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FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

MAR 16 2007

JOHN MENDES
EXECUTIVE OFFICER & CLERK
By **D. Handa** — Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Petitioner and Plaintiff,

v.

CHEVREAU AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT;
and DOES 1 through 50, inclusive,

Respondents and Defendants.

Case No.: SCV 19614

Complaint Filed: 7/12/06

NOTICE OF MOTION AND MOTION
OF PLAINTIFF MEADOW VISTA
PROTECTION TO CONTINUE TRIAL
DATE, FOR CLASS II AND/OR
COMPLEX LITIGATION
DESIGNATIONS, AND TO
CONTINUE DISCOVERY DATES

Date: 4/10/07

Time: 8:30 a.m.

Dept.: 4

Trial Date: 6/11/07

The Hon. Charles D. Wachob

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 10, 2007, at 8:30 a.m., or as soon thereafter as
counsel may be heard, in Department 4 of this Court, plaintiff Meadow Vista Protection (MVP)
will move for a six-month continuance of the trial date currently set for June 11, 2007, for

1 redesignation of this case as Class II and/or complex litigation, and to continue pretrial discovery
2 dates to coincide with the new trial date.

3 Said motion will be made upon the grounds that (1) the case was only just at issue at the
4 time the trial date was set in November 2006; (2) the parties stipulated to stay discovery until the
5 case was at issue, thus, no discovery had been done when the trial date was set; (3) the nature and
6 complexity of the legal and factual issues in the case will lengthen the time necessary to obtain
7 evidence and complete discovery; and (4) during the Case Management Conference on
8 February 5, 2007, Commissioner Margaret Wells instructed MVP to bring the instant motion
9 before Judge Wachob in Department 4, in light of defendant Chevreux Aggregates, Inc.'s
10 failure to stipulate to Commissioner Wells' hearing of the matter. The instant motion is thus a
11 continuation of the February 5, 2007 status conference.

12 This motion is brought pursuant to rule 3.1332 of California Rules of Court and rules
13 20.6 and 20.1.5 of the County of Placer Local Rules of Court and will be based upon this notice,
14 the declarations and memorandum of points and authorities filed herewith, the complete files and
15 records of this action, and such further evidence as may be presented at the time of the hearing.

16 Pursuant to Local Rules 20.1.5(B)(1) and 20.5, MVP understands that no tentative rulings
17 will be issued on motions for continuance of a trial date or to redesignate the class of a case.
18 However, since MVP's motion also seeks, as an alternative, redesignation of the case as complex
19 pursuant to California Rules of Court, rule 3.403, this Court may wish to issue a tentative ruling
20 as to that portion of the motion alone.

21 Pursuant to Local Rule 20.2.3, on the afternoon of the court day before each regularly
22 scheduled law and motion calendar, the court will cause to be recorded a tentative ruling on each
23 matter on the next day's calendar. The tentative rulings will be available after 12:00 noon by
24 telephoning a voice-mail message at (530) 886-5288. The tentative ruling shall become the final
25 ruling of the court unless a party advises all other parties and the court of a request for oral

26 ///

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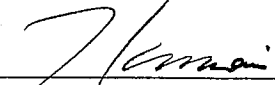
THE ZUMBRUN LAW FIRM
A Professional Corporation
3800 Watt Avenue, Suite 101
Sacramento, CA 95821

1 argument. Such request shall be made by calling (530) 889-6529 and leaving a recorded
2 message with the court no later than 4:00 p.m. on the court day preceding the hearing.

3 DATED: March 16, 2007.

4 Respectfully submitted,

5 RONALD A. ZUMBRUN
6 TIMOTHY V. KASSOUNI
7 ANGELA C. THOMPSON
8 THE ZUMBRUN LAW FIRM

9 By 
10 TIMOTHY V. KASSOUNI
11 Attorneys for Petitioner and Plaintiff
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ZUMBRUN LAW FIRM
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Attorneys for Petitioner and Plaintiff

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PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

MAR 10 2007

JOHN MENDES
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By: D. Handa Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Petitioner and Plaintiff,

v.

CHEVREAU AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT;
and DOES 1 through 50, inclusive,

Respondents and Defendants.

Case No.: SCV 19614

Complaint Filed: 7/12/06

PLAINTIFF MEADOW VISTA
PROTECTION'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF MOTION TO CONTINUE
TRIAL DATE, FOR CLASS II AND/OR
COMPLEX LITIGATION CASE
DESIGNATIONS, AND TO CONTINUE
DISCOVERY DATES

Date: 4/10/07

Time: 8:30 a.m.

Dept.: 4

Trial Date: 6/11/07

The Hon. Charles D. Wachob

INTRODUCTION

Trial continuances and case redesignations are authorized by the California Rules of Court and the Local Rules for the Superior Court of the County of Placer. They are appropriate where the facts and procedural posture of a given case are so complex as to prevent a speedy

1 disposition. This is just such a case. As discovery has progressed and new legal issues have
2 surfaced, it has become clear that this case cannot be adequately prepared for trial before the
3 June 11, 2007 trial date. The number of potential witnesses, volume of documentary evidence
4 and lengthy factual history warrant a continuance of the trial date and a redesignation of the case
5 to extend the time allotted for final disposition. Discovery cut-off dates should likewise be
6 continued. Redesignation will also enable the parties to file further motions for summary
7 adjudication which may narrow the issues for trial thus promoting judicial economy and
8 efficiency.

9 FACTUAL BACKGROUND

10 This case involves the nearly 60-year history of surface mining and quarrying operations
11 owned and operated by the defendant Chevreux Aggregates, Inc. (Chevreux). Chevreux has
12 sold sand, gravel and concrete from its site in Meadow Vista, California, and intends to produce
13 and sell asphalt from the site in the near future. Some of Chevreux's operations may have
14 originated as nonconforming uses; others were specifically authorized by conditional use
15 permits.

16 Plaintiff Meadow Vista Protection (MVP) initiated this action in July of 2006, seeking
17 (among other causes of action) declaratory judgments regarding Chevreux's alleged failure to
18 comply with use permit conditions and certain provisions of the Placer County Code. Chevreux
19 filed a demurrer to MVP's complaint, which was overruled in part and sustained in part, after a
20 brief extension of time to do so. (Declaration of Timothy V. Kassouni in Support of Motion of
21 Plaintiff Meadow Vista Protection to Continue Trial Date, for Class II and/or Complex Litigation
22 Designations, and to Continue Discovery Dates (Kassouni Declaration) at ¶ 2, Exhibit 1 thereto,
23 filed concurrently herewith.) As a result of the demurrer proceedings, the case was not at issue
24 until November 13, 2006, over four months after the complaint was filed.

25 Shortly after the commencement of litigation, the parties entered into a stipulation which
26 included a discovery stay until the case was at issue. (Exhibit 2 to Kassouni Declaration.) Thus,
27 discovery could not commence until November 2006. At the first Case Management Conference
28

1 on November 20, 2006, Commissioner Wells set the case for trial in June 2007, despite the fact
2 that the case was only just at issue. However, Commissioner Wells scheduled a second status
3 conference for February 5, 2007. (Kassouni Declaration at ¶ 7.)

