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**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 4/5/2018 5:24 PM
Reviewed By: R. Walker
Case #2014-1-CV-265039
Envelope: 1385295**

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SANTA CLARA

10 * * *

11 STEINBECK VINEYARDS #1, LLC, et al.,
12 Plaintiffs,

13 vs.

14 COUNTY OF SAN LUIS OBISPO, et al.,
15 Defendants.

16 -----
17 ROBERT EIDEMILLER,
18 Plaintiff,

19 vs.

20 COUNTY OF SAN LUIS OBISPO, et al.,
21 Defendants.

CASE NO. 1-14-CV-265039
(Consolidated with Case No. 1-14-CV-269212)

**NOTICE OF MOTION AND MOTION TO
COMPEL FURTHER RESPONSES TO
REQUESTS FOR PRODUCTION OF
DOCUMENTS SETS TWO AND THREE;
SEPARATE STATEMENT;
DECLARATION OF RICHARD G.
ZIMMER IN SUPPORT THEREOF;
[PROPOSED] ORDER**

**DATE: April 27, 2017
TIME: 10:00 a.m.
DEPT: 19**

TRIAL DATE: August 27, 2018
TIME: 9:00 a.m.
DEPT: 19 Hon. Peter H. Kirwan

22
23 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

24 PLEASE TAKE NOTICE that on April 27, 2018 at 8:30 A.M., in Department 19 of the
25 above-entitled Court, located at 191 N. 1st Street in the City of San Jose, State of California,
26 Plaintiffs, STEINBECK VINEYARDS #1, LLC. ("Plaintiffs"), will and hereby do move this Court
27 for an Order compelling COUNTY OF SAN LUIS OBISPO ("Defendant"), to respond and produce
28 documents pursuant to Plaintiff's Request for Production of Documents, Set No. Two, No. 201 and

1 Request for Production of Documents, Set No. Three, Nos. 209, 213, 216, and 220. (Hereinafter
2 "Plaintiffs Discovery")

3 This Motion is made pursuant to *Code of Civil Procedure* §§2031.010, 2031.210, 2031.230
4 and 2031.310, on the grounds that:

5 1. The information sought by Plaintiffs' Discovery is material and relevant to the issues
6 herein, is reasonably calculated to lead to the discovery of evidence, and is related to discoverable,
7 non-privileged matters;

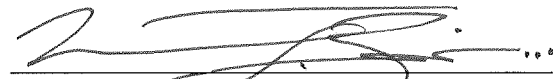
8 2. Defendant has failed to provide an acceptable response and production of any and all
9 WRITINGS (As defined by Plaintiffs' Discovery, attached as Exhibits "A" and "B" respectively, to
10 the Declaration of Richard G. Zimmer filed with this Motion) in response to Plaintiffs' Discovery by
11 failing to provide all well information related to the groundwater basin and/or watershed including
12 but not limited to drilling, pumping, borehole depth, pump depth, screen depth, groundwater depth,
13 and well locations. Plaintiffs have met and conferred with Defendant on multiple occasions in an
14 attempt to resolve this matter informally, and those efforts have failed.

15 This Motion is made based upon this Notice of Motion, the Memorandum of Points and
16 Authorities, the Declaration of Richard G. Zimmer, any and all pleadings, papers, and records on file
17 herein, and upon any and all other oral and documentary evidence as may be presented at the hearing
18 of this Motion.

19
20 Dated: April 5, 2018

CLIFFORD & BROWN

21
22
23 By:


24 RICHARD G. ZIMMER, ESQ.
25 WILLIAM T. ZIMMER, ESQ.
26 Attorneys for Plaintiffs
27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 On October 4, 2017, Plaintiffs served Defendant with Plaintiffs' Request for Production of
5 Documents, Set No. Two, No. 201 (see Exhibit A attached to the Declaration of Richard G. Zimmer
6 (hereinafter "Zimmer Declaration") filed with this Motion), and Plaintiff's Request for Production of
7 Documents, Set No. Three, Nos. 209, 213, 216, and 220 served on November 27, 2017 (see Exhibit B
8 attached to Zimmer Declaration) (hereinafter "Plaintiffs' Discovery"). Plaintiffs' Discovery was
9 propounded to obtain relevant, discoverable and critically important well information from the
10 groundwater basin and watershed at issue in this litigation used by experts to evaluate safe yield and
11 overdraft. Defendant served written responses and production of documents in response to Plaintiffs'
12 Discovery as follows: Set Two on November 7, 2017 (see Exhibit C attached to Zimmer Declaration)
13 and Set Three on January 18, 2018 (see Exhibit D attached to Zimmer Declaration) (hereinafter
14 "Defendant's Responses"). Defendant's Responses were served with several objections and failed to
15 produce complete well information based upon claimed confidentiality.

16 Plaintiffs request that this Court issue an Order compelling Defendant to produce any and all
17 writings responsive to Plaintiffs' Discovery. The writings requested are critical to evaluating safe
18 yield and overdraft which is necessary to defending against Defendants' prescription claims.
19 Plaintiffs' Discovery is relevant to the issues herein or reasonably calculated to lead to the discovery
20 of evidence, is necessary to adjudication of the claims at issue and the writings requested are not
21 privileged. Failing to require production of this information deprives Plaintiffs and their experts of
22 the ability to evaluate data bearing on the condition of the Paso Robles' groundwater supply and to
23 defend the prescription claims. Plaintiffs are entitled to all information in Defendant's possession and
24 control the same as all of the Defendants' experts who already have this information. Failure to
25 require production of this information also will allow Defendants and their experts to unfairly pick
26 and choose selective limited information beneficial to their claims, while simultaneously depriving
27 Plaintiffs and their experts of the opportunity to analyze this crucial data, and to defend against
28 Defendants' prescription claims.

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II.

**THE COURT HAS THE AUTHORITY TO COMPEL RESPONSES
TO DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS**

Code of Civil Procedure section 2031.010 provides:

(a) Any party may obtain discovery within the scope delimited by Chapter 2 (commencing with Section 2017.010), and subject to the restrictions set forth in Chapter 5 (commencing with Section 2019.010), by inspecting, copying, testing, or sampling documents, tangible things, land or other property, and electronically stored information in the possession, custody, or control of any other party to the action.

(b) A party may demand that any other party produce and permit the party making the demand, or someone acting on the demanding party's behalf, to inspect and to copy a document that is in the possession, custody, or control of the party on whom the demand is made.

...

Code of Civil Procedure section 2031.310 provides:

(a) On receipt of a response to a demand for inspection, copying, testing, or sampling, the demanding party may move for an order compelling further response to the demand if the demanding party deems that any of the following apply:

- (1) A statement of compliance with the demand is incomplete.
- (2) A representation of inability to comply is inadequate, incomplete, or evasive.
- (3) An objection in the response is without merit or too general.

...

Pursuant to *CCP* §2031.310, the Court has explicit authority to compel responses to Plaintiffs' Discovery. Defendant's objections are without merit and there has been no basis provided for alleged confidentiality. Even if Defendant had agreed to keep information confidential, that agreement does not bind the court nor prevent the court from ordering disclosure of evidence critical to defense of Defendants' prescription claims. The Defendants are making prescription claims, have provided well information to each other and have provided this information to their experts in an attempt to prove safe yield, overdraft and prescription against Plaintiffs. The same information provided to Defendants and their experts cannot be denied to plaintiffs who must defend the prescription claims. A motion to compel production of this information is not only appropriate but compelled pursuant to *CCP* §2031.310(a) (3) because each of Defendant's objections lack merit.

1 As set forth in the Zimmer Declaration filed with this Motion, Plaintiffs have complied with
2 CCP §2016.040 by meeting and conferring with Defendant on multiple occasions in advance of filing
3 this Motion. Defendant admits that it has possession and control over the well information requested
4 and admits that it provided this information to the other Defendants and to Defendants' experts.
5 However, Defendant refuses to provide the information to Plaintiffs for review by Plaintiffs and their
6 experts. Defendant initially indicated it would produce the well records based upon a confidentiality
7 agreement which Defendant agreed to initiate. In a later conversation, Defendant's attorney advised
8 that a confidentiality agreement was not sufficient and that Defendant would not release the records
9 without a court order. Defendant's failure to provide the Documents it admits to possessing, along
10 with Defendant's insistence on Plaintiff obtaining a court order to receive the information requested,
11 has resulted in this Motion.

12 IV.

13 **THE REQUESTED WELL RECORDS ARE RELEVANT**
14 **TO THE MATTERS AT ISSUE OR REASONABLY CALCULATED**
15 **TO LEAD TO ADMISSABLE EVIDENCE AND MUST BE PRODUCED**

16 As explained in the Zimmer Declaration, Defendants in the above-captioned matter are
17 making prescription claims against Plaintiffs. Well information is critical to expert evaluation of safe
18 yield and alleged overdraft necessary in an attempt to prove prescription, Defendant has provided the
19 well information to Defendants and their experts but refused to provide the information to Plaintiffs.
20 The analysis of groundwater elevation data geographically over the basin area and surrounding
21 watershed and over time in wells is an intrinsic part of analyzing the hydrogeology of any
22 groundwater basin and whether that basin is in overdraft. Two important ways these data are used is
23 in creating groundwater elevation contour maps and in generating well hydrographs. Groundwater
24 elevation data are used to construct groundwater elevation maps. The groundwater elevation contour
25 maps are used to identify the directions of groundwater flow as groundwater flows from a higher
26 pressure or elevation to a lower pressure or elevation. The groundwater elevation contour maps also
27 are used to understand the impacts of groundwater pumping on the supply (areas of high pumping
28 lower the water elevation and create a cone of depression). The elevation maps from two different

1 periods in time can be used to calculate the change in groundwater storage and whether the amount of
2 groundwater in storage is increasing or decreasing.

3 Groundwater elevation data are also used to construct graphs that depict the change in
4 groundwater elevation over time in a well. These graphs are called groundwater hydrographs.
5 Hydrographs are used by hydrogeologists to better understand how the groundwater basin and the
6 amount of groundwater in storage is changing over time in response to important events such as
7 pumping and groundwater recharge. Well hydrographs are also used to understand how basins are
8 interconnected from one area to another and across features such as faults. Well hydrographs are
9 fundamental in understanding whether the groundwater basin is in overdraft or if there is a surplus in
10 the supply.

11 Previous groundwater studies regarding the Paso Robles groundwater basin have relied upon
12 groundwater elevation data to form conclusions about groundwater conditions and whether the
13 groundwater supply is increasing or decreasing. In fact, it would be very unusual for a thorough
14 groundwater study not to include a detailed evaluation of groundwater elevations in the form of
15 elevation maps and well hydrographs. Every groundwater study that evaluates the change in the
16 supply over the years relies on groundwater elevation data. In 1971, the California Department of
17 Water Resources (DWR) prepared a Preliminary Evaluation of the Water Supply of the Arroyo
18 Grande and Paso Robles Area and in 1979 they prepared their study Groundwater in the Paso Robles
19 Basin. DWR relied upon changes in groundwater elevation data over time to calculate the change in
20 storage in both studies. In 1998, the San Luis Obispo County Master Water Plan Update was
21 published. One of the recommendations from this report was to continue to collect spring and fall
22 groundwater elevation data in wells throughout the Paso Robles Basin. The report states that these
23 are an important indicator of whether the basin is in overdraft and one of the most reliable indicators
24 of basin status. In 2002, Fugro used the groundwater elevation data to calculate the change in storage
25 in the Paso Robles groundwater basin. As Fugro states in their 2002 report, the groundwater storage
26 calculations are based on three parameters, the specific yield (a measure of the amount of water in a
27 unit volume of aquifer), water elevation contours, and basin boundaries. In 2005, Fugro and their
28 subcontractor ETIC developed a groundwater flow model of the Paso Robles groundwater basin.
The Fugro team relied on groundwater elevation contour maps and well hydrographs to calibrate their

1 groundwater flow model and to evaluate the safe yield of the Paso Robles Basin. In 2007, Todd
2 Engineers prepared an update for the Paso Robles groundwater basin and reviewed over 200
3 groundwater hydrographs to evaluate groundwater conditions in the Basin. Todd used the
4 groundwater elevations to calculate the change in storage. In Mr. Gus Yates' 2010 review of the
5 previous groundwater reports for the Paso Robles groundwater basin, he used groundwater elevation
6 trends to evaluate basin conditions and the relationship between pumping, recharge and basin yield.
7 Finally, Geosciences Services Support Inc. and Johnson Yeh (GSSI) selected over 100 groundwater
8 hydrographs to calibrate their 2014 groundwater model of the Paso Robles groundwater basin. GSSI
9 relied on hydrographs to re-calibrate their model in 2016.

10 Plaintiffs' Discovery specifically requested well data because, as noted above, this data is
11 essential to evaluation of safe yield, overdraft and the prescription claims. A true and correct copy of
12 requests for production directed to well information is included in the Separate Statement attached to
13 the Motion, including the objections asserted and Plaintiffs' responses thereto. The parties have met
14 and conferred multiple times regarding the issue and it appears that the confidentiality objection is
15 what is currently being relied upon as a basis not to disclose well information.

16 San Luis Obispo County, City of Paso Robles and the other Defendants have this information
17 in their possession and control as a result of numerous studies regarding the groundwater basin from
18 the early 1980s to the present time. This information has been used by multiple experts doing work
19 for San Luis Obispo County, City of Paso Robles and the other Defendants to evaluate the
20 groundwater supply in the Paso Robles Basin. Information provided in the meet and confer process
21 indicated that the well information has been provided to all of the Defendants' experts and provided
22 to all of the Defendants' attorneys or their representatives. As noted above, this information is
23 critical to evaluating Defendants' claims and with regard to expert analysis, which is necessary to
24 evaluate Defendants' prescription claims.

25 Each of the Defendants have refused to provide complete well information based upon alleged
26 confidentiality agreements. However, the other Defendants have agreed to abide by any ruling of this
27 court ordering disclosure of the records. Plaintiffs requested copies of the claimed confidentiality
28 agreements. The claimed confidentiality agreements have never been provided and cannot in any

1 event block a party's lawful right to obtain all information in Defendants' possession which is
2 relevant to or reasonably calculated to lead to discovery of admissible evidence of the matters at
3 issue. Defendants' experts and Defendants are relying on this information to prove their claims.
4 Complete well data has never been provided to Plaintiffs or Plaintiffs' experts to evaluate
5 Defendants' claims.

