service list and (www.Twolegal.com) for the Antelope Valley Groundwater Cases, Case No. 2005-1-CV-049053; JCCP 4408.

☒ **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.

Attorneys for Granite Construction Company:
Robert G. Kuhs
Bernard C. Barmann, Jr.
Kuhs & Parker
1200 Truxtun Ave., Ste. 200
P.O. Box 2205
Bakersfield, CA 93303

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

Executed on January 12, 2018, at Costa Mesa, California.

/s/	Judy Jacobs
	Judy Jacobs