4 At the second Case Management Conference on February 5, 2007, Commissioner Wells
5 required counsel for MVP and Chevreaux to appear, to set the trial date. Attached to the
6 Kassouni Declaration as Exhibit 4 is a copy of the Court's notes for the February 5, 2007 CMC.
7 The notes read: "*Appearance required to set trial date.*" (Emphasis added.) Counsel for MVP
8 explained during the CMC that trial in June would be extremely difficult due to the complex
9 factual and legal issues in this case and the volume of discovery still needed, and that the case
10 should be redesignated Class II. (Kassouni Declaration at ¶ 8.) Indeed, by February 5, 2007,
11 Chevreaux alone had noticed and taken 11 depositions with a total of 163 related document
12 requests, and many more being contemplated. In addition, Chevreaux had propounded 75 special
13 interrogatories. (*Ibid.*) *Commissioner Wells declined to make a decision regarding a*
14 *continuance of the trial and specifically instructed MVP to bring this motion before Judge*
15 *Charles Wachob in Department 4, in light of Chevreaux's prior nonstipulation regarding*
16 *Commissioner Wells.* (Kassouni Declaration ¶ 8; Exhibit 3 to Kassouni Declaration.) The
17 instant motion is thus a continuation of the status conference, which in turn required counsel to
18 appear to "set trial date."

19 On February 22, 2007, MVP filed a motion for summary adjudication of issues regarding
20 one of the declaratory relief causes of action. Additional motions can be brought to narrow the
21 issues for trial, in the interest of court and litigant economy. However, further motions cannot
22 currently be noticed in light of the impending trial date, which was scheduled only 11 months
23 from the date of the filing of the complaint.

24 Counsel for Chevreaux, Brigit Barnes, expressed an unwillingness to agree to continue
25 the trial date at the February 5, 2007 CMC, as to have the case designated Class II. In February
26 2007, following the CMC, Mr. Kassouni again expressed to Ms. Barnes the propriety of a
27
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1 redesignation of this case to Class II in light of the circumstances. Ms. Barnes again expressed
2 an unwillingness to continue the trial date. (Kassouni Declaration at ¶ 9.)

3 ARGUMENT

4 I.

5 THERE IS GOOD CAUSE TO GRANT A CONTINUANCE IN THIS CASE

6
7 The circumstances surrounding the present case establish that good cause exists to justify
8 a continuance. Trial has been set to begin on June 11, 2007, less than 11 months after the
9 complaint was filed on July 12, 2006. Due to demurrer proceedings and extensions sought by
10 Chevreaux and granted by MVP, Chevreaux's answer was not filed until November 13, 2006,
11 four months after the complaint was filed. (Exhibit 1 to Kassouni Declaration [agreement
12 granting all defendants an extension of time to file and serve demurrers].) Because of the
13 stipulation between the parties to postpone discovery until the case was at issue, discovery could
14 not commence until November 2006. Thus, the amount of time available to conduct discovery
15 was shortened from the usual full year allowed in Class I cases to a mere 7 months—a reduction
16 of nearly half. Moreover, this issue involves a long period of governmental and party activity,
17 with numerous potential witnesses and complex issues of law. This is also a case of paramount
18 importance to the Meadow Vista community. Indeed, in light of the complex legal and factual
19 issues involved, Chevreaux filed over 30 pages of briefing in support of its demurrer.

20 Chevreaux has also noticed and taken 11 depositions with a total of 163 related document
21 requests and has propounded 75 special interrogatories. Chevreaux also contemplates further
22 depositions. (Kassouni Declaration at ¶ 8.) MVP also contemplates taking a number of
23 depositions of current and former Chevreaux employees, as well as governmental employees,
24 including former and current Placer County planning directors and Regional Water Quality
25 Control Board and Air Pollution Control District (APCD) officials.

26 The Court has discretion to grant or deny a continuance. (*Lazarus v. Titmus* (1998)
27 64 Cal.App.4th 1242, 1249, citing *Foster v. Civil Service Commission of Los Angeles County*
28 (1983) 142 Cal.App.3d 444, 448.) Continuances are also governed by rule 3.1332 of the

1 California Rules of Court and County of Placer Local Rules of Court, rule 20.5. Rule 3.1332(b)
2 provides:

3 A party seeking a continuance of the date set for trial, whether contested or
4 uncontested or stipulated to by the parties, must make the request for a
5 continuance by a noticed motion or an ex parte application under the rules in
6 chapter 4 of this division, with supporting declarations. The party must make the
7 motion or application as soon as reasonably practical once the necessity for the
8 continuance is discovered.

9 Local Rule 20.5 states:

10 No trial of any civil case or any settlement conference will be continued
11 except upon noticed motion set before the Presiding Judge,¹ or upon an ex parte
12 application based upon the stipulation of all parties. ... No continuance, whether
13 upon noticed motion or stipulation, shall be granted unless good cause is shown as
14 provided in California Rules of Court, Rule [3.1332].

15 “Although continuances of trials are disfavored, each request for a continuance must be
16 considered on its own merits. The court may grant a continuance only on an affirmative showing
17 of *good cause* requiring the continuance.” (Cal. Rules of Court, rule 3.1332(c), emphasis added.)

18 The facts of this case present the requisite showing of good cause to support a
19 continuance. The issues at bar involve events that have occurred over a 60-year period, a task
20 which requires more time than the mere three months left before the currently scheduled trial
21 date (a mere two months by the time this motion is heard). If the trial date is left on the calendar
22 as currently scheduled, it will be difficult to obtain essential and material evidence by then, such
23 as voluminous documentary evidence and testimony of the many persons involved in
24 Chevreux’s lengthy history. Discovery commenced in November 2006 and has continued
25 nonstop. Both parties have served and answered several rounds of written discovery. Chevreux
26 has taken 11 depositions and noticed two more. MVP has subpoenaed voluminous records and is
27 awaiting delivery, including the records of the Placer County APCD and the Meadow Vista
28 Municipal Advisory Council. The production of these records may affect which depositions

¹ MVP is aware that the Presiding Judge of this Court is Judge Larry Gaddis. However, this motion is directed to Judge Charles Wachob at the specific instruction of Commissioner Wells at the Case Management Conference on February 5, 2007. (Kassouni Declaration at ¶ 8.) As such, this motion is in essence a continuation of the February 5, 2007 status conference, which in turn required counsel to appear to “set trial date.”

1 MVP needs to take prior to trial. Consequently, it will be difficult for MVP to be able to
2 complete discovery in time for a June trial. This is so not because of any lack of diligence on
3 MVP's part, but because of the sheer volume of information related to Chevreaux's 60-year
4 operations.

5 Rule 3.1332(d) requires the Court to consider certain factors in ruling on a motion for
6 continuance. Some of these factors include:

7 (1) The proximity of the trial date; (2) whether there was any previous
8 continuance, extension of time, or delay of trial due to any party; (3) the length of
9 the continuance requested; (4) the availability of alternative means to address the
10 problem that gave rise to the motion or application for a continuance; (5) the
11 prejudice that parties or witnesses will suffer as a result of the continuance; . . .
12 [and] (8) whether trial counsel is engaged in another trial

13 (*Id.*)

14 This motion is being sought as far in advance of trial as possible, and there have been no
15 prior continuances. MVP was instructed by Commissioner Wells on February 5, 2007 to bring
16 this noticed motion before Judge Wachob, and on February 22, 2007, this office contacted the
17 Court and reserved April 10, 2007, one of the earliest available dates, for this motion to be heard.
18 (Declaration of Concha Leon in Support of Plaintiff Meadow Vista Protection's Motion to
19 Continue Trial Date, for Class II and/or Complex Litigation Case Designations and to Continue
20 Discovery Dates filed concurrently herewith.) There have been no previous continuances or
21 delays associated with the trial in this case. Indeed, the current trial date is set for a date less than
22 11 months after the complaint was filed. There are no alternative means, other than a
23 continuance, to provide sufficient time to complete discovery. Neither party will suffer any
24 prejudice as a result of continuing the trial date. On the contrary, additional motions for
25 summary adjudication can be filed which will further narrow the issues for trial.