6 The well information requested is necessary to Plaintiffs' ability to analyze and defend the
7 prescription claims. Allowing Defendant to not produce this information, or to pick and choose what
8 it wants to release, deprives Plaintiffs and their experts of the ability to evaluate all available data
9 bearing on the condition of the Paso Robles' groundwater supply. Allowing Defendants' attorneys
10 and their experts to pick and choose what they will rely on, and to keep secret documents they are not
11 relying on, unfairly allows Defendants and their experts to manipulate data in a way beneficial to
12 their claims, while at the same time shielding any scrutiny of the claims.

13 In meet and confer efforts, Plaintiffs offered to enter into a confidentiality agreement so long
14 as the agreement does not in any way impair Plaintiffs' ability to review and use the information as
15 necessary for trial in this matter. Defendant initially indicated it would provide the information
16 subject to a confidentiality agreement, but later advised that a court order would be necessary, hence
17 the filing of this Motion. No confidentiality agreements between the Defendants, and or between
18 Defendants and any third parties providing such information, have ever been produced.

19 The requested well information is relevant to Defendant's prescription claims which are based
20 upon alleged overdraft. The well information has been provided by Defendant to all of the other
21 Defendants' attorneys and to Defendants' experts. Plaintiffs are entitled to review and obtain expert
22 opinion based upon any and all information in the possession or control of Defendants. Therefore,
23 the motion to compel must be granted to provide the same data and information to Plaintiffs and their
24 experts.

25 **V.**

26 **CONCLUSION**

27 Defendant failed to produce critical documents in response to Plaintiffs' Discovery.
28 Defendant's failure to appropriately respond to Plaintiffs' Discovery and continuing refusal to

1 provide this information as a result of the meet and confer process is without merit. The information
2 is relevant to the matters at issue, is reasonably calculated to lead to the discovery of admissible
3 evidence and is not privileged. The information requested is critical to Plaintiffs' defense of the
4 prescription claims and failure to order production of this information would be extremely prejudicial
5 to Plaintiffs.


6 Based on the foregoing, Plaintiffs respectfully request that this Court issue an Order
7 compelling Defendant to produce, without objection, all well records in Defendant's possession or
8 control, including but not limited to, well information related to the groundwater basin and/or
9 watershed including but not limited to drilling, pumping, borehole depth, pump depth, screen depth,
10 groundwater depth, and well locations.

11 Dated: April 5, 2018

Respectfully submitted,

12 CLIFFORD & BROWN

13
14 By:


15 RICHARD G. ZIMMER, ESQ.
16 WILLIAM T. ZIMMER, ESQ.
Attorneys for Plaintiffs

PROOF OF SERVICE (C.C.P. §1013a, 2015.5) Reviewed By: R. Walker

Steinbeck Vineyards #1, LLC, et al. v. COUNTY OF SAN LUIS OBISPO Case # 2014-1-CV-265039
Santa Clara County Superior Court Case No. 1-14-CV-265039-2 EFN # 1385295

STATE OF CALIFORNIA, COUNTY OF KERN


I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Suite 900, Bakersfield, CA 93301. On April 5, 2018 I served the foregoing document(s) entitled:

NOTICE OF MOTION AND MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS SETS TWO AND THREE

X by posting and serving said document listed above to the Santa Clara Superior Court website at www.scefiling.org. All appearing parties have agreed to be served electronically by the Court.

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

Executed on April 5, 2018, at Bakersfield, California.



DIANA SEIBERT
{74330-2}

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6 Attorneys for Plaintiffs

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

10 * * *

11 STEINBECK VINEYARDS #1, LLC, et al.,
12 Plaintiffs,

13 vs.

14 COUNTY OF SAN LUIS OBISPO, et al.,
15 Defendants.

16 -----
17 ROBERT EIDEMILLER,
18 Plaintiff,

19 vs.

20 COUNTY OF SAN LUIS OBISPO, et al.,
21 Defendants.

CASE NO. 1-14-CV-265039
(Consolidated with Case No. 1-14-CV-269212)

**SEPARATE STATEMENT OF MATTERS
IN DISPUTE IN SUPPORT OF
PLAINTIFF'S MOTION TO COMPEL
FURTHER RESPONSES TO REQUESTS
FOR PRODUCTION OF DOCUMENTS
SETS TWO AND THREE**

**DATE: April 27, 2017
TIME: 10:00 a.m.
DEPT: 19**

TRIAL DATES:
August 27, 2018 (Prescription
TIME: 9:00 a.m.
DEPT: 19 Hon. Peter H. Kirwan

22
23 **COME NOW**, Plaintiffs STEINBECK VINEYARDS #1, LLC et.al. ("Plaintiffs"), pursuant to
24 Rules of Court, Rule 3.1345, and hereby submit their Separate Statement of Matters in Dispute in
25 Support of their Motion to Compel Further Responses, filed concurrently herewith.

26 ///

27 ///

1 **INTRODUCTION**

2 This Separate Statement is filed in support of Plaintiffs’ Motion to Compel Further Responses to
3 Requests for Production of Documents Sets Two and Three. This Separate Statement sets forth the
4 specific requests at issue contained in Plaintiffs’ Request for Production of Documents Set No. 2 and Set
5 No. 3, includes Defendant’s ambiguous, evasive, incomplete and vague responses, and includes Plaintiffs’
6 statement of the factual and legal reasons for compelling further response and production.

7 As set forth in the accompanying Motion to compel, Plaintiffs seek further responses from
8 Defendant COUNTY OF SAN LUIS OBISPO (“Defendant”) as to Plaintiffs’ Request for Production of
9 Documents, Set No. Two, No. 201 and Request for Production of Documents, Set No. Three, Nos.
10 209, 213, 216, and 220.

11 **REQUEST FOR PRODUCTION, SET TWO**

12 **Request No. 201**

13 All WRITINGS and well information, including but not limited to well completion reports,
14 geophysical logs, pump test data and aquifer testing data related to the GROUNDWATER BASIN and/or
15 WATERSHED.

16 **Response to Request No. 201**

17 Responding Party objects to this request to the extent that it calls for information protected by the
18 attorney-client privilege, work product doctrine, or any other statutory or common law privilege.
19 Responding Party objects to this request to the extent that the request seeks the premature disclosure of
20 expert testimony, opinion, analysis, documents, or materials. Responding Party objects to this request to
21 the extent that it calls for information and documents that are subject to Confidentiality Agreements that
22 preclude or prohibit the disclosure of the information or materials requested. Responding Party objects to
23 this request as overbroad, compound, overly burdensome, oppressive and/or calculated to cause
24 Responding Party needless or unreasonable expense. Responding Party objects as this request is
25 duplicative of other special interrogatories and requests for production, including but not limited to
26 Plaintiffs’ Special Interrogatories (Set Four) numbers 299 – 310 and Plaintiffs’ Requests for Production
27 (Set One) numbers 76, 175 - 184, thus rendering it overly broad, unduly burdensome, and oppressive.
28

1 Responding Party objects to the extent that this request calls for the identification and production of
2 electronically stored information from sources that are not reasonably accessible because of undue burden
3 or expense. Responding Party objects to the extent that this request seeks information equally available to
4 the Propounding Party, or that may be derived or ascertained from information already in the
5 Propounding Party's possession, custody or control, or seeks information that is publicly available or is
6 equally available to the Propounding Party from third parties.

7 Subject to and without waiving the foregoing Preliminary Statement and General and Specific
8 Objections, Responding Party will produce documents responsive to this request.

9 Discovery is ongoing. Consequently, Responding Party reserves its right to supplement or amend
10 information and documents produced in this response. In addition, Responding Party expects to introduce
11 and rely upon expert opinion, analysis and testimony. Expert opinion currently is protected by the
12 attorney-client and attorney work product privileges and is not subject to discovery.

13 **Argument**

14 Plaintiffs and Defendant have met and conferred several times regarding the information related to
15 this request. As set forth more fully in the Motion to compel and Declaration of Richard G. Zimmer,
16 Defendant is making prescription claims against Plaintiffs based upon alleged overdraft of the Paso
17 Robles Groundwater Basin. The analysis of all well information, including but not limited to well
18 completion reports, geophysical logs, pump test data and aquifer testing data related to the groundwater
19 basin and/or watershed is critical to evaluating safe yield, alleged overdraft and prescription issues.

20 Defendant has admitted that it has possession and control of well information as requested by
21 Plaintiffs. Defendant has confirmed that this information has been exchanged between the Defendants,
22 their attorneys and their experts. Information of this type has been used by various experts over the past
23 forty to sixty years regarding the groundwater basin and surrounding watershed. Defendant has in its
24 possession the most recent data related to studies conducted at the request of Defendant or third parties.
25 The information is critical to Plaintiffs' defense of the prescription claims and refusal to provide the
26 information would be extremely prejudicial to Plaintiffs.

27 Based upon meet and confer conferences with Defendants to comply with section 3.724 of the
28 *California Rules of Court* and *California Code of Civil Procedure* Section 2031.310, Plaintiffs were

1 informed that Defendant's primary objection in support of their refusal to release the well information is
2 the objection based upon alleged confidentiality. Regardless, for the reasons set forth in the Motion and
3 Declaration filed with the Motion, the other objections also lack merit.

4 With respect to alleged confidentiality, Defendant's argument is clearly without merit in light of
5 the fact that Defendant provided or made available the alleged confidential information to each Defendant
6 and their respective experts. Further, Defendant has never produced any confidentiality agreement so that
7 Plaintiffs can adequately determine whether the information requested is within the scope of any
8 confidentiality agreement. The well information, well completion reports, geophysical logs, pump test
9 data and aquifer testing data related to the groundwater basin and/or watershed is information that is not
10 protected, and must be released to Plaintiffs.

11 Defendant may not properly release the information requested in Plaintiffs' Discovery to other
12 parties, and then refuse to provide the information to Plaintiffs based upon alleged confidentiality. This
13 would prevent Plaintiffs from reviewing the information available to, or relied upon by, Defendants and
14 would prevent Plaintiffs from having complete well information to challenge the claims being made by
15 Defendants.

16 **REQUEST FOR PRODUCTION, SET THREE**

17 **Request No. 209**

18 All WRITINGS related to the screen depth of any groundwater wells in the GROUNDWATER
19 BASIN.

20 **Response to No. 209**

21 Responding Party objects to this request to the extent that it calls for information protected by the
22 attorney-client privilege, work product doctrine, or any other statutory or common law privilege.
23 Responding Party objects to this request to the extent that the request seeks the premature disclosure of
24 expert testimony, opinion, analysis, documents, or materials. Responding Party objects to this request to
25 the extent that it calls for documents and information protected from disclosure by the privacy rights of
26 third parties and/or seeks information and documents that are subject to Confidentiality Agreements that
27 preclude or prohibit the disclosure of the information or materials requested. Responding Party objects to
28 this request as overbroad, compound, overly burdensome, oppressive and/or calculated to cause

1 Responding Party needless or unreasonable expense because, without limitation, it seeks information
2 regarding each and every groundwater well within the GROUNDWATER BASIN regardless of
3 ownership, the number of privately and publicly owned groundwater wells within the GROUNDWATER
4 BASIN is estimated to be in the hundreds and, further, this request is overbroad as it is unlimited as to
5 period of time. Responding Party objects to the extent that this request seeks information equally
6 available to the Propounding Party, or that may be derived or ascertained from information already in the
7 Propounding Party's possession, custody or control, or seeks information that is publicly available or is
8 equally available to the Propounding Party from third parties. Responding Party objects to the extent that
9 this request calls for the identification and production of electronically stored information from sources
10 that are not reasonably accessible because of undue burden or expense. Responding Party objects as this
11 request is duplicative of other special interrogatories and requests for production thus rendering it unduly
12 burdensome and oppressive. Responding Party objects as the request for production seeks information
13 that is not relevant to the subject matter of this case nor is it reasonably calculated to lead to the discovery
14 of admissible evidence.

15 **Argument**

16 Plaintiffs and Defendant have met and conferred several times regarding the information related
17 to this Request. As set forth more fully in the Motion to Compel and Declaration of Richard G. Zimmer,
18 Defendant is making prescription claims against Plaintiffs based upon alleged overdraft of the Paso
19 Robles Groundwater Basin. The analysis of screen depth of any groundwater wells in the Groundwater
20 Basin is critical to evaluating safe yield, alleged overdraft and prescription issues.

21 Defendant has admitted that they have possession and control of well information as requested
22 by Plaintiffs. They have confirmed that this information has been exchanged between the Defendants,
23 their attorneys and their experts. Information of this type has been used by various experts over the past
24 forty to sixty years regarding the groundwater basin and surrounding watershed. Defendant has in its
25 possession the most recent data related to studies conducted at the request of Defendant or third parties.
26 The information is critical to Plaintiffs' defense of the prescription claims and refusal to provide the
27 information would be extremely prejudicial to Plaintiffs.

1 Based upon meet and confer conferences with Defendant, to comply with section 3.724 of the
2 *California Rules of Court* and *California Code of Civil Procedure* Section 2031.310, Plaintiffs were
3 informed that Defendant's primary objection in support of their refusal to release the well information is
4 the objection based upon an alleged Confidentiality Agreement. Regardless, for the reasons set forth in
5 the Motion and Declaration filed with the Motion, the other objections also lack merit.

6 With respect to the Confidentiality Agreement, Defendant's argument is clearly without merit in
7 light of the fact that Defendant provided the information subject to the alleged Confidentiality Agreement
8 to each Defendant and their respective experts. Further, Defendant has never produced the alleged
9 Confidentiality Agreement so that Plaintiffs can adequately determine whether the information requested
10 is within the scope of the Confidentiality Agreement. The analysis of screen depth of any groundwater
11 wells in the Groundwater Basin is critical to evaluating safe yield, alleged overdraft and prescription
12 issues..

13 Defendant may not make a claim, release the information supporting the claim to other parties
14 and then refuse to provide the information to Plaintiffs based upon alleged confidentiality. This would
15 prevent Plaintiffs from reviewing the information relied upon by Defendants and/or to challenge the
16 claims being made by Defendants.

