

1 James W. Lewis (SBN 207599)
TAYLOR & RING
2 10900 Wilshire Boulevard, Suite 920
Los Angeles, California 90024
3 Telephone: (310) 209-4100
Facsimile: (310) 208-5052
4
Attorneys for Cross-defendants,
5 LITTLE ROCK SAND AND GRAVEL, INC.,
a California Corporation;
6 THE GEORGE AND CHARLENE LANE FAMILY TRUST;
THE FRANK AND YVONNE LANE 1993 FAMILY
7 TRUST, DATED MARCH 5, 1993, AS RESTATED
JULY 20, 2000; MONTE VISTA BUILDING SITES, INC.,
8 a California Corporation; A.V. MATERIALS, INC.,
a California Corporation; A.C. WARNACK,
9 as Trustee of the A.C. WARNACK TRUST;
HOLLIDAY ROCK CO., INC.,
10 successor in interest to
LITTLEROCK AGGREGATE CO., INC. dba
11 ANTELOPE VALLEY AGGREGATE, INC.;
LITTLEROCK AGGREGATE CO., INC. dba
12 ANTELOPE VALLEY AGGREGATE, INC.

13 William M. Smiland, Esq., SNB 41928
Theodore A. Chester, Jr., Esq. SBN 105405
14 SMILAND CHESTER LLP
601 West Fifth Street, Suite 1100
15 Los Angeles, CA 90071
Telephone: (213) 891-1010
16 Facsimile: (213) 891-1414
Attorneys for Cross-defendants Landinv, Inc.
17 Bruce Burrows and 300 A 40 H, LLC

18
19 SUPERIOR COURT OF THE STATE OF CALIFORNIA

20 FOR THE COUNTY OF LOS ANGELES

21 ANTELOPE VALLEY GROUNDWATER CASES) Judicial Council Coordination No.
22) 4408
23 Included Actions:)
24 Los Angeles County Waterworks) Santa Clara County Case No.
District No. 40 v. Diamond) 1-05-CV-049053
[Assigned to the Honorable Jack

1	Farming Co. Superior Court of	)	Komar]
	California County of Los Angeles,)	
2	Case No. BC 325 201	)	EX PARTE APPLICATION FOR
		)	APPROVAL AND ENTRY OF
3	Los Angeles County Waterworks 2	)	STIPULATIONS OF FACTS FOR TRIAL
	District No. 40 v. Diamong	)	PURSUANT TO CASE MANAGEMENT
4	Farming Co. Superior court of	)	ORDER FOR PHASE IV TRIAL;
	Califronia, County of Kern, Case	)	DECLARATION OF JAMES W. LEWIS IN
5	No. S-1500-CV-254-348	)	SUPPORT THEREOF
)	
6	Wm. Bolthouse Farms, Inc. V. City	)	Date: March 25, 2013
	of Lancaster Diamong Farming Co.	)	Time: 9:00 a.m.
7	V. City of Lancaster Diamond	)	Dept.: "1" Los Angeles Superior
	Farming Co. V. Palmdale Water	)	Court
8	Dist. Superior Court of)	
	California, County of Riverside,)	
9	consolidated actions, Case No.)	
	RIC 353 840, RIC 344 436, RIC 344)	
10	668)	

PLEASE TAKE NOTICE that cross-defendants LITTLE ROCK SAND AND GRAVEL, INC., HOLLIDAY ROCK CO., INC., successor in interest to LITTLEROCK AGGREGATE CO., INC. dba ANTELOPE VALLEY AGGREGATE, INC., LITTLEROCK AGGREGATE CO., INC. dba ANTELOPE VALLEY AGGREGATE, INC., THE FRANK AND YVONNE LANE 1993 FAMILY TRUST, DATED MARCH 5, 1993, AS RESTATED JULY 20, 2000, THE GEORGE AND CHARLENE LANE FAMILY TRUST, MONTE VISTA BUILDING SITES, INC., A.V. MATERIALS, INC. and Cross-defendants LANDINV, INC., BRUCE BURROWS and 300 A 40 H, LLC (collectively "Moving Parties") will and hereby do apply ex parte for this court to approve and enter the following stipulations of facts for trial, pursuant to the Case Management Order for the Phase IV Trial, as evidence in the record of the Phase IV Trial of this matter:

1 1. Stipulation of Facts for Trial Pursuant to Case
2 Management Order for Phase IV Trial dated February 28, 2013,
3 which is attached hereto as Exhibit "1", and entered into
4 between Landinv, Inc. and Palmdale Water District.