26 All of these factors should be given due consideration in the Court's ruling on this motion
27 for a continuance. Taken as a whole, they establish good cause for a continuance of the trial date
28 under rule 3.1332(c) and (d).

II.

THE COURT SHOULD RECLASSIFY THIS CASE AS COMPLEX UNDER CALIFORNIA RULES OF COURT, RULE 3.403 OR, IN THE ALTERNATIVE, CHANGE THE CLASS DESIGNATION FROM CLASS I TO CLASS II PURSUANT TO LOCAL RULE 20.1.5

MVP is aware that a continuance of the trial date will necessarily delay the resolution of this case past the 12 months allowed for Class I cases under Local Rule 20.1.2 and California Rules of Court, rule 3.714(b)(1). MVP therefore also seeks reclassification of this case as complex or, in the alternative, redesignation of the case to Class II, which will allow an additional six-months time for final resolution.

California Rules of Court, rule 3.400 et seq. provide the definition of a complex case and stipulate the procedure for reclassifying cases as complex. Under rule 3.403(b), this Court may determine that a case is complex upon noticed motion, with or without a hearing.

A complex case is defined as “an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making” (Cal. Rules of Court, rule 3.400(a).) Factors relevant to a determination of a case’s complexity include, but are not limited to, the likelihood of numerous pretrial motions raising difficult or novel legal issues and/or management of a large number of witnesses or a substantial amount of documentary evidence. (Cal. Rules of Court, rule 3.400(b).)

In the case at bar, both of these two factors are present. Already, MVP has filed a motion for summary adjudication implicating several decades of history respecting an asphalt plant. If this motion for continuance is granted, MVP anticipates filing a separate motion for summary adjudication respecting Chevreux’s surface mining operations. Such a motion will involve complex legal questions, including interpretation of the Surface Mining and Reclamation Act, and issues of law regarding vested rights. As discussed above, this case also involves a significant number of potential witnesses and a substantial volume of documentary evidence.

1 Reclassification of this case as complex changes the disposition goal from one year to
2 three years. A decision to exempt this case as an exceptional, complex case is within this Court's
3 power and discretion pursuant to California Rules of Court, rule 3.714(a)(2) and (c).

4 County of Placer Local Rules of Court, rule 20.1.5 provides for a change of class
5 designation upon a noticed motion and good cause shown:

6 B. Upon good cause shown and under any of the following circumstances, the
7 court at any time may enter an order changing the designation of a case:

8 1. Upon noticed motion, to be heard on the law and motion calendar of the
9 presiding judge. ...

10 California Rules of Court, rule 3.715 lists factors which a judge must consider in a case
11 evaluation for class designation under the Trial Court Delay Reduction Act of 1990. Of the
12 listed factors, those applicable here that the Court should consider are the "nature and extent of
13 discovery anticipated . . . number and location of percipient . . . witnesses . . . [and] nature and
14 extent of law and motion proceedings anticipated." (Rule 3.715(a)(7), (8) and (15).)

15 As discussed above, given that the events at issue in this action occurred over a 60-year
16 time period, the anticipated discovery will likely take more than the two months that are left until
17 the current trial date. In its responses to discovery, Chevreaux designated 23 individuals with
18 knowledge of relevant facts, 14 of whom have not yet been deposed. The lengthy history also
19 presents difficulties in locating percipient witnesses. For example, one of the primary
20 individuals involved in Chevreaux's recent management is Joe Chevreaux, Jr., who has
21 apparently left California within the last five years and currently lives in Indiana.

22 Finally, due to the fact that the events occurred over a 60-year period, the results of
23 discovery are unpredictable. MVP has subpoenaed literally thousands of documents which are
24 due for production on or about March 26, 2007. Discovery may uncover either much or little
25 evidence supporting claims; thus, MVP anticipates filing one or more additional motions for
26 summary adjudication, which will add to the litigation timeline of the case. Based on the current
27 trial date, the time for filing motions for summary judgment has already expired. The
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1 redesignation of this case and attendant continuance of the trial date will facilitate the filing of
2 additional summary judgment or adjudication motions, which will narrow and define the issues
3 to go to trial. Thus, an order redesignating this case as complex under rule 3.403 or, in the
4 alternative, as a Class II under Local Rule 20.1.5 is appropriate.

5 CONCLUSION

6 For the foregoing reasons, MVP respectfully requests that this Court continue the trial
7 date for approximately six months until December, 2007, and assign this action as Class II and/or
8 complex litigation designation. In addition, all pretrial discovery cut-off dates should be
9 continued to track the new trial date.

10 DATED: March 16, 2007.

11 Respectfully submitted,

12 RONALD A. ZUMBRUN
13 TIMOTHY V. KASSOUNI
14 ANGELA C. THOMPSON
15 THE ZUMBRUN LAW FIRM

16 By 
17 TIMOTHY V. KASSOUNI
18 Attorneys for Petitioner and Plaintiff
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COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Petitioner and Plaintiff,

v.

CHEVREAUX AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT;
and DOES 1 through 50, inclusive,

Respondents and Defendants.

Case No.: SCV 19614

Complaint Filed: July 12, 2006

DECLARATION OF
TIMOTHY V. KASSOUNI
IN SUPPORT OF MOTION OF
PLAINTIFF MEADOW VISTA
PROTECTION TO CONTINUE TRIAL
DATE, FOR CLASS II AND/OR
COMPLEX LITIGATION CASE
DESIGNATIONS, AND TO
CONTINUE DISCOVERY DATES

Date: 4/10/07

Time: 8:30 a.m.

Dept.: 4

Trial Date: 6/11/07

The Hon. Charles D. Wachob

I, Timothy V. Kassouni, hereby declare as follows:

1. I am one of the attorneys for the plaintiff Meadow Vista Protection (MVP) and I
make this declaration in support of Motion of Plaintiff Meadow Vista Protection to Continue

1 Trial Date, for Class II and/or Complex Litigation Case Designations, and to Continue Discovery
2 Dates filed concurrently herewith.

3 2. A true and correct copy of Stipulation for Times to File Demurrers and Opposition and
4 to Approve Filing Memorandum Exceeding Page Limit is attached hereto as Exhibit 1.

5 3. A true and correct copy of the Joint Meet and Confer Statement [Local Rule 20.1.7]
6 filed on September 20, 2006 is attached hereto as Exhibit 2. This statement sets forth the parties'
7 agreement that "commencement of discovery should be stayed until the case is at issue." (*Id.*
8 at p. 2:11-12.)

9 4. A true and correct copy of the Notice of Non-Stipulation for Commissioner Wells
10 filed on or about August 15, 2006 by defendant Chevreaux Aggregates, Inc. (Chevreaux) is
11 attached hereto as Exhibit 3.

12 5. A true and correct copy of the Court's notes for the February 5, 2007 CMC is attached
13 hereto as Exhibit 4.