17 **Request No. 213**

18 All WRITINGS related to measurements regarding the depth to groundwater for any well in the
19 GROUNDWATER BASIN.

20 **Response to Request No. 213**

21 Responding Party objects to this request to the extent that it calls for information protected by the
22 attorney-client privilege, work product doctrine, or any other statutory or common law privilege.
23 Responding Party objects to this request to the extent that the request seeks the premature disclosure of
24 expert testimony, opinion, analysis, documents, or materials. Responding Party objects to this request to
25 the extent that it calls for documents and information protected from disclosure by the privacy rights of
26 third parties and/or seeks information and documents that are subject to Confidentiality Agreements that
27 preclude or prohibit the disclosure of the information or materials requested. Responding Party objects to
28 this request as overbroad, compound, overly burdensome, oppressive and/or calculated to cause

1 Responding Party needless or unreasonable expense because, without limitation, it seeks information
2 regarding each and every groundwater well within the GROUNDWATER BASIN regardless of
3 ownership, the number of privately and publicly owned groundwater wells within the GROUNDWATER
4 BASIN is estimated to be in the hundreds and, further, this request is overbroad as it is unlimited as to
5 period of time. Responding Party objects to the extent that this request seeks information equally
6 available to the Propounding Party, or that may be derived or ascertained from information already in the
7 Propounding Party's possession, custody or control, or seeks information that is publicly available or is
8 equally available to the Propounding Party from third parties. Responding Party objects to the extent that
9 this request calls for the identification and production of electronically stored information from sources
10 that are not reasonably accessible because of undue burden or expense. Responding Party objects as this
11 request is duplicative of other special interrogatories and requests for production thus rendering it unduly
12 burdensome and oppressive.

13 **Argument**

14 Plaintiffs and Defendant have met and conferred several times regarding the information related to
15 this Request. As set forth more fully in the Motion to Compel and Declaration of Richard G. Zimmer,
16 Defendant is making prescription claims against Plaintiffs based upon alleged overdraft of the Paso
17 Robles Groundwater Basin. The measurements regarding the depth to groundwater for any well in the
18 Groundwater Basin is critical to evaluating safe yield, alleged overdraft and prescription issues.

19 Defendant has admitted that they have possession and control of well information as requested
20 by Plaintiffs. They have confirmed that this information has been exchanged between the Defendants,
21 their attorneys and their experts. Information of this type has been used by various experts over the past
22 forty to sixty years regarding the groundwater basin and surrounding watershed. Defendant has in its
23 possession the most recent data related to studies conducted at the request of Defendants or third parties.
24 The information is critical to Plaintiffs' defense of the prescription claims and refusal to provide the
25 information would be extremely prejudicial to Plaintiffs.

26 Based upon meet and confer conferences with Defendant, to comply with section 3.724 of the
27 *California Rules of Court* and *California Code of Civil Procedure* Section 2031.310, Plaintiffs were
28 informed that Defendant's primary objection in support of their refusal to release the well information is

1 the objection based upon an alleged Confidentiality Agreement. Regardless, for the reasons set forth in
2 the Motion and Declaration filed with the Motion, the other objections also lack merit.

3 With respect to the Confidentiality Agreement, Defendant's argument is clearly without merit in
4 light of the fact that Defendant provided the information subject to the alleged Confidentiality Agreement
5 to each Defendant and their respective experts. Further, Defendant has never produced the alleged
6 Confidentiality Agreement so that Plaintiffs can adequately determine whether the information requested
7 is within the scope of the Confidentiality Agreement. The measurements regarding the depth to
8 groundwater for any well in the groundwater basin is information that is not protected, and must be
9 released to Plaintiffs.

10 Defendant may not make a claim, release the information supporting the claim to other parties
11 and then refuse to provide the information to Plaintiffs based upon alleged confidentiality. This would
12 prevent Plaintiffs from reviewing the information relied upon by Defendants and/or to challenge the
13 claims being made by defendants.

14 **Request No. 216**

15 All WRITINGS related to the screen depth of any groundwater wells in the WATERSHED.

16 **Response to Request No. 216**

17 Responding Party objects to this request to the extent that it calls for information protected by the
18 attorney-client privilege, work product doctrine, or any other statutory or common law privilege.
19 Responding Party objects to this request to the extent that the request seeks the premature disclosure of
20 expert testimony, opinion, analysis, documents, or materials. Responding Party objects to this request to
21 the extent that it calls for documents and information protected from disclosure by the privacy rights of
22 third parties and/or seeks information and documents that are subject to Confidentiality Agreements that
23 preclude or prohibit the disclosure of the information or materials requested. Responding Party objects to
24 this request as overbroad, compound, overly burdensome, oppressive and/or calculated to cause
25 Responding Party needless or unreasonable expense because, without limitation, it seeks information
26 regarding each and every groundwater well within the watershed surrounding the GROUNDWATER
27 BASIN regardless of ownership, the number of groundwater wells within the watershed is in the hundreds
28 and, further, this request is overbroad as it is unlimited as to period of time. Responding Party objects to

1 the extent that this request seeks information equally available to the Propounding Party, or that may be
2 derived or ascertained from information already in the Propounding Party's possession, custody or
3 control, or seeks information that is publicly available or is equally available to the Propounding Party
4 from third parties. Responding Party objects to the extent that this request calls for the identification and
5 production of electronically stored information from sources that are not reasonably accessible because of
6 undue burden or expense. Responding Party objects as this request is duplicative of other special
7 interrogatories and requests for production thus rendering it unduly burdensome and oppressive.
8 Responding Party objects as the request for production seeks information that is not relevant to the subject
9 matter of this case nor is it reasonably calculated to lead to the discovery of admissible evidence.

10 **Argument**

11 Plaintiffs and Defendant have met and conferred several times regarding the information related to
12 this Request. As set forth more fully in the Motion to Compel and Declaration of Richard G. Zimmer,
13 Defendant is making prescription claims against Plaintiffs based upon alleged overdraft of the Paso
14 Robles Groundwater Basin. The analysis of the screen depth of any groundwater wells in the watershed
15 is critical to evaluating safe yield, alleged overdraft and prescription issues.

16 Defendant has admitted that they have possession and control of well information as requested
17 by Plaintiffs. They have confirmed that this information has been exchanged between the Defendants,
18 their attorneys and their experts. Information of this type has been used by various experts over the past
19 forty to sixty years regarding the groundwater basin and surrounding watershed. Defendant has in its
20 possession the most recent data related to studies conducted at the request of Defendants or third parties.
21 The information is critical to Plaintiffs' defense of the prescription claims and refusal to provide the
22 information would be extremely prejudicial to Plaintiffs.

23 Based upon meet and confer conferences with Defendant, to comply with section 3.724 of the
24 *California Rules of Court* and *California Code of Civil Procedure* Section 2031.310, Plaintiffs were
25 informed that Defendant's primary objection in support of their refusal to release the well information is
26 the objection based upon an alleged Confidentiality Agreement. Regardless, for the reasons set forth in
27 the Motion and Declaration filed with the Motion, the other objections also lack merit.

1 With respect to the Confidentiality Agreement, Defendant's argument is clearly without merit in
2 light of the fact that Defendant provided the information subject to the alleged Confidentiality Agreement
3 to each Defendant and their respective experts. Further, Defendant has never produced the alleged
4 Confidentiality Agreement so that Plaintiffs can adequately determine whether the information requested
5 is within the scope of the Confidentiality Agreement. The analysis of screen depth of any groundwater
6 wells in the watershed is information that is not protected, and must be released to Plaintiffs.

7 Defendant may not make a claim, release the information supporting the claim to other parties
8 and then refuse to provide the information to Plaintiffs based upon alleged confidentiality. This would
9 prevent Plaintiffs from reviewing the information relied upon by Defendants and/or to challenge the
10 claims being made by defendants.

11 **Request No. 220**

12 All WRITINGS related to measurements regarding the depth to groundwater for any well in the
13 WATERSHED.

14 **Response to Request No. 220**

15 Responding Party objects to this request to the extent that it calls for information protected by the
16 attorney-client privilege, work product doctrine, or any other statutory or common law privilege.
17 Responding Party objects to this request to the extent that the request seeks the premature disclosure of
18 expert testimony, opinion, analysis, documents, or materials. Responding Party objects to this request to
19 the extent that it calls for documents and information protected from disclosure by the privacy rights of
20 third parties and/or seeks information and documents that are subject to Confidentiality Agreements that
21 preclude or prohibit the disclosure of the information or materials requested. Responding Party objects to
22 this request as overbroad, compound, overly burdensome, oppressive and/or calculated to cause
23 Responding Party needless or unreasonable expense because, without limitation, it seeks information
24 regarding each and every groundwater well within the watershed surrounding the GROUNDWATER
25 BASIN regardless of ownership, the number of groundwater wells within the watershed is in the hundreds
26 and, further, this request is overbroad as it is unlimited as to period of time. Responding Party objects to
27 the extent that this request seeks information equally available to the Propounding Party, or that may be
28 derived or ascertained from information already in the Propounding Party's possession, custody or

1 control, or seeks information that is publicly available or is equally available to the Propounding Party
2 from third parties. Responding Party objects to the extent that this request calls for the identification and
3 production of electronically stored information from sources that are not reasonably accessible because of
4 undue burden or expense. Responding Party objects as this request is duplicative of other special
5 interrogatories and requests for production thus rendering it unduly burdensome and oppressive.
6 Responding Party objects as the request for production seeks information that is not relevant to the subject
7 matter of this case nor is it reasonably calculated to lead to the discovery of admissible evidence.

8 **Argument**

9 Plaintiffs and Defendant have met and conferred several times regarding the information related to
10 this Request. As set forth more fully in the Motion to Compel and Declaration of Richard G. Zimmer,
11 Defendant is making a prescription claims against Plaintiffs based upon alleged overdraft of the Paso
12 Robles Groundwater Basin. The measurements regarding the depth to groundwater for any well in the
13 watershed is critical to evaluating safe yield, alleged overdraft and prescription issues.

14 Defendant has admitted that they have possession and control of well information as requested
15 by Plaintiffs. They have confirmed that this information has been exchanged between the defendants,
16 their attorneys and their experts. Information of this type has been used by various experts over the past
17 forty to sixty years regarding the groundwater basin and surrounding watershed. Defendant has in its
18 possession the most recent data related to studies conducted at the request of Defendants or third parties.
19 The information is critical to Plaintiffs' defense of the prescription claims and refusal to provide the
20 information would be extremely prejudicial to Plaintiffs.

21 Based upon meet and confer conferences with Defendant, to comply with section 3.724 of the
22 *California Rules of Court* and *California Code of Civil Procedure* Section 2031.310, Plaintiffs were
23 informed that Defendant's primary objection in support of their refusal to release the well information is
24 the objection based upon an alleged Confidentiality Agreement. Regardless, for the reasons set forth in
25 the Motion and Declaration filed with the Motion, the other objections also lack merit.

26 With respect to the Confidentiality Agreement, Defendant's argument is clearly without merit in
27 light of the fact that Defendant provided the information subject to the alleged Confidentiality Agreement
28 to each Defendant and their respective experts. Further, Defendant has never produced the alleged

1 Confidentiality Agreement so that Plaintiffs can adequately determine whether the information requested
2 is within the scope of the Confidentiality Agreement. The measurements regarding the depth to
3 groundwater for any well in the watershed is information that is not protected, and must be released to
4 Plaintiff.

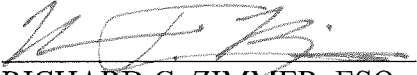
5 Defendant may not make a claim, release the information supporting the claim to other parties
6 and then refuse to provide the information to Plaintiffs based upon alleged confidentiality. This would
7 prevent Plaintiffs from reviewing the information relied upon by Defendants and/or to challenge the
8 claims being made by defendants.

9
10 Dated: April 5, 2018

Respectfully submitted,

11 CLIFFORD & BROWN

12
13 By:


14 RICHARD G. ZIMMER, ESQ.
WILLIAM T. ZIMMER, ESQ.
Attorneys for Plaintiff

PROOF OF SERVICE (C.C.P. §1013a, 2015.5)

Steinbeck Vineyards #1, LLC, et al. v. COUNTY OF SAN LUIS OBISPO
Santa Clara County Superior Court Case No. 1-14-CV-265039

STATE OF CALIFORNIA, COUNTY OF KERN

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Suite 900, Bakersfield, CA 93301. On April 5, 2018 I served the foregoing document(s) entitled:

SEPARATE STATEMENT OF MATTERS IN DISPUTE IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION SETS TWO AND THREE

X by posting and serving said document listed above to the Santa Clara Superior Court website at www.sceffiling.org. All appearing parties have agreed to be served electronically by the Court.

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

Executed on April 5, 2018, at Bakersfield, California.


DIANA SEIBERT
{74330-2}

1 RICHARD G. ZIMMER, ESQ. - SBN 107263
2 WILLIAM T. ZIMMER, ESQ. - SBN 318951
3 CLIFFORD & BROWN
4 A Professional Corporation
5 Attorneys at Law
6 Bank of America Building
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8 Bakersfield, CA 93301-5230
9 Tel: (661) 322-6023 Fax: (661) 322-3508

10 Attorneys for Plaintiffs

**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 4/5/2018 5:24 PM
Reviewed By: R. Walker
Case #2014-1-CV-265039
Envelope: 1385295**

11 SUPERIOR COURT OF CALIFORNIA

12 COUNTY OF SANTA CLARA

13 * * *

14 STEINBECK VINEYARDS #1, LLC, et al.,
15 Plaintiffs,

16 vs.

17 COUNTY OF SAN LUIS OBISPO, et al.,
18 Defendants.

19 -----
20 ROBERT EIDEMILLER,
21 Plaintiff,

22 vs.

23 COUNTY OF SAN LUIS OBISPO, et al.,
24 Defendants.

CASE NO. 1-14-CV-265039
(Consolidated with Case No. 1-14-CV-269212)

**DECLARATION OF RICHARD G.
ZIMMER IN SUPPORT OF MOTION TO
COMPEL FURTHER RESPONSES TO
REQUESTS FOR PRODUCTION OF
DOCUMENTS SETS TWO AND THREE**

**DATE: April 27, 2017
TIME: 10:00 a.m.
DEPT: 19**

TRIAL DATE: August 27, 2018
TIME: 9:00 a.m.
DEPT: 19 Hon. Peter H. Kirwan

25 I, RICHARD G. ZIMMER, declare:

26 1. I am an attorney at law licensed to practice in the State of California. In such capacity
27 I am a member of the Law Firm of Clifford & Brown. I am the primary attorney responsible for the
28 handling of the case of *Steinbeck Vineyards #1, LLC v. County of San Luis Obispo, et al.* As such, I
am familiar with all aspects of the case including the claims being made and the defenses asserted by
the Defendants. I have been litigating groundwater cases involving prescription claims based upon
analysis of safe yield and claimed overdraft for approximately 18 years. I am familiar with the

1 process of expert hydrogeologic analysis of these issues and what writings are necessary to obtain in
2 the discovery process and necessary to litigate the issues at trial. I am familiar with the prescription
3 claims being made by Defendants in this case, including the legal and factual requirements for
4 making such claims. On behalf of Plaintiffs, I served Defendants with discovery which is both
5 critical and necessary to defend the prescription claims. Among this necessary information is the
6 well information which is the subject of this Motion to compel. Failure to order production of this
7 information will be extremely prejudicial to Plaintiffs' ability to defend against the prescription
8 claims as discussed below.