5 2. Stipulation of Facts for Trial Pursuant to Case
6 Management Order for Phase IV Trial dated February 28, 2013,
7 which is attached hereto as Exhibit "2", and entered into
8 between Littlerock Sand & Gravel, et al. and Palmdale Water
9 District.

10 3. Stipulation of Facts for Trial Pursuant to Case
11 Management Order for Phase IV Trial dated March 15, 2013, which
12 is attached hereto as Exhibit "3", and entered into between the
13 Moving Parties to this application.

14 The Moving Parties bring this ex parte application pursuant
15 to Code of Civil Procedure section 128(a), California Rules of
16 Court, rules 3.1203 and 3.1204, and pursuant to the court's
17 March 1, 2013 minute order.

18 This application is based on the stipulations attached
19 hereto as Exhibits 1-3, this ex parte application, the
20 Declaration of James W. Lewis, and on such oral and documentary
21 evidence as may be presented at the hearing of this application.

22 Timely notice of this application was given to all parties
23 in this case. [See Declaration of James W. Lewis] The
24 electronic addresses of the parties served with this application

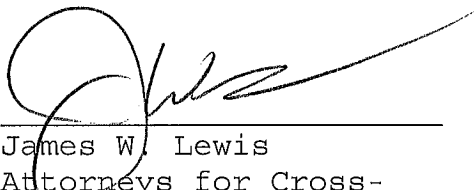
1 are as stated in the Superior Court E-Filing system as ordered
2 by this court.

3 The moving parties respectfully request that the court
4 grant and approve their stipulations and order them entered as
5 evidence in the Phase IV Trial record.

6 Dated: March 15, 2013

TAYLOR & RING

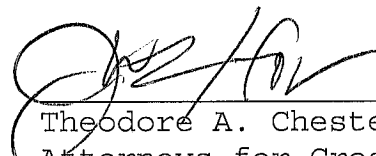
7
8 By:


James W. Lewis
Attorneys for Cross-
Defendants HOLLIDAY ROCK
CO., INC., successor in
interest to LITTLEROCK
AGGREGATE CO., INC. dba
ANTELOPE VALLEY
AGGREGATE, INC.; THE
FRANK AND YVONNE LANE
1993 FAMILY TRUST, DATED
MARCH 5, 1993, AS
RESTATED JULY 20, 2000,
successor in interest to
FRANK A. LANE, ROE 612;
THE GEORGE AND CHARLENE
LANE FAMILY TRUST,
Successor in interest to
George M. Lane, Roe 316;
MONTE VISTA BUILDING
SITES, INC., a
California Corporation;
A.V. MATERIALS, INC., a
California Corporation,
ROE 9; A.C. WARNACK,
as Trustee of the A.C.
WARNACK TRUST; LITTLE
ROCK SAND AND GRAVEL,
INC.

1 Dated: March 15, 2013

SMILAND CHESTER LLP

2
3 By:


Theodore A. Chester, Jr.
Attorneys for Cross-
Defendants Landinv, Inc.
Bruce Burrows and 300 A
40 H, LLC

1 DECLARATION OF JAMES W. LEWIS

2 I, James W. Lewis, hereby declare as follows:

3 1. I am an attorney duly licensed to practice before all
4 of the courts of the State of California, and I am an attorney
5 at the law offices of Taylor & Ring, LLP, counsel of record for
6 LITTLE ROCK SAND AND GRAVEL, et al. I have personal knowledge of
7 the facts stated herein and if called upon to do so, I could and
8 would competently testify under oath as to those matters set
9 forth in this declaration.

10 2. I make this declaration in support of this ex parte
11 application for approval and entry of stipulations of facts for
12 trial pursuant to the case management order for Phase IV Trial.

13 3. The moving parties have each filed declarations in
14 this coordinated action pursuant to the court's First Amendment
15 to Case Management Order for Phase Four Trial dated January 22,
16 2013.

17 4. Attached hereto as Exhibit "1" is a true and correct
18 copy of the Stipulation of Facts for Trial Pursuant to Case
19 Management Order for Phase IV Trial dated February 28, 2013,
20 which was entered into between Landinv, Inc. and Palmdale Water
21 District.