14 6. Plaintiff MVP initiated this action in July of 2006, seeking (among other causes of
15 action) declaratory judgments regarding Chevreaux's alleged failure to comply with use permit
16 conditions and certain provisions of the Placer County Code. Chevreaux filed a demurrer to
17 MVP's complaint, which was overruled in part and sustained in part, after a brief extension of
18 time to do so. (Exhibit 1 hereto.)

19 7. At the first Case Management Conference on November 20, 2006, Commissioner
20 Wells set the case for trial in June 2007, despite the fact that the case was only just at issue.
21 However, Commissioner Wells scheduled a second status conference for February 5, 2007.

22 8. As counsel for MVP, I explained during the February 5, 2007 CMC that trial in June
23 would be extremely difficult due to the complex factual and legal issues in this case and the
24 volume of discovery still needed, and that the case should be redesignated Class II. By
25 February 5, 2007, Chevreaux alone had noticed and taken 11 depositions with a total of
26 163 related document requests, and more being contemplated. In addition, Chevreaux had
27 propounded 75 special interrogatories. Commissioner Wells declined to make a decision
28 regarding a continuance of the trial and a redesignation of the case and specifically instructed

1 MVP to bring this motion before Judge Charles Wachob in Department 4, in light of
2 Chevreaux's prior nonstipulation regarding Commissioner Wells. (Exhibit 3 hereto.)

3 9. Counsel for Chevreaux, Brigit Barnes, expressed an unwillingness to agree to any
4 continuance of the trial date at the February 5, 2007 CMC or to have the case designated Class II.
5 In February 2007, following the CMC, Mr. Kassouni again expressed to Ms. Barnes the
6 propriety of a redesignation of this case to Class II in light of the circumstances. Ms. Barnes
7 again expressed an unwillingness to continue the trial date.

8 10. At approximately 10:00 a.m. on March 15, 2007, I left a message with Ms. Barnes to
9 call me, intending to discuss the hearing date for the instant motion, among other matters.

10 I declare under penalty of perjury under the laws of the State of California that the facts
11 stated in this declaration are within my own personal knowledge and are true and correct, and if
12 called upon to do so, I could competently testify to all matters stated herein. This declaration
13 was executed this 16th day of March, 2007, at Sacramento, California.

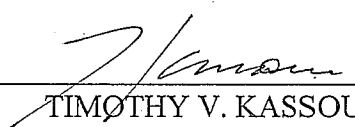
14
15 
16 _____
17 TIMOTHY V. KASSOUNI
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EXHIBIT 1

1 BRIGIT S. BARNES & ASSOCIATES, INC.
BRIGIT S. BARNES, ESQ. CSB #122673
2 KARIN E. SCHWAB, ESQ. CSB #157779
SUSAN M. VERGNE, ESQ. CSB #236308
3 3262 Penryn Road, Suite 200
Loomis, CA 95650
4 Telephone: (916) 660-9555
Facsimile: (916) 660-9554
5

6 Attorneys for CHEVREAU AGGREGATES, INC.

7 SUPERIOR COURT OF CALIFORNIA

8 COUNTY OF PLACER
9

10 MEADOW VISTA PROTECTION,

Case No. SCV 19614

11 Petitioners and Plaintiffs,

**STIPULATION FOR TIMES TO FILE
DEMURRERS AND OPPOSITION AND
TO APPROVE FILING MEMORANDUM
EXCEEDING PAGE LIMIT
[by facsimile]**

12 v.

13 CHEVREAU AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
14 PLACER PLANNING DEPARTMENT; and
DOES 1- 50, inclusive,
15

16 Respondents and Defendants.
_____ /

17 IT IS HEREBY STIPULATED AND AGREED by and between the attorneys
18 representing Plaintiffs MEADOW VISTA PROTECTION ("MVP") and Defendants
19 CHEVREAU AGGREGATES, INC. ("CHEVREAU") and COUNTY OF PLACER and
20 COUNTY OF PLACER PLANNING DEPARTMENT ("COUNTY") to the following:

21 1. The Demurrer hearing will heard on October 3, 2006, instead of September 26 as
22 originally noticed.

23 2. CHEVREAU and COUNTY'S moving papers will be filed no later than August
24 22 and served by facsimile or email with full copies sent by regular mail on August 22, 2006.

25 3. The page limit for the memorandum of points and authorities in support of
26 CHEVREAU's general and special demurrers is permitted to be expanded to 25 pages.

27 3. MVP's opposition to both demurrers will be filed September 20, and served by
28 facsimile or email with full copies sent by regular mail on September 20, 2006.

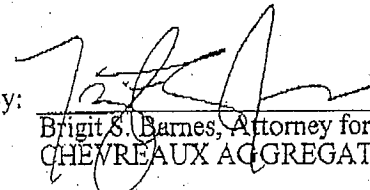
1 4. The page limit for the memorandum of points and authorities in support MVP's
2 opposition to CHEVREAU's demurrer may be expanded to 25 pages.

3 5. Defendants' replies to MVP's opposition will be filed and served by facsimile or
4 via email and regular mail on September 26, 2006.

5 6. The page limit for CHEVREAU's reply to MVP's opposition to
6 CHEVREAU's demurrer may be expanded to 15 pages.

7
8 Dated: August 14, 2006

BRIGIT S. BARNES & ASSOCIATES, INC.,
A Law Corporation

9
10 By: 

Brigit S. Barnes, Attorney for Defendant
CHEVREAU AGGREGATES, INC.

11
12
13
14 Dated: August ____, 2006

ZUMBRUN LAW FIRM

15
16 By:

Timothy V. Kassouni, Attorney for Plaintiff
MEADOW VISTA PROTECTION

17
18
19 DATED: August ____, 2006

LAW OFFICE OF RICHARD L. CRABTREE

20
21
22 By:

Richard L. Crabtree, Attorney for
Defendants COUNTY OF PLACER and

23 COUNTY OF PLACER

PLANNING DEPARTMENT

AUG-14-06 MON 04:25 PM

ZUMERUN LAW FIRM

FAX NO. 916 409 5959

P. 04

Aug 14 06 12:04p

Brigit S. Barnes & Assoc 916-660-9554

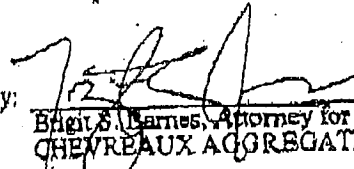
1 4. The page limit for the memorandum of points and authorities in support MVP's
2 opposition to CHEVREAU's demurrer may be expanded to 25 pages.

3 5. Defendants' replies to MVP's opposition will be filed and served by facsimile or
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6 CHEVREAU's demurrer may be expanded to 15 pages.

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8 Dated: August 14, 2006

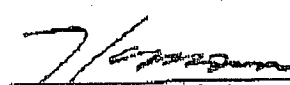
BRIGIT S. BARNES & ASSOCIATES, INC.,
A Law Corporation

9
10 By: 

Brigit S. Barnes, Attorney for Defendant
CHEVREAU AGGREGATES, INC.