9 2. On October 4, 2017, Plaintiffs served Defendant with Plaintiffs' Request for
10 Production of Documents, Set No. Two, No. 201 (See Exhibit A attached hereto). On November 27,
11 2017 Plaintiff's served Defendant with Plaintiffs' Request for Production of Documents, Set No.
12 Three, Nos. 209, 213, 216, and 220. (See Exhibit B attached hereto). (Hereinafter "Plaintiffs'
13 Discovery") Plaintiffs' Discovery was propounded to obtain relevant, discoverable and critically
14 important well information from the groundwater basin and watershed at issue in this litigation, used
15 by experts to evaluate safe yield and overdraft. Defendant served written responses and production of
16 documents in response to Plaintiffs' Discovery as follows: Set Two on November 7, 2017 (See
17 Exhibit C attached hereto) and Set Three on January 18, 2018 (See Exhibit D attached hereto)
18 (hereinafter "Defendant's Responses"). Defendants Responses were served with several objections
19 and failed to produce complete well information based upon claimed confidentiality.

20 3. Defendants in the above-captioned matter are making prescription claims against
21 Plaintiffs. Although Defendants have failed to provide complete responses to discovery regarding
22 these claims, Defendants have confirmed they are making prescription claims based upon an alleged
23 overdraft of the Paso Robles Groundwater Basin. The analysis of groundwater elevation data
24 geographically over the basin area and surrounding watershed and over time in wells is an intrinsic
25 part of analyzing the hydrogeology of any groundwater basin and whether that basin is in overdraft.
26 Two important ways these data are used is in creating groundwater elevation contour maps and in
27 generating well hydrographs. Groundwater elevation data are used to construct groundwater
28 elevation maps. The groundwater elevation contour maps are used to identify the directions of

1 groundwater flow as groundwater flows from a higher pressure or elevation to a lower pressure or
2 elevation. The groundwater elevation contour maps also are used to understand the impacts of
3 groundwater pumping on the supply (areas of high pumping lower the water elevation and create a
4 cone of depression). The elevation maps from two different periods in time can be used to calculate
5 the change in groundwater storage and whether the amount of groundwater in storage is increasing or
6 decreasing.

7 Groundwater elevation data are also used to construct graphs that depict the change in
8 groundwater elevation over time in a well. These graphs are called groundwater hydrographs.
9 Hydrographs are used by hydrogeologists to better understand how the groundwater basin and the
10 amount of groundwater in storage is changing over time in response to important events such as
11 pumping and groundwater recharge. Well hydrographs are also used to understand how basins are
12 interconnected from one area to another and across features such as faults. Well hydrographs are
13 fundamental in understanding whether the groundwater basin is in overdraft or if there is a surplus in
14 the supply.

15 Previous groundwater studies regarding the Paso Robles groundwater basin have relied upon
16 groundwater elevation data to form conclusions about groundwater conditions and whether the
17 groundwater supply is increasing or decreasing. In fact, it would be very unusual for a thorough
18 groundwater study not to include a detailed evaluation of groundwater elevations in the form of
19 elevation maps and well hydrographs. Every groundwater study that evaluates the change in the
20 supply over the years relies on groundwater elevation data. In 1971, the California Department of
21 Water Resources (DWR) prepared a Preliminary Evaluation of the Water Supply of the Arroyo
22 Grande and Paso Robles Area and in 1979 they prepared their study Groundwater in the Paso Robles
23 Basin. DWR relied upon changes in groundwater elevation data over time to calculate the change in
24 storage in both studies. In 1998, the San Luis Obispo County Master Water Plan Update was
25 published. One of the recommendations from this report was to continue to collect spring and fall
26 groundwater elevation data in wells throughout the Paso Robles Basin. The report states that these
27 are an important indicator of whether the basin is in overdraft and one of the most reliable indicators
28 of basin status. In 2002, Fugro used the groundwater elevation data to calculate the change in storage
in the Paso Robles groundwater basin. As Fugro states in their 2002 report, the groundwater storage

1 calculations are based on three parameters, the specific yield (a measure of the amount of water is a
2 unit volume of aquifer), water elevation contours, and basin boundaries. In 2005, Fugro and their
3 subcontractor ETIC developed a groundwater flow model of the Paso Robles groundwater basin.
4 The Fugro team relied on groundwater elevation contour maps and well hydrographs to calibrate their
5 groundwater flow model and to evaluate the safe yield of the Paso Robles Basin. In 2007, Todd
6 Engineers prepared an update for the Paso Robles groundwater basin and reviewed over 200
7 groundwater hydrographs to evaluate groundwater conditions in the Basin. Todd used the
8 groundwater elevations to calculate the change in storage. In Mr. Gus Yates' 2010 review of the
9 previous groundwater reports for the Paso Robles groundwater basin, he used groundwater elevation
10 trends to evaluate basin conditions and the relationship between pumping, recharge and basin yield.
11 Finally, Geosciences Services Support Inc. and Johnson Yeh (GSSI) selected over 100 groundwater
12 hydrographs to calibrate their 2014 groundwater model of the Paso Robles groundwater basin. GSSI
13 relied on hydrographs to re-calibrate their model in 2016.

14 4. Plaintiffs served Plaintiffs' Discovery specifically requesting well data because, as
15 noted above, this data is essential to evaluation of safe yield, overdraft and the prescription claims.

16 5. Defendant has the requested information in its possession or control as a result of
17 numerous studies regarding the groundwater basin from the early 1980s to the present time. This
18 information has been used by multiple experts doing work for San Luis Obispo County, City of Paso
19 Robles and other Defendants to evaluate the groundwater supply in the Paso Robles Basin.
20 Information provided in the meet and confer process indicated that the well information has been
21 provided to or made available to all of the Defendants' experts and to all of the Defendants attorneys
22 or their representatives. As noted above, this information is critical to evaluating Defendants' claims
23 and with regard to expert analysis, which is necessary to evaluate Defendants' prescription claims.

24 6. Defendant has refused to provide complete well information based upon alleged
25 confidentiality agreements. However, the other Defendants have agreed to abide by any ruling of this
26 court ordering disclosure of the records. Plaintiffs requested copies of the claimed confidentiality
27 agreements. The claimed confidentiality agreements have never been provided and cannot in any
28 event block a party's lawful right to obtain all information in Defendant's possession which is
relevant to or reasonably calculated to lead to discovery of admissible evidence of the matters at

1 issue. Defendants' experts and Defendants are relying on this information to prove their claims.
2 Complete well data has never been provided to Plaintiffs or Plaintiff's experts to evaluate
3 Defendants' claims.

4 7. The well information requested is necessary to Plaintiffs' ability to analyze and defend
5 the prescription claims. Allowing Defendant to not produce this information, or to pick and choose
6 what they want to release regarding this information, deprives Plaintiffs and their experts of the
7 ability to evaluate all available data bearing on the condition of the Paso Robles' groundwater supply.
8 Allowing Defendants' attorneys and their experts to pick and choose what they will rely on, and to
9 keep secret documents they are not relying on, unfairly allows Defendants and their experts to
10 manipulate data in a way beneficial to their claims, while at the same time shielding any scrutiny of
11 the claims.

12 8. Plaintiffs have met and conferred with Defendant on multiple occasions regarding
13 Defendant's meritless objections and claimed confidentiality. Defendant admits that it has possession
14 and control over the well information requested and admits that it has provided this information to the
15 other Defendants and to Defendants' experts. However, Defendant refuses to provide the information
16 to Plaintiffs for review by Plaintiffs and their experts.

17 9. In the meet and confer efforts, Plaintiffs offered to enter into a confidentiality
18 agreement so long as the agreement does not in any way impair Plaintiffs' ability to review and use
19 the information as necessary for trial in this matter. Defendant initially indicated it would produce
20 the well records based upon a confidentiality agreement which Defendant agreed to initiate. In a later
21 conversation, Defendant's attorney advised that Defendant would not release the records without a
22 court order. Based upon the extensive meet and confer process, it appears that the confidentiality
23 objection is what is currently being relied upon as a basis not to disclose well information.

24 This Declaration is based upon personal knowledge and information and belief and as to such
25 matters I believe them to be true.

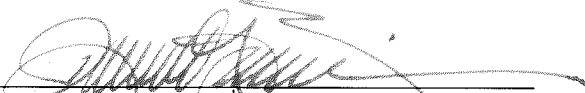
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Executed on this 5th day of April, 2018 under penalty of perjury at Bakersfield, California.

Dated: April 5, 2018



RICHARD G. ZIMMER, ESQ.
Attorneys for Plaintiffs

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EXHIBIT "A"

1 RICHARD G. ZIMMER, ESQ. - SBN 107263
2 CLIFFORD & BROWN
3 A Professional Corporation
4 Attorneys at Law
5 Bank of America Building
6 1430 Truxtun Avenue, Suite 900
7 Bakersfield, CA 93301-5230
8 Tel: (661) 322-6023 Fax: (661) 322-3508

9 Attorneys for Plaintiffs

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

STEINBECK VINEYARDS # 1, LLC, et al.,

Plaintiffs,

vs.

COUNTY OF SAN LUIS OBISPO, et al.,

Defendants.

CASE NO. 1-14-CV-265039
Consolidated with Case No. 1-14-CV-269212

REQUESTS FOR PRODUCTION OF
DOCUMENTS, SET NO. TWO

Trial Date: April 30, 2018 (Prescription)
Judge: Hon. Peter H. Kirwan

ROBERT EIDEMILLER,

Plaintiff,

vs.

COUNTY OF SAN LUIS OBISPO, et al.,

Defendants.

PROPOUNDING PARTY : Plaintiffs, STEINBECK VINEYARDS #1 LLC, et al.

RESPONDING PARTY : Defendants, CITY OF EL PASO DE ROBLES, COUNTY OF
SAN LUIS OBISPO; SAN LUIS OBISPO COUNTY
FLOOD CONTROL AND WATER CONSERVATION
DISTRICT; CSA 16-1; SAN MIGUEL COMMUNITY
SERVICES DISTRICT; ATASCADERO MUTUAL
WATER COMPANY; TEMPLETON COMMUNITY
SERVICES DISTRICT

1 SET NO. : Two

2 Pursuant to *Code of Civil Procedure* § 2031.010 et seq., Plaintiffs STEINBECK VINEYARDS
3 #1 LLC, et al. hereby request that Defendants CITY OF EL PASO DE ROBLES, COUNTY OF SAN
4 LUIS OBISPO, SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER
5 CONSERVATION DISTRICT, CSA 16-1, SAN MIGUEL COMMUNITY SERVICES DISTRICT,
6 ATASCADERO MUTUAL WATER COMPANY, and TEMPLETON COMMUNITY SERVICES
7 DISTRICT, produce and permit the inspection, copying, testing, sampling and photographing of those
8 documents, tangible things, land or other property, and electronically stored information and things
9 described in this request in the possession, custody or control of responding party.

10 Said production shall be made at the law offices of Clifford & Brown, located at 1430 Truxtun
11 Avenue, Suite 900, Bakersfield, California, 93301, on or before November 6, 2017 by appointment, or
12 by forwarding copies of the requested items.

13 PLEASE TAKE NOTICE your response must include pursuant to:

14 *Code of Civil Procedure* § 2031.210 et seq.:

15 (a) The party to whom a demand for inspection, copying, testing, or
16 sampling has been directed shall respond separately to each item or
17 category of item by any of the following:

18 (1) A statement that the party will comply with the particular demand
19 for inspection, copying, testing, or sampling by the date set for the
20 inspection, copying, testing, or sampling pursuant to paragraph (2) of
21 subdivision (c) of Section 2031.030 and any related activities.

22 (2) A representation that the party lacks the ability to comply with the
23 demand for inspection, copying, testing, or sampling of a particular
24 item or category of item.

25 (3) An objection to the particular demand for inspection, copying,
26 testing, or sampling.

27 (b) In the first paragraph of the response immediately below the title of
28 the case, there shall appear the identity of the responding party, the set
number, and the identity of the demanding party.

(c) Each statement of compliance, each representation, and each
objection in the response shall bear the same number and be in the same
sequence as the corresponding item or category in the demand, but the
text of that item or category need not be repeated.

(d) If a party objects to the discovery of electronically stored

1 information on the grounds that it is from a source that is not
2 reasonably accessible because of undue burden or expense and that the
3 responding party will not search the source in the absence of an
4 agreement with the demanding party or court order, the responding
5 party shall identify in its response the types or categories of sources of
6 electronically stored information that it asserts are not reasonably
7 accessible. By objecting and identifying information of a type or
8 category of source or sources that are not reasonably accessible, the
9 responding party preserves any objections it may have relating to that
10 electronically stored information.

11
12
13 *Code of Civil Procedure* § 2031.220:

14 A statement that the party to whom a demand for inspection, copying,
15 testing, or sampling has been directed will comply with the particular
16 demand shall state that the production, inspection, copying, testing, or
17 sampling, and related activity demanded, will be allowed either in
18 whole or in part, and that all documents or things in the demanded
19 category that are in the possession, custody, or control of that party and
20 to which no objection is being made will be included in the production.

21
22
23 *Code of Civil Procedure* § 2031.230:

24 A representation of inability to comply with the particular demand for
25 inspection, copying, testing, or sampling shall affirm that a diligent
26 search and a reasonable inquiry has been made in an effort to comply
27 with that demand. This statement shall also specify whether the
28 inability to comply is because the particular item or category has never
existed, has been destroyed, has been lost, misplaced, or stolen, or has
never been, or is no longer, in the possession, custody, or control of the
responding party. The statement shall set forth the name and address of
any natural person or organization known or believed by that party to
have possession, custody, or control of that item or category of item.