22 5. Attached hereto as Exhibit "2" is a true and correct
23 copy of the Stipulation of Facts for Trial Pursuant to Case
24 Management Order for Phase IV Trial dated February 28, 2013,

1 which was entered into between Littlerock Sand & Gravel, et al.
2 and Palmdale Water District.

3 6. Attached hereto as Exhibit "3" is a true and correct
4 copy of the Stipulation of Facts for Trial Pursuant to Case
5 Management Order for Phase IV Trial dated March 15, 2013, which
6 was entered into between the Moving Parties.

7 7. Pursuant to the court's March 1, 2013 minute order, on
8 March 15, 2013 I caused to be filed with the court this ex parte
9 application giving notice to all counsel by posting on the
10 court's website the date and time of this ex parte application,
11 as well as the relief requested, and the grounds on which the
12 application is being made.

13 I declare under penalty of perjury under the laws of the
14 State of California that the foregoing is true and correct.
15 Executed this 15th day of March, 2013, at Los Angeles,
16 California.

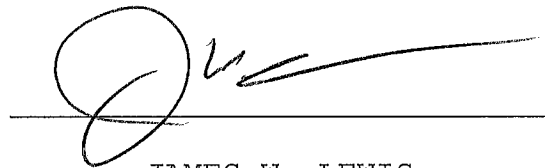
17 
18 JAMES W. LEWIS

EXHIBIT "1"

1 SMILAND CHESTER LLP.
2 William M. Smiland, Esq., SBN 41928
3 Theodore A. Chester, Jr., Esq., SBN 105405
4 601 West Fifth Street, Suite 1100
5 Los Angeles, California 90071
6 Telephone: (213) 891-1010
7 Facsimile: (213) 891-1414

8 Attorneys for Landinv, Inc.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11 Coordination Proceeding Special Title
12 (Rule 1550 (b))

13 ANTELOPE VALLEY GROUNDWATER
14 CASES

15 Included **CONSOLIDATED** Actions:

16 Los Angeles County Waterworks District No.
17 40 vs. Diamond Farming Company
18 Los Angeles Superior Court Case No.
19 BC325201

20 Los Angeles County Waterworks District No.
21 40 vs. Diamond Farming Company
22 Kern County Superior Court Case No. S-1500-
23 CV-254348 NFT

24 Diamond Farming Company vs. City of
25 Lancaster
26 Riverside County Superior Court Lead Case
27 No. RIC 344436 [Consolidated w/ Case Nos.
28 344668 & 353840]

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

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

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

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

**STIPULATION OF FACTS FOR TRIAL
PURSUANT TO CASE MANAGEMENT
ORDER FOR PHASE IV TRIAL**

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Declaration of Yogesh Radia Relating to Property Owned By Landinv, Inc. dated February 12, 2013.

SMILAND CHESTER LLP

By: Theodore A. Chester
Attorneys for Landinv, Inc.

LAGERLOF SENEAL GOSNEY
& KRUSE

By: Thomas S. Bunn III
Thomas Bunn III
Attorneys for Cross-Defendant
Palmdale Water District

EXHIBIT "2"

James W. Lewis (SBN 207599)
TAYLOR & RING
10900 Wilshire Boulevard, Suite 920
Los Angeles, California 90024
Telephone: (310) 209-4100
Facsimile: (310) 208-5052

Attorneys for Cross-defendants,
LITTLE ROCK SAND AND GRAVEL, INC.,
a California Corporation;
THE GEORGE AND CHARLENE LANE FAMILY TRUST;
THE FRANK AND YVONNE LANE 1993 FAMILY
TRUST, DATED MARCH 5, 1993, AS RESTATED
JULY 20, 2000; MONTE VISTA BUILDING SITES, INC.,
a California Corporation; A.V. MATERIALS, INC.,
a California Corporation; A.C. WARNACK,
as Trustee of the A.C. WARNACK TRUST;
HOLLIDAY ROCK CO., INC.,
successor in interest to
LITTLEROCK AGGREGATE CO., INC. dba
ANTELOPE VALLEY AGGREGATE, INC.;
LITTLEROCK AGGREGATE CO., INC. dba
ANTELOPE VALLEY AGGREGATE, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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. BC 325 201

Los Angeles County Waterworks 2
District No. 40 v. Diamond
Farming Co. Superior court of
California, County of Kern, Case
No. S-1500-CV-254-348