11
12
13 Dated: August 14, 2006

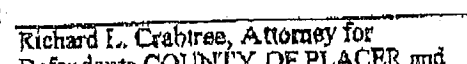
ZUMERUN LAW FIRM

14
15
16 By: 

Timothy V. Kassouni, Attorney for Plaintiff
MEADOW VISTA PROTECTION

17
18
19 DATED: August ____, 2006

LAW OFFICE OF RICHARD L. CRABTREE

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21
22 By: 

Richard L. Crabtree, Attorney for
Defendants COUNTY OF PLACER and

23
24 COUNTY OF PLACER

PLANNING DEPARTMENT

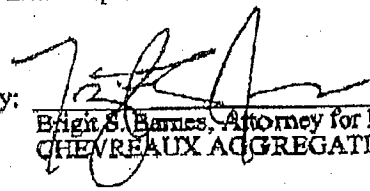
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2 opposition to CHEVREAU's demurrer may be expanded to 25 pages.

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5 6. The page limit for CHEVREAU's reply to MVP's opposition to
6 CHEVREAU's demurrer may be expanded to 15 pages.

7
8 Dated: August 14, 2006

BRIGIT S. BARNES & ASSOCIATES, INC.,
A Law Corporation

9
10
11 By: 
12 Brigit S. Barnes, Attorney for Defendant
13 CHEVREAU AGGREGATES, INC.

14 Dated: August _____, 2006

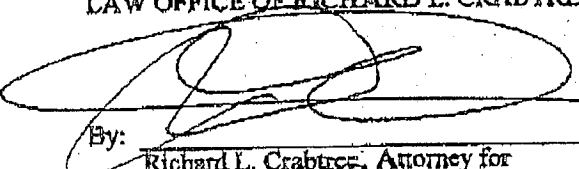
ZUMBRUN LAW FIRM

15
16 By:

17 Timothy V. Kassouri, Attorney for Plaintiff
18 MEADOW VISTA PROTECTION

19 DATED: August , 2006

LAW OFFICE OF RICHARD L. CRABTREE

20
21
22 By: 
23 Richard L. Crabtree, Attorney for
24 Defendants COUNTY OF PLACER and
25 PLANNING DEPARTMENT
26
27
28

1 Matter: MEADOW VISTA PROTECTION v. CHEVREAUX AGGREGATES, INC.
2 Placer County Superior Court Case No. SCV 19614

3 PROOF OF SERVICE

4 I am a citizen of the United States, over the age of
5 eighteen years, and not a party to or interested in the within
6 entitled cause. I am an employee of Brigit S. Barnes &
7 Associates, Inc., A Law Corporation, located at 3262 Penryn
Road, Suite 200, Loomis, California, 95650. On this date, I
served the following document:

8 STIPULATION FOR TIMES TO FILE DEMURRERS AND OPPOSITION
9 AND TO APPROVE FILING MEMORANDUM EXCEEDING PAGE LIMIT

10 X BY FACSIMILE [C.C.P. §1013(e)] by sending a true copy
11 via facsimile transmission (by use of facsimile
12 machine telephone number 916-660-9554) of the above
13 described document(s) to the interested parties, at
14 the facsimile numbers listed below. The facsimile
15 machine I used complied with California Rules of
16 Court, Rule 2004, and no error was reported by the
17 machine. Pursuant of California Rules of Court, Rule
2006(d), I caused the machine to print a transmission
record of the transmission, a copy of which is
attached to this declaration. A written confirmation
between the parties exists authorizing service by
facsimile, pursuant to CRC 2008(b).

18 PARTY(S) SERVED:

19 Ronald A. Zumbrun, Esq.

Angela C. Thompson, Esq.

The Zumbrun Law Firm

3800 Watt Avenue, Suite 101

Sacramento, CA 95821

Facsimile: (916) 486-5959

[Attorney for MEADOW VISTA PROTECTION]

23 Richard L. Crabtree, Esq.

Law Office of Richard L. Crabtree

1395 Ridgewood Drive, Suite 300

Chico, CA 95973

Facsimile: 530-566-9203

[Attorney for COUNTY OF PLACER and COUNTY OF PLACER
PLANNING DEPARTMENT]

1 Courtesy Copy to:
2 Scott Finley, Esq.
3 Placer County Counsel's Office
4 175 Fulweiler Avenue
5 Auburn, CA 95603
6 Facsimile: (530)889-4069

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

9 Executed on August 15, 2006, at Loomis, California.

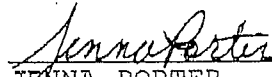
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11 JENNA PORTER
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EXHIBIT 2

RONALD A. ZUMBRUN, SBN 32684
TIMOTHY V. KASSOUNI, SBN 142907
ANGELA C. THOMPSON, SBN 238708
THE ZUMBRUN LAW FIRM
3800 Watt Avenue, Suite 101
Sacramento, California 95821
Telephone: (916) 486-5900
Facsimile: (916) 486-5959
Attorneys for Petitioner and Plaintiff

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

SEP 20 2006

JOHN MENDES
EXECUTIVE OFFICER & CLERK
By Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Petitioner and Plaintiff,

v.

CHEVREUX AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT;
and DOES 1 through 50, inclusive,

Respondents and Defendants.

Case No.: No. SCV 19614

Complaint filed: 7/12/06

JOINT MEET AND CONFER
STATEMENT [Local Rule 20.1.7]

Pursuant to Placer County Local Rule 20.1.7, counsel for the parties conducted a meet and confer on September 11, 2006, and discussed the following issues: (1) facts presently available to support allegations of pleadings; (2) possible settlement of the action, including possible arbitration or mediation; (3) exchange preliminary schedules of discovery.

FACTS SUPPORTING ALLEGATIONS OF PLEADINGS

Both defendants Chevreux Aggregates, Inc. (Chevreux) and County of Placer (County) have filed demurrers to the complaint filed by plaintiff Meadow Vista Protection (MVP). These demurrers are set for hearing on October 3, 2006. Since the properly pleaded factual allegations of a complaint are deemed admitted for purposes of a demurrer (*Aubry v. Tri-City Hospital*

1 *District* (1992) 2 Cal.4th 962, 966-967), the parties agreed to defer any factual disputes until such
2 time as the case is at issue.

3 POSSIBILITY OF SETTLEMENT

4 The parties discussed the possibility and likelihood of settlement. Several options were
5 considered, with both defendants agreeing to provide additional information and/or to
6 communicate with their respective clients regarding willingness to reach a settlement.

7 The parties agreed, in light of the imminence of the demurrer hearing, to defer further
8 discussions regarding settlement pending the outcome of the hearing.

9 PRELIMINARY DISCOVERY SCHEDULE

10 The parties agreed that written discovery and all nonexpert depositions should be
11 completed by the end of April, 2007. The parties also agreed that commencement of discovery
12 should be stayed until the case is at issue.

13 Plaintiff MVP and defendant Chevreaux further agreed that, if MVP initiates injunction
14 proceedings pursuant to its fourth cause of action, disclosure of experts would be provided on an
15 expedited schedule as appropriate.

16 Respectfully submitted,

17 RONALD A. ZUMBRUN
18 TIMOTHY V. KASSOUNI
19 ANGELA C. THOMPSON
20 THE ZUMBRUN LAW FIRM

21 DATED: September 20, 2006.

22 By Angela C. Thompson
23 ANGELA C. THOMPSON
24 Attorneys for Petitioner and Plaintiff

25 RICHARD L. CRABTREE
26 LAW OFFICES OF RICHARD L. CRABTREE

27 DATED: September 20, 2006.

28 By Richard L. Crabtree
RICHARD L. CRABTREE
Attorney for Defendant County of Placer and
County of Placer Planning Department

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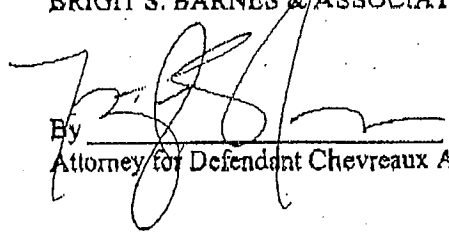
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BRIGIT S. BARNES

BRIGIT S. BARNES & ASSOCIATES, INC.