Plaintiffs are informed and believe, and upon such information and belief alleges, that said documents and things currently in the possession, custody, or control of Defendants are not privileged, are relevant to the subject matter of this action or are reasonably calculated to lead to the discovery of admissible and relevant evidence within the meaning of the *Code of Civil Procedure*.

PLEASE ALSO TAKE NOTICE that these Requests for Production, Set No. Two, are served concurrent with Plaintiffs' Special Interrogatories, Set Four and are based upon the subject matter and content of those Special Interrogatories for purposes of interpretation.

DEFINITIONS

The words appearing in bold capitals in these Interrogatories are defined as follows:

1 1. **GROUNDWATER BASIN/PASO ROBLES GROUNDWATER BASIN** means
2 groundwater basin(s) as described in the Department of Water Resources California Groundwater
3 Bulletin 118 – Update 2003.

4 2. **IDENTIFY** when used in reference to a DOCUMENT means to provide with respect to
5 each DOCUMENT requested to be identified by these interrogatories, a description of the DOCUMENT
6 including the following:

- 7 (1) The type of DOCUMENT (e.g., letter, memorandum, etc.);
- 8 (2) The date of the DOCUMENT;
- 9 (3) The title or label of the DOCUMENT;
- 10 (4) The identity of the originator(s);
- 11 (5) The identity of each PERSON to whom it was sent;
- 12 (6) The identity of each PERSON to whom a copy or copies were sent;
- 13 (7) A summary of the contents of the DOCUMENT;
- 14 (8) The name and last known address of each PERSON who presently has
15 possession, custody or control of the DOCUMENT; and
- 16 (9) If any such DOCUMENT was, but is no longer, in YOUR possession, custody or
17 control or is no longer in existence, state whether it:
 - 18 (i) is missing or lost;
 - 19 (ii) has been destroyed; or
 - 20 (iii) has been transferred voluntarily or involuntarily, and, if so, state the
21 circumstances surrounding the authorization for each such disposition and
22 the date of such disposition.

23 3. **IDENTIFY** when used in reference to a natural PERSON means to state:

- 24 (1) The full legal name of the PERSON;
- 25 (2) The name, title and employer of the PERSON at the time in question;
- 26 (3) The present or last known employer of such PERSON;
- 27 (4) The present or last known business address of the PERSON;
- 28 (5) The present home and business telephone numbers of the PERSON;

1 4. **IDENTIFY** when used with reference to a PERSON other than a natural person means
2 to state:

- 3 (1) The full name of the PERSON and any names under which it conducted business;
- 4 (2) The present or last known address of the PERSON;
- 5 (3) The present or last known telephone number of the PERSON.

6 5. **MODELING WORK/INFORMATION:** Modeling information/work includes but
7 is not limited to all models, final modeling runs, interim model runs, modeling forecasts, modeling
8 sensitivity analysis, and modeling calibration runs and any change of input parameters used to
9 generate modeling output including all supporting data, whether in electronic, hard copy or any other
10 form. Modeling information/work includes each and every piece of information of whatever kind,
11 including notes and any documentation prepared by the modeler and each and every tool available to
12 access, run and interpret all modeling information/work which was available to those persons
13 conducting, interpreting and or using the modeling information/work.

14 6. **WATERSHED** means the surface drainage area surrounding and including the
15 GROUNDWATER BASIN.

16 7. **WRITINGS** means writings as the term as it is defined by *Evidence Code* § 250, and shall
17 include, without limitation, any written, printed, typed, photostatic, photographed, recorded,
18 computer-generated, computer-stored, or otherwise maintained or reproduced communication or
19 representation, any data compilation in any form, whether comprised of letters, words, numbers,
20 pictures, sounds, bytes, e-mails, electronic signals or impulses, electronic data, active files, deleted files,
21 file fragments, or any combination thereof including, without limitation, all memoranda, notes, records,
22 letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, projections,
23 estimates, working papers, accounts, analytical records, reports and/or summaries, investigations,
24 opinions or reports of consultants, opinions or reports of experts, opinions or reports of accountants,
25 other reports, trade letters, press releases, comparisons, books, diaries, articles, magazines,
26 newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, forecasts, drawings,
27 diagrams, instructions, minutes of meetings or communications of any type, including inter- and intra-
28 office communications, questionnaires, surveys, charts, graphs, photographs, phonographs, films,

1 tapes, discs, data cells, drums, printouts, all other compiled data which can be obtained (translated, if
2 necessary, through intermediary or other devices into usable forms), documents maintained on, stored
3 in or generated on any electronic transfer or storage system, any preliminary versions, drafts or
4 revisions of any of the foregoing, and other writings or documents of whatever description or kind,
5 whether produced or authorized by or on behalf of YOU or anyone else, and shall include all non-
6 identical copies and drafts of any of the foregoing now in the possession, custody or control of
7 Responding Party.

8 8. **YOU/YOUR** includes YOU, COUNTY OF SAN LUIS OBISPO, and to the extent
9 COUNTY OF SAN LUIS OBISPO has the information in its possession or control, YOUR agents,
10 YOUR employees, YOUR consultants, their agents, their employees, YOUR attorneys, YOUR
11 accountants, YOUR investigators, and anyone else acting on YOUR behalf.

12 **DOCUMENTS AND THINGS TO BE PRODUCED**

13 200. All WRITINGS and information of any kind provided by YOU for the purpose of
14 performing modeling information/work related to the GROUNDWATER BASIN and/or
15 WATERSHED.
16

17 201. All WRITINGS and well information, including but not limited to well completion
18 reports, geophysical logs, pump test data and aquifer testing data related to the GROUNDWATER
19 BASIN and/or WATERSHED.


20 202. All WRITINGS and modeling information/work in your possession, custody or control
21 related to the GROUNDWATER BASIN and/or WATERSHED.

22 203. All WRITINGS and information related to land subsidence, seawater intrusion,
23 reduction in water in storage, chronic lowering of groundwater levels, degradation of water quality,
24 depletions of interconnected surface water or other undesirable results.

25 204. ALL WRITINGS IDENTIFYING the specific software used to create, interpret or
26 otherwise assist in the preparation or use of all modeling information/work related to the
27 GROUNDWATER BASIN and/or WATERSHED along with the software's version and release date.
28

1 DATED: October 4, 2017

CLIFFORD & BROWN

2
3 By 
4 RICHARD G. ZIMMER, ESQ.
5 Attorneys for Plaintiffs
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1 **PROOF OF SERVICE (C.C.P. §1013a, 2015.5)**
2 *Steinbeck Vineyards #1, LLC, et al. v. COUNTY OF SAN LUIS OBISPO, et al.*
3 *Santa Clara County Superior Court Case No. 1-14-CV-265039*

4 STATE OF CALIFORNIA, COUNTY OF KERN

5 I am employed in the County of Kern, State of California. I am over the age of 18 and not a
6 party to the within action; my business address is 1430 Truxtun Avenue, Suite 900, Bakersfield, CA
7 93301. On October 4, 2017, I served the foregoing document(s) entitled:

8 **REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE**

9 X by posting said document listed above to the Santa Clara Superior Court website at
10 www.scefiling.org. All appearing parties have agreed to be served electronically by the Court.

11
12 X (State) I declare under penalty of perjury under the laws of the State of
13 California that the above is true and correct.

14 Executed on October 4, 2017, at Bakersfield, California.


15 
16 _____
17 DIANA SEIBERT
18 {74330-2}

EXHIBIT "B"

1 RICHARD G. ZIMMER, ESQ. - SBN 107263
2 CLIFFORD & BROWN
3 A Professional Corporation
4 Attorneys at Law
5 Bank of America Building
6 1430 Truxtun Avenue, Suite 900
7 Bakersfield, CA 93301-5230
8 Tel: (661) 322-6023 Fax: (661) 322-3508
9 Attorneys for Plaintiffs

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

10 * * *

11 STEINBECK VINEYARDS # 1, LLC, et al.,
12 Plaintiffs,
13 vs.
14 COUNTY OF SAN LUIS OBISPO, et al.,
15 Defendants.

CASE NO. 1-14-CV-265039
Consolidated with Case No. 1-14-CV-269212

REQUESTS FOR PRODUCTION OF
DOCUMENTS, SET NO. THREE,
PROPOUNDED TO DEFENDANT COUNTY
OF SAN LUIS OBISPO

Trial Date: April 30, 2018 (Prescription)
Judge: Hon. Peter H. Kirwan

16 _____
17 ROBERT EIDEMILLER,
18 Plaintiff,
19 vs.
20 COUNTY OF SAN LUIS OBISPO, et al.,
21 Defendants.

23 PROPOUNDING PARTY : Plaintiffs, STEINBECK VINEYARDS #1 LLC, et al.
24 RESPONDING PARTY : Defendant, COUNTY OF SAN LUIS OBISPO
25 SET NO. : THREE

26 Pursuant to *Code of Civil Procedure* § 2031.010 et seq., Plaintiffs STEINBECK VINEYARDS
27 #1 LLC, et al. hereby requests that Defendant COUNTY OF SAN LUIS OBISPO, produce and permit
28 the inspection, copying, testing, sampling and photographing of those documents, tangible things, land or

1 other property, and electronically stored information and things described in this request in the
2 possession, custody or control of responding party.

3 Said production shall be made at the law offices of Clifford & Brown, located at 1430 Truxtun
4 Avenue, Suite 900, Bakersfield, California, 93301 and uploaded into Dropbox, on or before **December**
5 **29, 2017**, or by forwarding copies of the requested items.

6 PLEASE TAKE NOTICE your response must include pursuant to:

7 *Code of Civil Procedure* § 2031.210 et seq.:

8 (a) The party to whom a demand for inspection, copying, testing, or
9 sampling has been directed shall respond separately to each item or
category of item by any of the following:

10 (1) A statement that the party will comply with the particular demand
11 for inspection, copying, testing, or sampling by the date set for the
12 inspection, copying, testing, or sampling pursuant to paragraph (2) of
subdivision (c) of Section 2031.030 and any related activities.

13 (2) A representation that the party lacks the ability to comply with the
14 demand for inspection, copying, testing, or sampling of a particular
item or category of item.

15 (3) An objection to the particular demand for inspection, copying,
16 testing, or sampling.

17 (b) In the first paragraph of the response immediately below the title of
18 the case, there shall appear the identity of the responding party, the set
number, and the identity of the demanding party.

19 (c) Each statement of compliance, each representation, and each
20 objection in the response shall bear the same number and be in the same
sequence as the corresponding item or category in the demand, but the
21 text of that item or category need not be repeated.

22 (d) If a party objects to the discovery of electronically stored
23 information on the grounds that it is from a source that is not
24 reasonably accessible because of undue burden or expense and that the
responding party will not search the source in the absence of an
25 agreement with the demanding party or court order, the responding
26 party shall identify in its response the types or categories of sources of
electronically stored information that it asserts are not reasonably
27 accessible. By objecting and identifying information of a type or
category of source or sources that are not reasonably accessible, the
28 responding party preserves any objections it may have relating to that
electronically stored information.

1 *Code of Civil Procedure § 2031.220:*

2 A statement that the party to whom a demand for inspection, copying,
3 testing, or sampling has been directed will comply with the particular
4 demand shall state that the production, inspection, copying, testing, or
5 sampling, and related activity demanded, will be allowed either in
6 whole or in part, and that all documents or things in the demanded
category that are in the possession, custody, or control of that party and
to which no objection is being made will be included in the production.

7 *Code of Civil Procedure § 2031.230:*

8 A representation of inability to comply with the particular demand for
9 inspection, copying, testing, or sampling shall affirm that a diligent
10 search and a reasonable inquiry has been made in an effort to comply
11 with that demand. This statement shall also specify whether the
12 inability to comply is because the particular item or category has never
existed, has been destroyed, has been lost, misplaced, or stolen, or has
never been, or is no longer, in the possession, custody, or control of the
responding party. The statement shall set forth the name and address of
any natural person or organization known or believed by that party to
have possession, custody, or control of that item or category of item.

13 Plaintiffs are informed and believe, and upon such information and belief alleges, that said
14 documents and things currently in the possession, custody, or control of Defendants, are relevant to the
15 subject matter of this action or are reasonably calculated to lead to the discovery of admissible and
16 relevant evidence within the meaning of the *Code of Civil Procedure*.

17 **DEFINITIONS**

18 The words appearing in bold capitals in these Interrogatories are defined as follows:

- 19 1. **GROUNDWATER BASIN/PASO ROBLES GROUNDWATER BASIN** means
20 groundwater basin(s) as described in the Department of Water Resources California
21 Groundwater Bulletin 118 – Update 2003.
22 2. **GROUNDWATER/PERCOLATING GROUNDWATER** means water beneath the
23 surface of the earth not including subterranean streams flowing through known and
24 definite channels.
25 3. **WATERSHED** means the surface drainage area surrounding and including the
26 **GROUNDWATER BASIN**.
27 4. **WRITINGS** means writings as the term as it is defined by *Evidence Code § 250*, and
28 shall include, without limitation, any written, printed, typed, photostatic, photographed,

1 recorded, computer-generated, computer-stored, or otherwise maintained or reproduced
2 communication or representation, any data compilation in any form, whether comprised
3 of letters, words, numbers, pictures, sounds, bytes, e-mails, electronic signals or impulses,
4 electronic data, active files, deleted files, file fragments, or any combination thereof
5 including, without limitation, all memoranda, notes, records, letters, envelopes,
6 telegrams, messages, studies, analyses, contracts, agreements, projections, estimates,
7 working papers, accounts, analytical records, reports and/or summaries, investigations,
8 opinions or reports of consultants, opinions or reports of experts, opinions or reports of
9 accountants, other reports, trade letters, press releases, comparisons, books, diaries,
10 articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins,
11 notices, forecasts, drawings, diagrams, instructions, minutes of meetings or
12 communications of any type, including inter- and intra-office communications,
13 questionnaires, surveys, charts, graphs, photographs, phonographs, films, tapes, discs,
14 data cells, drums, printouts, all other compiled data which can be obtained (translated, if
15 necessary, through intermediary or other devices into usable forms), documents
16 maintained on, stored in or generated on any electronic transfer or storage system, any
17 preliminary versions, drafts or revisions of any of the foregoing, and other writings or
18 documents of whatever description or kind, whether produced or authorized by or on
19 behalf of **YOU** or anyone else, and shall include all non-identical copies and drafts of any
20 of the foregoing now in the possession, custody or control of Responding Party.