Judicial Council Coordination No.
4408

For filing purposes only:
Santa Clara County Case No.
1-05-CV-049053

[Assigned to the Honorable Jack
Komar]

STIPULATION OF FACTS FOR TRIAL
PURSUANT TO CASE MANAGEMENT
ORDER FOR PHASE IV TRIAL

1 Wm. Bolthouse Farms, Inc. V. City }
2 of Lancaster Diamond Farming Co. }
3 V. City of Lancaster Diamond }
4 Farming Co. V. Palmdale Water }
5 Dist. Superior Court of }
6 California, County of Riverside, }
7 consolidated actions, Case No. }
8 RIC 353 840, RIC 344 436, RIC 344 }
9 668

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STIPULATION

IT IS HEREBY STIPULATED by and through the parties to this stipulation, through their counsel of record, that the facts set forth in the following declarations are true and require no proof at the Phase IV trial in this matter:

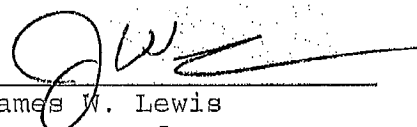
1. Declaration of George M. Lane in Lieu of Deposition Testimony for Phase 4 Trial, dated January 31, 2013, as corrected by the Notice of Errata on February 5, 2013;
2. Declaration of Blake McCullough-Sanden Re Phase 4 Trial dated January 31, 2013.

IT IS SO STIPULATED:

Dated: February 28, 2013

TAYLOR & RING

By:


James W. Lewis
Attorneys for Cross-
Defendants HOLLIDAY ROCK
CO., INC., successor in
interest to LITTLEROCK
AGGREGATE CO., INC. dba
ANTELOPE VALLEY
AGGREGATE, INC.; THE
FRANK AND YVONNE LANE
1993 FAMILY TRUST, DATED
MARCH 5, 1993, AS
RESTATED JULY 20, 2000,

1 successor in interest to
2 FRANK A. LANE, ROE 612;
3 THE GEORGE AND CHARLENE
4 LANE FAMILY TRUST,
5 Successor in interest to
6 George M. Lane, Roe 316;
7 MONTE VISTA BUILDING
8 SITES, INC., a
9 California Corporation;
10 A.V. MATERIALS, INC., a
11 California Corporation,
12 ROE 9; A.C. WARNACK,
13 as Trustee of the A.C.
14 WARNACK TRUST; LITTLE
15 ROCK SAND AND GRAVEL,
16 INC.

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18
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24
Dated: February 28, 2013

LAGERLOF SENEAL GOSNEY &
KRUSE

By:

Thomas L. Bunn III

Thomas Bunn III
Attorneys for Cross-
Defendant, Palmdale
Water District

EXHIBIT “3”

1 William M. Smiland, Esq., SBN 41928
Theodore A. Chester, Jr., Esq., SBN 105405
2 SMILAND CHESTER LLP
601 West Fifth Street, Suite 1100
3 Los Angeles, California 90071
Telephone: (213) 891-1010
4 Facsimile: (213) 891-1414
Attorneys for Landinv, Inc.
5 Bruce Burrows and 300 A 40 H, LLC

6 James W. Lewis, Esq. (SBN 207599)
TAYLOR & RING, LLP
7 10900 Wilshire Blvd., Suite 920
8 Los Angeles, CA 90024
Telephone: (310) 209-4100
9 Facsimile: (310) 208-5052
Attorneys for Little Rock Sand and Gravel, Inc., et al.
10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

13 Coordination Proceeding Special Title
14 (Rule 1550 (b))

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

15 **ANTELOPE VALLEY GROUNDWATER**
16 **CASES**

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

17 Included **CONSOLIDATED** Actions:

**STIPULATION OF FACTS FOR TRIAL
PURSUANT TO CASE MANAGEMENT
ORDER FOR PHASE IV TRIAL**

18 Los Angeles County Waterworks District No.
19 40 vs. Diamond Farming Company
Los Angeles Superior Court Case No.
20 BC325201

21 Los Angeles County Waterworks District No.
22 40 vs. Diamond Farming Company
Kern County Superior Court Case No. S-1500-
23 CV-254348 NFT

24 Diamond Farming Company vs. City of
25 Lancaster
Riverside County Superior Court Lead Case
26 No. RIC 344436 [Consolidated w/ Case Nos.
27 344668 & 353840]
28