DATED: September 20, 2006.

By

Attorney for Defendant Chevreux Aggregates, Inc.

THE ZUMBRUN LAW FIRM

A Professional Corporation

3800 Watt Avenue, Suite 101

Sacramento, CA 95821

DECLARATION OF SERVICE

I, Sharice Perkins, declare:

I am a citizen of the United States, and am employed in the County of Sacramento, State of California; that I am over the age of 18 years and not a party to the within-entitled action; that my business address is The Zumbrun Law Firm, 3800 Watt Avenue, Suite 101, Sacramento, California.

On September 20, 2006, a true copy of Joint Meet and Confer Statement [Local Rule 20.1.7] was placed in an envelope addressed as follows:

Mr. Richard L. Crabtree
Attorney at Law
1395 Ridgewood Drive, Suite 300
Chico, CA 95973

Attorney for defendants County of
Placer and County of Placer
Planning Department

Ms. Brigit S. Barnes
Brigit S. Barnes & Associates, Inc.
3262 Penryn Road, Suite 200
Loomis, CA 95650

Attorney for defendant Chevreux
Aggregates, Inc.

which envelopes, with postage thereon fully prepaid, were then sealed and deposited in the United States Mail at Sacramento, California.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed on this 20th day of September, 2006, at Sacramento, California.

Sharice Perkins
SHARICE PERKINS

EXHIBIT 3

1 BRIGIT S. BARNES & ASSOCIATES, INC.
BRIGIT S. BARNES, ESQ. CSB #122673
2 KARIN E. SCHWAB, ESQ. CSB #157779
SUSAN M. VERGNE, ESQ. CSB #236308
3 3262 Penryn Road, Suite 200
Loomis, CA 95650
4 Telephone: (916) 660-9555
Facsimile: (916) 660-9554
5

6 Attorneys for CHEVREAUX AGGREGATES, INC.

7 SUPERIOR COURT OF CALIFORNIA

8 COUNTY OF PLACER
9

10 MEADOW VISTA PROTECTION,

Case No. SCV 19614

11 Petitioners and Plaintiffs,

**NOTICE OF NON-STIPULATION FOR
COMMISSIONER WELLS**

12 v.

13 CHEVREAUX AGGREGATES, INC.;
14 COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT; and
15 DOES 1- 50, inclusive,

Date: October 3, 2006

Time: 8:30 a.m.

Dept. 3

16 Respondents and Defendants.
_____ /

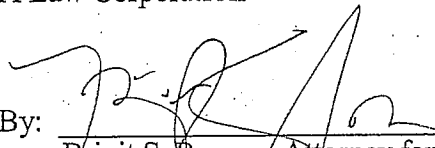
Complaint Filed: 7/12/06

17 Please take notice that CHEVREAUX AGGREGATES, INC.'s counsel does not stipulate
18 to having Commissioner Wells hear this matter. Please set the Demurrer hearing, scheduled for
19 October 3, 2006, and all further matters for hearing in front of an alternate Judge.

20 DATED: August 15, 2006
21

Respectfully submitted,

22 BRIGIT S. BARNES & ASSOCIATES, INC.,
A Law Corporation

23
24 By: 

25 Brigit S. Barnes, Attorney for
CHEVREAUX AGGREGATES, INC.
26
27
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EXHIBIT 4

Appearance required. Complaint not at issue - need responsive pleading, default or dismissal as to Defendant Emard.

7. S-CV-0019534 Paver Decor Masonry, Inc. vs. Avant Garde Development, et al

Appearance required. Complaint not at issue - need responsive pleading, default or dismissal as to Defendant Avant Garde Development, LLC.

8. S-CV-0019614 Meadow Vista Protection vs. Chevreux Aggregates, Inc

Appearance required to set trial date.

9. S-CV-0019734 Bank of America, N.A. vs. LuLu Boutique, Inc., et al

Drop. Default judgment entered.

10. S-CV-0019737 White, Deborah vs. Meza, Jorge

Class: 1

Disposition date: 8/7/07

Trial date & length: 7/23/07; 5 day jury

Civil Trial Conference date: 7/13/07

Mandatory settlement conference date: N/A

Arbitration completion date: 5/25/07

Discovery cut-off: 30 days prior to trial per stipulation of the parties

NO APPEARANCE REQUIRED UNLESS REQUESTED BY PARTY BY 3PM ON THE WEDNESDAY PRIOR TO HEARING DATE. REQUESTS FOR APPEARANCE MUST BE FAXED TO THE CIVIL DEPARTMENT, ATTN: TERRY AT (530) 889-6675, AND TO ALL OPPOSING ATTORNEYS AND PARTIES WITHOUT ATTORNEYS BY 3:00 PM THE WEDNESDAY PRIOR TO THE CASE MANAGEMENT DATE. SEE LOCAL RULE 20.1.8, EFFECTIVE 1/1/04.

11. S-CV-0019741 Ghiglieri, Robert, et al vs. Campbell, John

Drop. Case dismissed.

12. S-CV-0019745 Stevens, Gregory, et al vs. Smith, Charlie D.

Appearance required. Complaint not at issue - need responsive pleading, default or dismissal as to Defendant Smith.

13. S-CV-0019748 Gold Hill Holdings, Limited vs. De Glymes, Richard G., et al

Class: 1

Disposition date: 8/8/07

Trial date & length: 7/30/07; 3 day jury

Civil Trial Conference date: 7/20/07

Mandatory settlement conference date: 7/13/07

Discovery cut-off: 30 days prior to trial

THE ZUMBRUN LAW FIRM
A Professional Corporation
3800 Watt Avenue, Suite 101
Sacramento, CA 95821

1 RONALD A. ZUMBRUN, SBN 32684
2 TIMOTHY V. KASSOUNI, SBN 142907
3 ANGELA C. THOMPSON, SBN 238708
4 THE ZUMBRUN LAW FIRM
5 3800 Watt Avenue, Suite 101
6 Sacramento, California 95821
7 Telephone: (916) 486-5900
8 Facsimile: (916) 486-5959
9 Attorneys for Petitioner and Plaintiff

ZUMBRUN LAW FIRM
COPY

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

MAR 16 2007

JOHN MENDES
EXECUTIVE OFFICER & CLERK

By — D. Handa — Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Petitioner and Plaintiff,

v.

CHEVREAU AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT;
and DOES 1 through 50, inclusive,

Respondents and Defendants.

Case No.: SCV 19614

Complaint Filed: July 12, 2006

DECLARATION OF
CONCHA LEON
IN SUPPORT OF MOTION OF
PLAINTIFF MEADOW VISTA
PROTECTION TO CONTINUE TRIAL
DATE, FOR CLASS II AND/OR
COMPLEX LITIGATION
DESIGNATIONS, AND TO
CONTINUE DISCOVERY DATES

Date: 4/10/07

Time: 8:30 a.m.