- 21 5. **YOU/YOUR** means and includes YOU, Defendant COUNTY OF SAN LUIS
22 OBISPO, and to the extent Defendant COUNTY OF SAN LUIS OBISPO has the
23 information in its possession or control, YOUR agents, YOUR employees, YOUR
24 consultants, their agents, their employees, YOUR attorneys, YOUR accountants,
25 YOUR investigators, and anyone else acting on YOUR behalf.

26 **DOCUMENTS AND THINGS TO BE PRODUCED**

27 209. All **WRITINGS** related to the screen depth of any groundwater wells in the
28 **GROUNDWATER BASIN.**

1 210. All **WRITINGS** related to the amounts in acre feet per year pumped from any
2 groundwater wells in the **GROUNDWATER BASIN**.

3 211. All **WRITINGS** related to the how groundwater pumped from each well in the
4 **GROUNDWATER BASIN** was used.

5 212. All **WRITINGS** related to the number of acres irrigated by any groundwater user from
6 any groundwater wells in the **GROUNDWATER BASIN**.

7 213. All **WRITINGS** related to measurements regarding the depth to groundwater for any
8 well in the **GROUNDWATER BASIN**.

9 214. All **WRITINGS** related to any parcel in the **GROUNDWATER BASIN** on which there
10 is no well.

11 215. All **WRITINGS** related to any parcel in the **GROUNDWATER BASIN** upon which
12 groundwater has never been pumped.

13 216. All **WRITINGS** related to the screen depth of any groundwater wells in the
14 **WATERSHED**.

15 217. All **WRITINGS** related to the amounts in acre feet per year pumped from any
16 groundwater wells in the **WATERSHED**.

17 218. All **WRITINGS** related to the how groundwater pumped from each well in the
18 **WATERSHED** was used.

19 219. All **WRITINGS** related to the number of acres irrigated by any groundwater user from
20 any groundwater wells in the **WATERSHED**.

21 220. All **WRITINGS** related to measurements regarding the depth to groundwater for any
22 well in the **WATERSHED**.

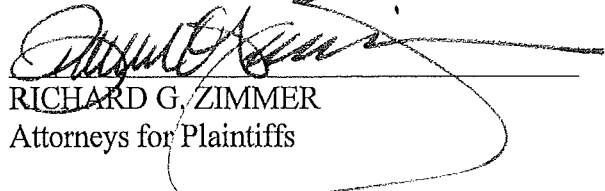
23 221. All **WRITINGS** related to any parcel in the **WATERSHED** on which there is no well.
24 222. All **WRITINGS** related to any parcel in the **WATERSHED** upon which groundwater

25 has never been pumped.

26 DATED: November 27, 2017

CLIFFORD & BROWN

27 By:


RICHARD G. ZIMMER
Attorneys for Plaintiffs

1 **PROOF OF SERVICE (C.C.P. §1013a, 2015.5)**

2 *Steinbeck Vineyards #1, LLC, et al. v. COUNTY OF SAN LUIS OBISPO, et al.*
3 *Santa Clara County Superior Court Case No. 1-14-CV-265039*

4 STATE OF CALIFORNIA, COUNTY OF KERN

5 I am employed in the County of Kern, State of California. I am over the age of 18 and not a
6 party to the within action; my business address is 1430 Truxtun Avenue, Suite 900, Bakersfield, CA
7 93301. On November 27, 2017, I served the foregoing document(s) entitled:

8 **REQUEST FOR PRODUCTION OF DOCUMENTS, SET THREE, PROPOUNDED TO**
9 **COUNTY OF SAN LUIS OBISPO**

10 X by posting said document listed above to the Santa Clara Superior Court website at
11 www.scefiling.org. All appearing parties have agreed to be served electronically by the Court.

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

14 Executed on November 27, 2017, at Bakersfield, California.

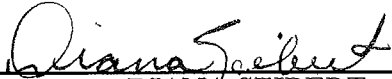
15 
16 _____
17 DIANA SEIBERT
18 {74330-2}

EXHIBIT "C"

1 ELLISON, SCHNEIDER HARRIS & DONLAN LLP
Robert E. Donlan (State Bar No. 186185)
2 Elizabeth P. Ewens (State Bar No. 213046)
Craig A. Carnes, Jr. (State Bar No. 238054)
3 2600 Capitol Avenue, Suite 400
Sacramento, California 95816
4 Telephone: (916) 447-2166
Facsimile: (916) 447-3512

**EXEMPT FROM FILING FEES
GOV'T CODE § 6103**

5 RITA L. NEAL, SBN 151156
6 County Counsel
TIMOTHY MCNULTY, SBN 138600
7 Assistant County Counsel
County of San Luis Obispo
8 County Government Center, Room D320
San Luis Obispo, CA 93408
9 Telephone (805) 781-5400
Facsimile: (805) 781-4221

10 Attorneys for Defendants County of San Luis Obispo and
11 San Luis Obispo County Flood Control and Water Conservation District

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SANTA CLARA

14
15 STEINBECK VINEYARDS # 1, LLC, et al.,

16 Plaintiffs,

17 v.

18 COUNTY OF SAN LUIS OBISPO, et al.,

19 Defendants.

CASE NO. 1-14-CV-265039

Consolidated with Case NO. 1-14-CV269212

Assigned for all purposes to the Hon. Peter
H. Kirwan

**DEFENDANT COUNTY OF SAN LUIS
OBISPO'S RESPONSES TO REQUESTS
FOR PRODUCTION OF DOCUMENTS,
SET NO. TWO**

Trial Date: April 30, 2018

Judge: Hon. Peter H. Kirwan

22 ROBERT EIDEMILLER,

23 Plaintiffs,

24 v.

25 COUNTY OF SAN LUIS OBISPO, et al.,

26 Defendants.

1 PROPOUNDING PARTY: Plaintiffs STEINBECK VINEYARDS #1, LLC, et al.
2 RESPONDING PARTY: Defendant COUNTY OF SAN LUIS OBISPO
3 SET NO.: TWO

4 **PRELIMINARY STATEMENT**

5 Defendant County of San Luis Obispo by and on behalf of the County and CSA 16-1, a
6 County service area and administrative unit of the County of San Luis Obispo (collectively
7 “Responding Party”), hereby provides the following responses to Plaintiffs Steinbeck Vineyards
8 #1, LLC’s Requests for Production of Documents, Set Two.¹ In responding, the County reserves
9 all objections relating to inadmissible evidence. The County reserves the right to amend these
10 responses without motion at any time.

11 **GENERAL OBJECTIONS**

12 1. These General Objections apply to the Responding Party’s entire response to
13 Plaintiffs’ Requests for Production, Set Two.

14 2. To the extent that any request could be construed as seeking information, legal
15 analysis or reasoning, writings, communications between counsel, clients, or their agents, or
16 anything else protected from disclosure by the attorney-client privilege, work product doctrine,
17 the right to privacy, the deliberative process privilege, the joint defense and/or common interest
18 doctrine, or any other statutory, constitutional, or common law privilege, Responding Party
19 objects thereto as to each and every such request or part thereof, and will not supply or render
20 information protected from discovery by virtue of such privilege or doctrine. Any inadvertent
21 disclosure of such information is not to be construed as an admission that the information is not
22 privileged or protected. Inadvertent production of privileged information will not constitute a
23 waiver of any privilege or protection or of any other objection to any of the document requests
24 nor will any such inadvertent production waive Responding Party’s right to object to the use of
25 any information so produced in this or any other subsequent proceeding or trial. Any response
26

27 ¹ Plaintiffs served identical but separate Requests for Production of Documents, Set No. Two, on the County and
28 CSA 16-1. CSA 16-1 is not a separate legal entity, but rather is an administrative unit of the County of San Luis
Obispo. Accordingly, these consolidated responses are provided by and on behalf of the County of San Luis
Obispo including its administrative unit CSA 16-1.

1 specifically identifying the particular facts Responding Party is relying on to support a particular
2 contention and/or defense would necessarily include the Responding Party's impressions,
3 conclusions, opinions, legal research theories, which are not discoverable under any
4 circumstances. Code of Civil Procedure section 2018.030 *et seq.*

5 3. Responding Party objects to each and every document request to the extent that it
6 seeks premature disclosure of expert witness opinion, which will not be provided at this time.
7 Code of Civil Procedure section 2034.210 *et seq.*

8 4. Responding Party objects to each and every document request to the extent that it
9 seeks information equally available to the requesting party or that may be derived or ascertained
10 from information already in the requesting party's possession, custody, or control. Responding
11 Party further objects to each and every request to the extent that it seeks information that is
12 publicly available, or is equally available to the requesting party from third parties, or
13 information that is not in Responding Party's possession, custody, or control.

14 5. Responding Party objects to the extent that the documents requests seek the
15 discovery of information that is either irrelevant to the subject matter of the present action or is
16 not reasonably calculated to lead to the discovery of admissible evidence.

17 6. Responding Party objects to each and every document request to the extent that it
18 is overbroad, compound, unduly burdensome, oppressive, and/or calculated to cause Responding
19 Party needless or unreasonable expense. Responding Party objects to any request or part thereof
20 which purports to require Responding Party to conduct an investigation beyond its current
21 records or beyond present agents and representatives as overly burdensome and oppressive.

22 7. Responding Party objects to the extent that the requests for production have, in
23 substance, been propounded previously, thus rendering the repeatedly propounded requests for
24 production both unduly burdensome and oppressive. *Career Colleges v. Superior Court* (1989)
25 207 Cal.App.3d 490, 493-494 (discovery into the same matter constitutes oppression).

26 8. Responding Party objects to each and every document request asking Responding
27 Party to produce particular electronically stored information, including e-mail, Microsoft Word,
28 Microsoft Excel, or other electronic formats, from sources that are not reasonably accessible

1 because of undue burden or expense. Responding Party will not search such sources, including
2 the computers or e-mail accounts of Responding Party, its present and former agents, employees,
3 representatives, accountants, investigators, consultants, attorneys or anyone else working on its
4 behalf in the absence of an agreement with the Propounding Party or court order.

5 9. Responding Party expressly reserves the right to object to: (1) further discovery
6 into the subject matter of any request or any portion thereof; (2) the use of these responses in any
7 other action; (3) the admissibility of these responses; and (4) any other discovery procedure
8 involving or relating to the subject matter of these document requests.

9 10. Responding Party has not yet completed its investigation and analysis of the facts
10 relating to this lawsuit, has not yet completed discovery in this action, and has not yet completed
11 preparation for trial. Consequently, the following responses are provided without prejudice to
12 Responding Party producing evidence of any subsequently discovered or assimilated facts.
13 Accordingly, Responding Party reserves the right to supplement or amend information produced
14 in response to these document requests if additional information or documents responsive to
15 specific requests is discovered, and to offer such additional information at trial.

16 11. Responding Party objects to the term “YOU/YOUR” as overbroad, vague, unduly
17 burdensome, and oppressive as applied in this case. Responding Party also objects on the ground
18 that the definition includes Responding Party’s attorneys and to the extent that these Requests for
19 Production seek information falling within the attorney-client, attorney work product and/or
20 other applicable privilege or doctrine. Responding Party objects to providing such information
21 and will not do so.

22 12. Responding Party objects to the term “GROUNDWATER BASIN/PASO
23 ROBLES GROUNDWATER BASIN” as overbroad, vague, and ambiguous.
24 “GROUNDWATER BASIN/PASO ROBLES GROUNDWATER BASIN” is defined in the
25 request for production as “groundwater basin(s) as described in the Department of Water
26 Resources California Groundwater Bulletin 118 – Update 2003.” There are 431 groundwater
27 basins delineated by DWR throughout the state of California, the vast majority of which have no
28 geological or hydrogeological connection to the Paso Robles Area Subbasin of the Salinas

1 Valley Groundwater Basin or Atascadero Area Subbasin of Salinas Valley Groundwater Basin at
2 issue in this litigation. Accordingly, for purposes of these responses, Responding Party construes
3 “GROUNDWATER BASIN/PASO ROBLES GROUNDWATER BASIN” to mean areas within
4 either the Paso Robles Area Subbasin of the Salinas Valley Groundwater Basin (3-04.06) or the
5 Atascadero Area Subbasin of the Salinas Valley Groundwater Basin (3-04.11) as currently
6 defined in DWR’s Bulletin 118.

7 13. Responding Party objects to the term “MODELING WORK/INFORMATION” as
8 vague and unintelligible, overly broad, unduly burdensome, and compound.

9 **DOCUMENTS AND THINGS REQUESTED TO BE PRODUCED**

10 **REQUEST FOR PRODUCTION NO. 200**

11 All WRITINGS and information of any kind provided by YOU for the purpose of
12 performing modeling information/work related to the GROUNDWATER BASIN and/or
13 WATERSHED.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 200:**

15 Responding Party objects to this request as vague, unintelligible, and ambiguous as to the
16 term “modeling information/work”. Responding Party objects to this request to the extent that it
17 calls for information protected by the attorney-client privilege, work product doctrine, or any
18 other statutory or common law privilege. Responding Party objects to this request to the extent
19 that the request seeks the premature disclosure of expert testimony, opinion, analysis, documents,
20 or materials. Responding Party objects to this request to the extent that it calls for information
21 and documents that are subject to confidentiality agreements that preclude or prohibit the
22 disclosure of the information or materials requested. Responding Party objects to this request as
23 overbroad, compound, overly burdensome, oppressive and/or calculated to cause Responding
24 Party needless or unreasonable expense. Responding Party objects as this request is duplicative
25 of other special interrogatories and requests for production, including but not limited to
26 Plaintiffs’ Special Interrogatories (Set Four) numbers 299 - 310 and Plaintiffs’ Requests for
27 Production (Set One) numbers 76, 175 - 184, thus rendering it overly broad, unduly burdensome,
28 and oppressive. Responding Party objects to the extent that this request calls for the

1 identification and production of electronically stored information from sources that are not
2 reasonably accessible because of undue burden or expense. Responding Party objects to the
3 extent that this request seeks information equally available to the Propounding Party or that may
4 be derived or ascertained from information already in the Propounding Party's possession,
5 custody or control, or seeks information that is publicly available or is equally available to the
6 Propounding Party from third parties.

7 Subject to and without waiving the foregoing Preliminary Statement and General and
8 Specific Objections, Responding Party will produce documents responsive to this request.