1 Willis v. Los Angeles County Waterworks)
2 District No. 40; Los Angeles Superior Court)
3 Case No. BC 364553)
4 Wood v. Los Angeles County Waterworks)
5 District No. 40; Los Angeles Superior Court)
6 Case No. BC 391869)

7 **STIPULATION**

8 **IT IS HEREBY STIPULATED** by and through the parties to this stipulation, through
9 their counsel of record, that the facts set forth in the following declarations are true and require
10 no proof at the Phase IV Trial in this matter:

11 1. Declaration of Yogesh Radia Relating to Property Owned By Landinv, Inc. dated
12 February 12, 2013;

13 2. Declaration of Bruce Burrows dated March 14, 2013;

14 3. Declaration of George M. Lane in Lieu of Deposition Testimony for Phase 4
15 Trial, dated January 31, 2013, as corrected by the Notice of Errata on February 5, 2013;

16 4. Declaration of Blake McCullough-Sanden Re Phase 4 Trial dated January 31,
17 2013;

18 5. Declaration of Robert J. Pluss in Lieu of Deposition Testimony for Phase 4 Trial
19 dated January 31, 2013;

20 6. Declaration of Dean Browning in Lieu of Deposition Testimony for Phase 4 Trial
21 dated January 31, 2013; and

22 7. Declaration of John Holliday in Lieu of Deposition Testimony for Phase 4 Trial
23 dated January 31, 2013.

24 8. Declaration of Peter H. Pouwels in Lieu of Deposition Testimony for Phase 4
25 Trial dated January 31, 2013.

26 //

27 //

1 Dated: March 15, 2013

SMILAND CHESTER LLP

2
3 By: 

Theodore A. Chester
Attorneys for Landinv, Inc., Bruce
Burrows and 300 A 40 H, LLC

4
5
6 Dated: March 15, 2013

TAYLOR & RING

7
8 By: 

James W. Lewis
Attorneys for Cross-Defendants
Little Rock Sand and Gravel, Inc.,
The George and Charlene Lane
Family Trust, The Frank and Yvonne
Lane 1993 Family Trust, Monte
Vista Building Sites, Inc., A.V.
Materials, Inc., A.C. Warnack,
Holliday Rock Co., Inc. successor in
interest to Littlerock Aggregate Co.,
dba Antelope Valley Aggregate, Inc.,
Littlerock Aggregate Co., dba
Antelope Valley Aggregate, Inc.

PROOF OF SERVICE
(C.C.P. 1013A, 2015.5)

STATE OF CALIFORNIA

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 10900 Wilshire Boulevard, Suite 920, Los Angeles, California 90024.

On March 15, 2013, I served the foregoing document, described as:

STIPULATION OF FACTS FOR TRIAL PURSUANT TO CASE MANAGEMENT ORDER FOR PHASE IV TRIAL

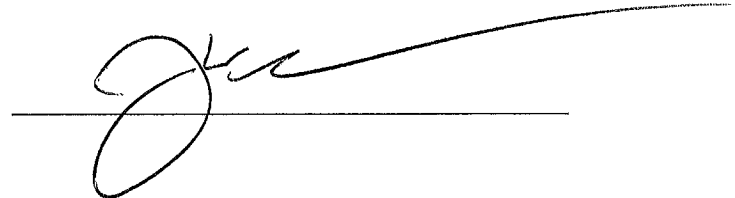
on the interested parties in this action in the following manner:

X BY ELECTRONIC SERVICE AS FOLLOWS by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

Executed on March 15, 2013 at Los Angeles, California.

XX (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

James W. Lewis



PROOF OF SERVICE
(C.C.P. 1013A, 2015.5)

STATE OF CALIFORNIA

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 10900 Wilshire Boulevard, Suite 920, Los Angeles, California 90024.

On March 15, 2013, I served the foregoing document, described as:

**EX PARTE APPLICATION FOR APPROVAL AND ENTRY OF STIPULATIONS OF FACTS
FOR TRIAL PURSUANT TO CASE MANAGEMENT ORDER FOR PHASE IV TRIAL;
DECLARATION OF JAMES W. LEWIS**

on the interested parties in this action in the following manner:

X **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

Executed on March 15, 2013 at Los Angeles, California.

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James W. Lewis