Dept.: 4

Trial Date: 6/11/07

The Hon. Charles D. Wachob

I, Concha Leon, hereby declare as follows:

1. I am employed by The Zumbrun Law Firm and am the primary support person for the
above-referenced case.

1 2. On February 21, 2007, Angela C. Thompson, counsel for plaintiff Meadow Vista
2 Protection, requested I contact the court and reserve a hearing date for the subject motion.

3 3. On February 22, 2007, I contacted the law and motion department and spoke with Teri
4 concerning the earliest available dates for a law and motion hearing. April 10, 2007 was one of
5 those dates and was therefore reserved for the subject motion.

6 I declare under penalty of perjury under the laws of the State of California that the facts
7 stated in this declaration are within my own personal knowledge and are true and correct, and if
8 called upon to do so, I could competently testify to all matters stated herein. This declaration
9 was executed this 16th day of March, 2007, at Sacramento, California.

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12 CONCHA LEON
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1 RONALD A. ZUMBRUN, SBN 32684
2 TIMOTHY V. KASSOUNI, SBN 142907
3 ANGELA C. THOMPSON, SBN 238708
4 THE ZUMBRUN LAW FIRM
5 3800 Watt Avenue, Suite 101
6 Sacramento, California 95821
7 Telephone: (916) 486-5900
8 Facsimile: (916) 486-5959
9 Attorneys for Petitioner and Plaintiff

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Petitioner and Plaintiff,

v.

CHEVREAU AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT;
and DOES 1 through 50, inclusive,

Respondents and Defendants.

Case No.: SCV 19614

Complaint filed: 7/12/06

DECLARATION OF SERVICE
BY HAND DELIVERY

1 I, Ron Sharp, declare:

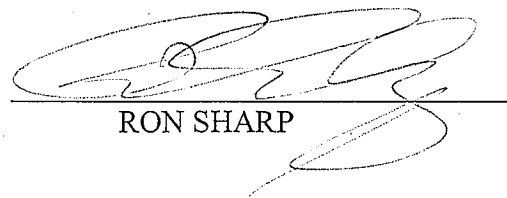
2 I am a citizen of the United States, and am employed in the County of Sacramento, State
3 of California; that I am over the age of 18 years and not a party to the within-entitled action; that
4 my business address is 2335 Celtic Drive, Lincoln, CA 95648.

5 On March 16, 2007, a true copy of (1) Notice Of Motion And Motion Of Plaintiff
6 Meadow Vista Protection To Continue Trial Date, For Class II And/Or Complex Litigation
7 Designations, And To Continue Discovery Dates; (2) Plaintiff Meadow Vista Protection's
8 Memorandum Of Points And Authorities In Support Of Motion To Continue Trial Date, For
9 Class II And/Or Complex Litigation Case Designations, And To Continue Discovery Dates;
10 (3) Declaration Of Timothy V. Kassouni In Support Of Motion Of Plaintiff Meadow Vista
11 Protection To Continue Trial Date, For Class II And/Or Complex Litigation Case Designations,
12 And To Continue Discovery Dates; and (4) Declaration Of Concha Leon In Support Of Motion
13 Of Plaintiff Meadow Vista Protection To Continue Trial Date, For Class II And/Or Complex
14 Litigation Designations, And To Continue Discovery Dates were personally served on the
15 following:

16 Ms. Brigit S. Barnes
17 Brigit S. Barnes & Associates, Inc.
18 3262 Penryn Road, Suite 200
Loomis, CA 95650

Attorney for defendant Chevreux
Aggregates, Inc.

19 I declare under penalty of perjury, under the laws of the State of California, that the
20 foregoing is true and correct and that this declaration was executed on this 16th day of March,
21 2007, at Loomis, California.

22 
23 _____
24 RON SHARP
25
26
27
28

1 RONALD A. ZUMBRUN, SBN 32684
2 TIMOTHY V. KASSOUNI, SBN 142907
3 ANGELA C. THOMPSON, SBN 238708
4 THE ZUMBRUN LAW FIRM
5 3800 Watt Avenue, Suite 101
6 Sacramento, California 95821
7 Telephone: (916) 486-5900
8 Facsimile: (916) 486-5959
9 Attorneys for Petitioner and Plaintiff
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Petitioner and Plaintiff,

v.

CHEVREAUX AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT;
and DOES 1 through 50, inclusive,

Respondents and Defendants.

Case No.: No. SCV 19614

Complaint filed: 7/12/06

OBJECTIONS TO DEFENDANT
CHEVREAUX AGGREGATES, INC.'S
NOTICE OF TAKING DEPOSITION
OF JEFF EVANS AND FOR
PRODUCTION OF DOCUMENTS

1 Deponent Jeff Evans (Evans), President of Meadow Vista Protection (MVP), hereby
2 objects to the Notice of Taking Deposition of Jeff Evans and for Production of Documents on the
3 following grounds:

4 First, dismissal of the Fifth Cause of Action for Public Nuisance has been entered by the
5 Court, including the request for damages therein. Therefore, "injuries and damages" suffered by
6 members of MVP is no longer an allegation in the public nuisance cause of action.

7 Second, Evans objects to the document requests in the Notice as follows:

8
9 SPECIFIC OBJECTIONS TO DEFENDANT'S
REQUEST FOR PRODUCTION OF DOCUMENTS

10 REQUEST FOR PRODUCTION NO. 1:

11 Objection. This document request is vague, ambiguous, overbroad, and calls for the
12 production of attorney-client and attorney work product privileged communications. Evans
13 understands the term "parties" to mean plaintiff MVP, defendant Chevreux Aggregates, Inc.,
14 and respondents County of Placer and County of Placer Planning Department. Evans further
15 understands the term "witnesses" to mean percipient witnesses to alleged "operations of
16 Chevreux outside the boundaries of LD-1030."

17 REQUEST FOR PRODUCTION NO. 2:

18 Objection. This document request is vague, ambiguous, overbroad, and calls for the
19 production of attorney-client and attorney work product privileged communications. Evans
20 understands the term "parties" to mean plaintiff MVP, defendant Chevreux Aggregates, Inc.,
21 and respondents County of Placer and County of Placer Planning Department. Evans further
22 understands the term "witnesses" to mean percipient witnesses to the alleged "output of the
23 Chevreux quarry that exceeds that allowed by LD-1030."

24 REQUEST FOR PRODUCTION NO. 3:

25 Objection. This document request is vague, ambiguous, overbroad, and calls for the
26 production of attorney-client and attorney work product privileged communications. Evans
27 understands the term "parties" to mean plaintiff MVP, defendant Chevreux Aggregates, Inc.,
28 and respondents County of Placer and County of Placer Planning Department. Evans further

1 understands the term “witnesses” to mean percipient witnesses to alleged “blasting at the
2 Chevreaux quarry that is not in compliance with LD-1030.”

3 REQUEST FOR PRODUCTION NO. 4:

4 Objection. This document request is vague, ambiguous, overbroad, and calls for the
5 production of attorney-client and attorney work product privileged communications. Evans
6 understands the term “parties” to mean plaintiff MVP, defendant Chevreaux Aggregates, Inc.,
7 and respondents County of Placer and County of Placer Planning Department. Evans further
8 understands the term “witnesses” to mean percipient witnesses to alleged “water quality control
9 methods of Chevreaux not in compliance with LD-1030.”