9 Discovery is ongoing. Consequently, Responding Party reserves its right to supplement
10 or amend information and documents produced in this response. In addition, Responding Party
11 expects to introduce and rely upon expert opinion, analysis and testimony. Expert opinion
12 currently is protected by the attorney-client and attorney work product privileges and is not
13 subject to discovery.

14 **REQUEST FOR PRODUCTION NO. 201:**

15 All WRITINGS and well information, including but not limited to well completion
16 reports, geophysical logs, pump test data and aquifer testing data related to the
17 GROUNDWATER BASIN and/or WATERSHED.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 201:**

19 Responding Party objects to this request to the extent that it calls for information
20 protected by the attorney-client privilege, work product doctrine, or any other statutory or
21 common law privilege. Responding Party objects to this request to the extent that the request
22 seeks the premature disclosure of expert testimony, opinion, analysis, documents, or materials.
23 Responding Party objects to this request to the extent that it calls for information and documents
24 that are subject to confidentiality agreements that preclude or prohibit the disclosure of the
25 information or materials requested. Responding Party objects to this request as overbroad,
26 compound, overly burdensome, oppressive and/or calculated to cause Responding Party needless
27 or unreasonable expense. Responding Party objects as this request is duplicative of other special
28 interrogatories and requests for production, including but not limited to Plaintiffs' Special

1 Interrogatories (Set Four) numbers 299 – 310 and Plaintiffs’ Requests for Production (Set One)
2 numbers 76, 175 - 184, thus rendering it overly broad, unduly burdensome, and oppressive.
3 Responding Party objects to the extent that this request calls for the identification and production
4 of electronically stored information from sources that are not reasonably accessible because of
5 undue burden or expense. Responding Party objects to the extent that this request seeks
6 information equally available to the Propounding Party, or that may be derived or ascertained
7 from information already in the Propounding Party’s possession, custody or control, or seeks
8 information that is publicly available or is equally available to the Propounding Party from third
9 parties.

10 Subject to and without waiving the foregoing Preliminary Statement and General and
11 Specific Objections, Responding Party will produce documents responsive to this request.

12 Discovery is ongoing. Consequently, Responding Party reserves its right to supplement
13 or amend information and documents produced in this response. In addition, Responding Party
14 expects to introduce and rely upon expert opinion, analysis and testimony. Expert opinion
15 currently is protected by the attorney-client and attorney work product privileges and is not
16 subject to discovery.

17 **REQUEST FOR PRODUCTION NO. 202:**

18 All WRITINGS and modeling information/work in your possession, custody or control
19 related to the GROUNDWATER BASIN and/or WATERSHED.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 202:**

21 Responding Party objects to this request as vague, unintelligible, and ambiguous as to the
22 term “modeling information/work”. Responding Party objects to this request to the extent that it
23 calls for information and documents protected by the attorney-client privilege, work product
24 doctrine, or any other statutory or common law privilege. Responding Party objects to this
25 request to the extent that the request seeks the premature disclosure of expert testimony, opinion,
26 analysis, documents, or materials. Responding Party objects to this request to the extent that it
27 calls for information and documents that are subject to confidentiality agreements that preclude
28 or prohibit the disclosure of the information or materials requested. Responding Party objects to

1 **PROOF OF SERVICE**


2 I declare that:

3 I am employed in the County of Sacramento, State of California. I am over the age of
4 eighteen years and am not a party to the within action. My business address is ELLISON
5 SCHNEIDER HARRIS & DONLAN LLP: 2600 Capitol Avenue, Suite 400; Sacramento,
6 California, 95816. On November 7, 2017, I sent the foregoing document described as:

7 **DEFENDANT COUNTY SAN LUIS OBISPO'S RESPONSES TO PLAINTIFFS**
8 **STEINBECK VINEYARDS #1, LLC'S REQUESTS FOR PRODUCTION OF**
9 **DOCUMENTS, SET NO. TWO**

10 **VIA ELECTRONIC TRANSMISSION:** I am readily familiar with the firm's practice
11 for causing documents to be served by electronic transmission. Following that practice, I caused
12 the aforementioned document(s) to be electronically submitted to the email addresses specified
13 in the attached Service List using the electronic service provider Odyssey E-File CA

14 I declare under penalty of perjury that the foregoing is true and correct and that this
15 declaration was executed on November 7, 2017, at Sacramento, California.

16 
17 _____
18 Patty Slomski
19
20
21
22
23
24
25
26
27
28

1 **SERVICE LIST**

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**EXEMPT FROM FILING FEES
GOV'T CODE § 6103**

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10 Attorneys for Defendants County of San Luis Obispo and
11 San Luis Obispo County Flood Control and Water Conservation Responding Party

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SANTA CLARA

14 STEINBECK VINEYARDS # 1, LLC, et al.

15 Plaintiffs,

16 v.

17 COUNTY OF SAN LUIS OBISPO, et al.,

18 Defendants.

CASE NO. 1-14-CV-265039
Consolidated with Case NO. 1-14-CV269212

Assigned for all purposes to the Hon. Peter
H. Kirwan

**DEFENDANT SAN LUIS OBISPO
COUNTY'S RESPONSES TO
PLAINTIFF STEINBECK VINEYARDS
#1, LLC, ET AL.'S REQUESTS FOR
PRODUCTION OF DOCUMENTS, SET
NO. THREE**

Trial Date: August 27, 2018
Judge: Hon. Peter H. Kirwan

22 ROBERT EIDEMILLER,

23 Plaintiffs,

24 v.

25 COUNTY OF SAN LUIS OBISPO, et al.,

26 Defendants.

1 PROPOUNDING PARTY: Plaintiffs STEINBECK VINEYARDS #1, LLC, *et al.*

2 RESPONDING PARTY: Defendant SAN LUIS OBISPO COUNTY

3 SET NO.: Three

4
5 **PRELIMINARY STATEMENT**

6 Defendant County of San Luis Obispo by and on behalf of the County and CSA 16-1, a
7 County service area and administrative unit of the County of San Luis Obispo (collectively
8 “Responding Party”), hereby provides the following responses to Plaintiffs Steinbeck Vineyards
9 #1, LLC’s Requests for Production of Documents, Set Three.¹ In responding, the Responding
10 Party reserves all objections relating to inadmissible evidence. The Responding Party reserves
11 the right to amend these responses without motion at any time.

12 **GENERAL OBJECTIONS**

13 1. These General Objections apply to the Responding Party’s entire response to
14 Plaintiffs’ Requests for Production, Set Three.

15 2. To the extent that any request could be construed as seeking information, legal
16 analysis or reasoning, writings, communications between counsel, clients, or their agents, or
17 anything else protected from disclosure by the attorney-client privilege, work product doctrine,
18 the right to privacy, the deliberative process privilege, the joint defense and/or common interest
19 doctrine, or any other statutory, constitutional, or common law privilege, Responding Party
20 objects thereto as to each and every such request or part thereof, and will not supply or render
21 information protected from discovery by virtue of such privilege or doctrine. Any inadvertent
22 disclosure of such information is not to be construed as an admission that the information is not
23 privileged or protected. Inadvertent production of privileged information will not constitute a
24 waiver of any privilege or protection or of any other objection to any of the document requests
25 nor will any such inadvertent production waive Responding Party’s right to object to the use of

26
27 ¹ Plaintiffs served identical but separate Requests for Production of Documents, Set No. Three, on the County and
28 CSA 16-1. CSA 16-1 is not a separate legal entity, but rather is an administrative unit of the County of San Luis
Obispo. Accordingly, these consolidated responses are provided by and on behalf of the County of San Luis
Obispo including its administrative unit CSA 16-1.

1 any information so produced in this or any other subsequent proceeding or trial. Any response
2 specifically identifying the particular facts Responding Party is relying on to support a particular
3 contention and/or defense would necessarily include the Responding Party's impressions,
4 conclusions, opinions, legal research theories, which are not discoverable under any
5 circumstances. Code of Civil Procedure section 2018.030 *et seq.*

6 3. Responding Party objects to each and every document request to the extent that it
7 seeks premature disclosure of expert witness opinion, which will not be provided at this time.
8 Code of Civil Procedure section 2034.210 *et seq.*

9 4. Responding Party objects to each and every document request to the extent that it
10 seeks information equally available to the requesting party or that may be derived or ascertained
11 from information already in the requesting party's possession, custody, or control. Responding
12 Party further objects to each and every request to the extent that it seeks information that is
13 publicly available, or is equally available to the requesting party from third parties, or
14 information that is not in Responding Party's possession, custody, or control.

15 5. Responding Party objects to the extent that the document requests seek the
16 discovery of information that is either irrelevant to the subject matter of the present action or is
17 not reasonably calculated to lead to the discovery of admissible evidence.

18 6. Responding Party objects to each and every document request to the extent that it
19 is overbroad, compound, unduly burdensome, oppressive, and/or calculated to cause Responding
20 Party needless or unreasonable expense. Responding Party objects to any request or part thereof
21 which purports to require Responding Party to conduct an investigation beyond its current
22 records or beyond present agents and representatives as overly burdensome and oppressive.

23 7. Responding Party objects to the extent that the requests for production have, in
24 substance, been propounded previously, thus rendering the repeatedly propounded requests for
25 production both unduly burdensome and oppressive. *Career Colleges v. Superior Court* (1989)
26 207 Cal.App.3d 490, 493-494 (discovery into the same matter constitutes oppression).

27 8. Responding Party objects to each and every document request asking Responding
28 Party to produce particular electronically stored information, including e-mail, Microsoft Word,

1 Microsoft Excel, or other electronic formats, from sources that are not reasonably accessible
2 because of undue burden or expense. Responding Party will not search such sources, including
3 the computers or e-mail accounts of Responding Party, its present and former agents, employees,
4 representatives, accountants, investigators, consultants, attorneys or anyone else working on its
5 behalf in the absence of an agreement with the Propounding Party or court order.

6 9. Responding Party expressly reserves the right to object to: (1) further discovery
7 into the subject matter of any request or any portion thereof; (2) the use of these responses in any
8 other action; (3) the admissibility of these responses; and (4) any other discovery procedure
9 involving or relating to the subject matter of these document requests.

10 10. Responding Party has not yet completed its investigation and analysis of the facts
11 relating to this lawsuit, has not yet completed discovery in this action, and has not yet completed
12 preparation for trial. Consequently, the following responses are provided without prejudice to
13 Responding Party producing evidence of any subsequently discovered or assimilated facts.
14 Accordingly, Responding Party reserves the right to supplement or amend information produced
15 in response to these document requests if additional information or documents responsive to
16 specific requests is discovered, and to offer such additional information at trial.

17 11. Responding Party objects to the term "YOU/YOUR" as overbroad, vague, unduly
18 burdensome, and oppressive as applied in this case. Responding Party also objects on the ground
19 that the definition includes Responding Party's attorneys and to the extent that these Requests for
20 Production seek information falling within the attorney-client, attorney work product and/or
21 other applicable privilege or doctrine. Responding Party objects to providing such information
22 and will not do so.

23 12. Responding Party objects to the term "GROUNDWATER BASIN/PASO
24 ROBLES GROUNDWATER BASIN" as overbroad, vague, and ambiguous.
25 "GROUNDWATER BASIN/PASO ROBLES GROUNDWATER BASIN" is defined in the
26 requests for production as "groundwater basin(s) as described in the Department of Water
27 Resources California Groundwater Bulletin 118 – Update 2003." There are 431 groundwater
28 basins delineated by DWR throughout the state of California, the vast majority of which have no

1 geological or hydrogeological connection to the Paso Robles Area Subbasin of the Salinas
2 Valley Groundwater Basin or Atascadero Area Subbasin of Salinas Valley Groundwater Basin at
3 issue in this litigation. Accordingly, for purposes of these responses, Responding Party construes
4 “GROUNDWATER BASIN/PASO ROBLES GROUNDWATER BASIN” to mean areas within
5 either the Paso Robles Area Subbasin of the Salinas Valley Groundwater Basin (3-04.06) or the
6 Atascadero Area Subbasin of the Salinas Valley Groundwater Basin (3-04.11) as currently
7 defined in DWR’s Bulletin 118.

8 13. Responding Party objects to the term “WATERSHED” as overbroad, vague, and
9 ambiguous as it does not identify the boundaries of the “WATERSHED” and, further, relies on
10 the definition of “GROUNDWATER BASIN/PASO ROBLES GROUNDWATER BASIN”
11 which, as stated in paragraph 12, above, is both vague and ambiguous.

12 **DOCUMENTS AND THINGS REQUESTED TO BE PRODUCED**

13 **REQUEST FOR PRODUCTION NO. 209**

14 All WRITINGS related to the screen depth of any groundwater wells in the
15 GROUNDWATER BASIN.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 209:**

17 Responding Party objects to this request to the extent that it calls for information
18 protected by the attorney-client privilege, work product doctrine, or any other statutory or
19 common law privilege. Responding Party objects to this request to the extent that the request
20 seeks the premature disclosure of expert testimony, opinion, analysis, documents, or materials.
21 Responding Party objects to this request to the extent that it calls for documents and information
22 protected from disclosure by the privacy rights of third parties and/or seeks information and
23 documents that are subject to confidentiality agreements that preclude or prohibit the disclosure
24 of the information or materials requested. Responding Party objects to this request as overbroad,
25 compound, overly burdensome, oppressive and/or calculated to cause Responding Party needless
26 or unreasonable expense because, without limitation, it seeks information regarding each and
27 every groundwater well within the GROUNDWATER BASIN regardless of ownership, the
28 number of privately and publicly owned groundwater wells within the GROUNDWATER

1 BASIN is estimated to be in the hundreds and, further, this request is overbroad as it is unlimited
2 as to period of time. Responding Party objects to the extent that this request seeks information
3 equally available to the Propounding Party, or that may be derived or ascertained from
4 information already in the Propounding Party's possession, custody or control, or seeks
5 information that is publicly available or is equally available to the Propounding Party from third
6 parties. Responding Party objects to the extent that this request calls for the identification and
7 production of electronically stored information from sources that are not reasonably accessible
8 because of undue burden or expense. Responding Party objects as this request is duplicative of
9 other special interrogatories and requests for production thus rendering it unduly burdensome
10 and oppressive. Responding Party objects as the request for production seeks information that is
11 not relevant to the subject matter of this case nor is it reasonably calculated to lead to the
12 discovery of admissible evidence.

13 **REQUEST FOR PRODUCTION NO. 210:**

14 All WRITINGS related to the amounts in acre feet per year pumped from any
15 groundwater wells in the GROUNDWATER BASIN.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 210:**

17 Responding Party objects to this request to the extent that it calls for information
18 protected by the attorney-client privilege, work product doctrine, or any other statutory or
19 common law privilege. Responding Party objects to this request to the extent that the request
20 seeks the premature disclosure of expert testimony, opinion, analysis, documents, or materials.
21 Responding Party objects to this request to the extent that it calls for documents and information
22 protected from disclosure by the privacy rights of third parties and/or seeks information and
23 documents that are subject to confidentiality agreements that preclude or prohibit the disclosure
24 of the information or materials requested. Responding Party objects to this request as overbroad,
25 compound, overly burdensome, oppressive and/or calculated to cause Responding Party needless
26 or unreasonable expense because, without limitation, it seeks information regarding each and
27 every groundwater well within the GROUNDWATER BASIN regardless of ownership, the
28 number of privately and publicly owned groundwater wells within the GROUNDWATER

1 GROUNDWATER BASIN is estimated to be in the hundreds and, further, this request is
2 overbroad as it is unlimited as to period of time and fails to recognize that the number of acres
3 irrigated by any groundwater user may change over time. Responding Party objects to the extent
4 that this request seeks information equally available to the Propounding Party, or that may be
5 derived or ascertained from information already in the Propounding Party's possession, custody
6 or control, or seeks information that is publicly available or is equally available to the
7 Propounding Party from third parties. Responding Party objects to the extent that this request
8 calls for the identification and production of electronically stored information from sources that
9 are not reasonably accessible because of undue burden or expense. Responding Party objects as
10 this request is duplicative of other special interrogatories and requests for production thus
11 rendering it unduly burdensome and oppressive.

12 **REQUEST FOR PRODUCTION NO. 213:**

13 All WRITINGS related to measurements regarding the depth to groundwater for any well
14 in the GROUNDWATER BASIN.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 213:**

16 Responding Party objects to this request to the extent that it calls for information
17 protected by the attorney-client privilege, work product doctrine, or any other statutory or
18 common law privilege. Responding Party objects to this request to the extent that the request
19 seeks the premature disclosure of expert testimony, opinion, analysis, documents, or materials.
20 Responding Party objects to this request to the extent that it calls for documents and information
21 protected from disclosure by the privacy rights of third parties and/or seeks information and
22 documents that are subject to confidentiality agreements that preclude or prohibit the disclosure
23 of the information or materials requested. Responding Party objects to this request as overbroad,
24 compound, overly burdensome, oppressive and/or calculated to cause Responding Party needless
25 or unreasonable expense because, without limitation, it seeks information regarding each and
26 every groundwater well within the GROUNDWATER BASIN regardless of ownership, the
27 number of privately and publicly owned groundwater wells within the GROUNDWATER
28 BASIN is estimated to be in the hundreds and, further, this request is overbroad as it is unlimited

1 as to period of time. Responding Party objects to the extent that this request seeks information
2 equally available to the Propounding Party, or that may be derived or ascertained from
3 information already in the Propounding Party's possession, custody or control, or seeks
4 information that is publicly available or is equally available to the Propounding Party from third
5 parties. Responding Party objects to the extent that this request calls for the identification and
6 production of electronically stored information from sources that are not reasonably accessible
7 because of undue burden or expense. Responding Party objects as this request is duplicative of
8 other special interrogatories and requests for production thus rendering it unduly burdensome
9 and oppressive.

10 **REQUEST FOR PRODUCTION NO. 214:**

11 All WRITINGS related to any parcel in the GROUNDWATER BASIN on which there is
12 no well.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 214:**

14 Responding Party objects to this request to the extent that it calls for information
15 protected by the attorney-client privilege, work product doctrine, or any other statutory or
16 common law privilege. Responding Party objects to this request to the extent that the request
17 seeks the premature disclosure of expert testimony, opinion, analysis, documents, or materials.
18 Responding Party objects to this request to the extent that it calls for documents and information
19 protected from disclosure by the privacy rights of third parties and/or seeks information and
20 documents that are subject to confidentiality agreements that preclude or prohibit the disclosure
21 of the information or materials requested. Responding Party objects to this request as overbroad,
22 compound, overly burdensome, oppressive and/or calculated to cause Responding Party needless
23 or unreasonable expense because, without limitation, it seeks information regarding each and
24 every parcel within the GROUNDWATER BASIN regardless of ownership, the number of
25 parcels within the GROUNDWATER BASIN is in the hundreds and, further, this request is
26 overbroad as it is unlimited as to period of time. Responding Party objects to the extent that this
27 request seeks information equally available to the Propounding Party, or that may be derived or
28 ascertained from information already in the Propounding Party's possession, custody or control,

1 from third parties. Responding Party objects to the extent that this request calls for the
2 identification and production of electronically stored information from sources that are not
3 reasonably accessible because of undue burden or expense. Responding Party objects as this
4 request is duplicative of other special interrogatories and requests for production thus rendering
5 it unduly burdensome and oppressive. Responding Party objects as the request for production
6 seeks information that is not relevant to the subject matter of this case nor is it reasonably
7 calculated to lead to the discovery of admissible evidence.

8 **REQUEST FOR PRODUCTION NO. 216:**

9 All WRITINGS related to the screen depth of any groundwater wells in the
10 WATERSHED.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 216:**

12 Responding Party objects to this request to the extent that it calls for information
13 protected by the attorney-client privilege, work product doctrine, or any other statutory or
14 common law privilege. Responding Party objects to this request to the extent that the request
15 seeks the premature disclosure of expert testimony, opinion, analysis, documents, or materials.
16 Responding Party objects to this request to the extent that it calls for documents and information
17 protected from disclosure by the privacy rights of third parties and/or seeks information and
18 documents that are subject to confidentiality agreements that preclude or prohibit the disclosure
19 of the information or materials requested. Responding Party objects to this request as overbroad,
20 compound, overly burdensome, oppressive and/or calculated to cause Responding Party needless
21 or unreasonable expense because, without limitation, it seeks information regarding each and
22 every groundwater well within the watershed surrounding the GROUNDWATER BASIN
23 regardless of ownership, the number of groundwater wells within the watershed is in the
24 hundreds and, further, this request is overbroad as it is unlimited as to period of time.
25 Responding Party objects to the extent that this request seeks information equally available to the
26 Propounding Party, or that may be derived or ascertained from information already in the
27 Propounding Party's possession, custody or control, or seeks information that is publicly
28 available or is equally available to the Propounding Party from third parties. Responding Party

1 objects to the extent that this request calls for the identification and production of electronically
2 stored information from sources that are not reasonably accessible because of undue burden or
3 expense. Responding Party objects as this request is duplicative of other special interrogatories
4 and requests for production thus rendering it unduly burdensome and oppressive. Responding
5 Party objects as the request for production seeks information that is not relevant to the subject
6 matter of this case nor is it reasonably calculated to lead to the discovery of admissible evidence.

7 **REQUEST FOR PRODUCTION NO. 217:**

8 All WRITINGS related to the amounts in acre feet per year pumped from any
9 groundwater wells in the WATERSHED.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 217:**

11 Responding Party objects to this request to the extent that it calls for information
12 protected by the attorney-client privilege, work product doctrine, or any other statutory or
13 common law privilege. Responding Party objects to this request to the extent that the request
14 seeks the premature disclosure of expert testimony, opinion, analysis, documents, or materials.
15 Responding Party objects to this request to the extent that it calls for documents and information
16 protected from disclosure by the privacy rights of third parties and/or seeks information and
17 documents that are subject to confidentiality agreements that preclude or prohibit the disclosure
18 of the information or materials requested. Responding Party objects to this request as overbroad,
19 compound, overly burdensome, oppressive and/or calculated to cause Responding Party needless
20 or unreasonable expense because, without limitation, it seeks information regarding each and
21 every groundwater well within the watershed surrounding the GROUNDWATER BASIN
22 regardless of ownership, the number of groundwater wells within the watershed numbers in the
23 hundreds and, further, this request is overbroad as it is unlimited as to period of time.
24 Responding Party objects to the extent that this request seeks information equally available to the
25 Propounding Party, or that may be derived or ascertained from information already in the
26 Propounding Party's possession, custody or control, or seeks information that is publicly
27 available or is equally available to the Propounding Party from third parties. Responding Party
28 objects to the extent that this request calls for the identification and production of electronically

1 Party objects as this request is duplicative of other special interrogatories and requests for
2 production thus rendering it unduly burdensome and oppressive. Responding Party objects as the
3 request for production seeks information that is not relevant to the subject matter of this case nor
4 is it reasonably calculated to lead to the discovery of admissible evidence.

5 **REQUEST FOR PRODUCTION NO. 220:**

6 All WRITINGS related to the measurements regarding the depth to groundwater for any
7 well in the WATERSHED.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 220:**

9 Responding Party objects to this request to the extent that it calls for information
10 protected by the attorney-client privilege, work product doctrine, or any other statutory or
11 common law privilege. Responding Party objects to this request to the extent that the request
12 seeks the premature disclosure of expert testimony, opinion, analysis, documents, or materials.
13 Responding Party objects to this request to the extent that it calls for documents and information
14 protected from disclosure by the privacy rights of third parties and/or seeks information and
15 documents that are subject to confidentiality agreements that preclude or prohibit the disclosure
16 of the information or materials requested. Responding Party objects to this request as overbroad,
17 compound, overly burdensome, oppressive and/or calculated to cause Responding Party needless
18 or unreasonable expense because, without limitation, it seeks information regarding each and
19 every groundwater well within the watershed surrounding the GROUNDWATER BASIN
20 regardless of ownership, the number of groundwater wells within the watershed is in the
21 hundreds and, further, this request is overbroad as it is unlimited as to period of time.
22 Responding Party objects to the extent that this request seeks information equally available to the
23 Propounding Party, or that may be derived or ascertained from information already in the
24 Propounding Party's possession, custody or control, or seeks information that is publicly
25 available or is equally available to the Propounding Party from third parties. Responding Party
26 objects to the extent that this request calls for the identification and production of electronically
27 stored information from sources that are not reasonably accessible because of undue burden or
28 expense. Responding Party objects as this request is duplicative of other special interrogatories

1 and requests for production thus rendering it unduly burdensome and oppressive. Responding
2 Party objects as the request for production seeks information that is not relevant to the subject
3 matter of this case nor is it reasonably calculated to lead to the discovery of admissible evidence.

4 **REQUEST FOR PRODUCTION NO. 221:**

5 All WRITINGS related to any parcel in the WATERSHED on which there is no well.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 221:**


7 Responding Party objects to this request to the extent that it calls for information
8 protected by the attorney-client privilege, work product doctrine, or any other statutory or
9 common law privilege. Responding Party objects to this request to the extent that the request
10 seeks the premature disclosure of expert testimony, opinion, analysis, documents, or materials.
11 Responding Party objects to this request to the extent that it calls for documents and information
12 protected from disclosure by the privacy rights of third parties and/or seeks information and
13 documents that are subject to confidentiality agreements that preclude or prohibit the disclosure
14 of the information or materials requested. Responding Party objects to this request as overbroad,
15 compound, overly burdensome, oppressive and/or calculated to cause Responding Party needless
16 or unreasonable expense because, without limitation, it seeks information regarding each and
17 every parcel within the watershed surrounding the GROUNDWATER BASIN regardless of
18 ownership, the number of parcels within the watershed is in the hundreds and, further, this
19 request is overbroad as it is unlimited as to period of time. Responding Party objects to the extent
20 that this request seeks information equally available to the Propounding Party, or that may be
21 derived or ascertained from information already in the Propounding Party's possession, custody
22 or control, or seeks information that is publicly available or is equally available to the
23 Propounding Party from third parties. Responding Party objects to the extent that this request
24 calls for the identification and production of electronically stored information from sources that
25 are not reasonably accessible because of undue burden or expense. Responding Party objects as
26 this request is duplicative of other special interrogatories and requests for production thus
27 rendering it unduly burdensome and oppressive. Responding Party objects as the request for
28 production seeks information that is not relevant to the subject matter of this case nor is it

1 reasonably calculated to lead to the discovery of admissible evidence.

2
3 DATED: January 18, 2018

ELLISON SCHNEIDER HARRIS & DONLAN LLP

4
5 By:



6 ROBERT E. DONLAN
7 ELIZABETH P. EWENS
8 CRAIG A. CARNES, JR.
Attorneys for Defendant
9 SAN LUIS OBISPO COUNTY
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1 **PROOF OF SERVICE**

2 I declare that:

3 I am employed in the County of Sacramento, State of California. I am over the age of
4 eighteen years and am not a party to the within action. My business address is ELLISON
5 SCHNEIDER HARRIS & DONLAN LLP: 2600 Capitol Avenue, Suite 400; Sacramento,
6 California, 95816. On January 18, 2018, I sent the foregoing document described as:

7 **DEFENDANT SAN LUIS OBISPO COUNTY'S RESPONSES TO PLAINTIFF
8 STEINBECK VINEYARDS #1, LLC, ET AL.'S REQUESTS FOR PRODUCTION
9 OF DOCUMENTS, SET NO. THREE**

10 **VIA ELECTRONIC TRANSMISSION:** I am readily familiar with the firm's practice
11 for causing documents to be served by electronic transmission. Following that practice, I caused
12 the aforementioned document(s) to be electronically submitted to the email addresses specified
13 in the attached Service List using the electronic service provider Odyssey E-File CA

14 I declare under penalty of perjury that the foregoing is true and correct and that this
15 declaration was executed on January 18, 2018, at Sacramento, California.

16 
17 _____
18 Patty Slomski

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PROOF OF SERVICE (C.C.P. §1013a, 2015.5)
Steinbeck Vineyards #1, LLC, et al. v. COUNTY OF SAN LUIS OBISPO, et al.
Santa Clara County Superior Court Case No. 1-14-CV-265039

STATE OF CALIFORNIA, COUNTY OF KERN

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Suite 900, Bakersfield, CA 93301. On April 5, 2018 I served the foregoing document(s) entitled:

DECLARATION OF RICHARD G. ZIMMER IN SUPPORT OF MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION SETS TWO AND THREE

X by posting and serving said document listed above to the Santa Clara Superior Court website at www.scefiling.org. All appearing parties have agreed to be served electronically by the Court.

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

Executed on April 5, 2018, at Bakersfield, California.



DIANA SEIBERT
{74330-2}