10 REQUEST FOR PRODUCTION NO. 5:

11 Objection. This document request is vague, ambiguous, overbroad, and calls for the
12 production of attorney-client and attorney work product privileged communications. Evans
13 understands the term “parties” to mean plaintiff MVP, defendant Chevreaux Aggregates, Inc.,
14 and respondents County of Placer and County of Placer Planning Department. Evans further
15 understands the term “witnesses” to mean percipient witnesses to the alleged “dust mitigation at
16 the Chevreaux site not in compliance with LD-1030.”

17 REQUEST FOR PRODUCTION NO. 6:

18 Objection. This document request is vague, ambiguous, overbroad, and calls for the
19 production of attorney-client and attorney work product privileged communications. Evans
20 understands the term “parties” to mean plaintiff MVP, defendant Chevreaux Aggregates, Inc.,
21 and respondents County of Placer and County of Placer Planning Department. Evans further
22 understands the term “witnesses” to mean percipient witnesses to the alleged “lapse of LD-786.”

23 REQUEST FOR PRODUCTION NO. 7:

24 Objection. This document request is vague, ambiguous, overbroad, and calls for the
25 production of attorney-client and attorney work product privileged communications. Evans
26 understands the term “parties” to mean plaintiff MVP, defendant Chevreaux Aggregates, Inc.,
27 and respondents County of Placer and County of Placer Planning Department. Evans further
28

1 understands the term “witnesses” to mean percipient witnesses to the alleged “relocating of the
2 asphalt plant outside of the area permitted by LD-786.”

3 REQUEST FOR PRODUCTION NO. 8:

4 Objection. Evans objects to this request for production as it is overbroad, vague and
5 ambiguous, and burdensome.

6 REQUEST FOR PRODUCTION NO. 9:

7 Objection. Evans objects to this request for production as it is overbroad, vague,
8 ambiguous, and burdensome.

9 REQUEST FOR PRODUCTION NO. 10:

10 Objection. This document request is vague, ambiguous, overbroad, and calls for the
11 production of attorney-client and attorney work product privileged communications. Evans
12 understands the term “parties” to mean plaintiff MVP, defendant Chevreux Aggregates, Inc.,
13 and respondents County of Placer and County of Placer Planning Department. Evans further
14 understands the term “witnesses” to mean percipient witnesses to the alleged nuisance. Evans
15 further objects to this request for production as irrelevant on the grounds that the Fifth Cause of
16 Action for Public Nuisance has been dismissed.

17 REQUEST FOR PRODUCTION NO. 11:

18 Objection. This document request is vague, ambiguous, overbroad, calls for the
19 production of attorney-client and attorney work product privileged communications, and violates
20 the privacy rights of third parties. Evans understands the term “parties” to mean plaintiff MVP,
21 defendant Chevreux Aggregates, Inc., and respondents County of Placer and County of Placer
22 Planning Department. Evans further understands the term “witnesses” to mean percipient
23 witnesses regarding who has been injured by the alleged nuisance. Evans further objects to this
24 request for production as irrelevant on the grounds that the Fifth Cause of Action for Public
25 Nuisance has been dismissed.

26 REQUEST FOR PRODUCTION NO. 12:

27 Objection. This document request is vague, ambiguous, overbroad, calls for the
28 production of attorney-client and attorney work product privileged communications, and violates

1 the privacy rights of third parties. Evans understands the term “parties” to mean plaintiff MVP,
2 defendant Chevreux Aggregates, Inc., and respondents County of Placer and County of Placer
3 Planning Department. Evans further understands the term “witnesses” to mean percipient
4 witnesses regarding the nature of the alleged nuisance injuries. Evans further objects to this
5 request for production as irrelevant on the grounds that the Fifth Cause of Action for Public
6 Nuisance has been dismissed.

7 REQUEST FOR PRODUCTION NO. 13:

8 Objection. This document request is vague, ambiguous, overbroad, calls for the
9 production of attorney-client and attorney work product privileged communications, and violates
10 the privacy rights of third parties. Evans further objects to this request for production as
11 irrelevant on the grounds that the Fifth Cause of Action for Public Nuisance has been dismissed.

12 REQUEST FOR PRODUCTION NO. 14:

13 Objection. This document request is vague, ambiguous, overbroad, calls for the
14 production of attorney-client and attorney work product privileged communications, and violates
15 the privacy rights of third parties. Evans further objects to this request for production as
16 irrelevant on the grounds that the Fifth Cause of Action for Public Nuisance has been dismissed.

17 REQUEST FOR PRODUCTION NO. 15:

18 Objection. This document request is vague, ambiguous, overbroad, calls for the
19 production of attorney-client and attorney work product privileged communications, and violates
20 the privacy rights of third parties. Evans further objects to this request for production as
21 irrelevant on the grounds that the Fifth Cause of Action for Public Nuisance has been dismissed.
22 Evans further objects to this request on the ground that the Complaint does not contain the term
23 “special injuries.”

24 REQUEST FOR PRODUCTION NO. 16:

25 Objection. This document request is vague, ambiguous, overbroad, irrelevant, and calls
26 for the production of attorney-client and attorney work product privileged communications.
27 Evans understands the term “parties” to mean plaintiff MVP, defendant Chevreux Aggregates,
28 Inc., and respondents County of Placer and County of Placer Planning Department. Evans

1 further understands the term "witnesses" to mean percipient witnesses showing that MVP
2 opposed any permit granted to Chevreux.

3 REQUEST FOR PRODUCTION NO. 17:

4 Objection. This document request is vague, ambiguous, overbroad, and calls for the
5 production of attorney-client and attorney work product privileged communications. Evans
6 understands the term "parties" to mean plaintiff MVP, defendant Chevreux Aggregates, Inc.,
7 and respondents County of Placer and County of Placer Planning Department. Evans further
8 understands the term "witnesses" to mean percipient witnesses to MVP's opposition to the
9 undefined "Placer County Mineral Resource Conservation Plan."

10 REQUEST FOR PRODUCTION NO. 18:

11 Objection. This document request is vague, ambiguous, overbroad, and calls for the
12 production of attorney-client and attorney work product privileged communications. Evans
13 understands the term "parties" to mean plaintiff MVP, defendant Chevreux Aggregates, Inc.,
14 and respondents County of Placer and County of Placer Planning Department. Evans further
15 understands the term "witnesses" to mean percipient witnesses to MVP's opposition to the
16 Meadow Vista Community Plan.

17 REQUEST FOR PRODUCTION NO. 19:

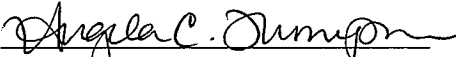
18 Objection. This document request is vague, ambiguous and overbroad.

19 REQUEST FOR PRODUCTION NO. 20:

20 Objection. The document request is vague, ambiguous, unintelligible, overbroad,
21 burdensome, oppressive, violates the privacy rights of third parties, and further calls for the
22 production of attorney-client and attorney work product privileged communications.

23 DATED: December 18, 2006.

RONALD A. ZUMBRUN
TIMOTHY V. KASSOUNI
ANGELA C. THOMPSON
THE ZUMBRUN LAW FIRM

26
27 By 
ANGELA C. THOMPSON
Attorneys for Petitioner and
28 Plaintiff

1 RONALD A. ZUMBRUN, SBN 32684
2 TIMOTHY V. KASSOUNI, SBN 142907
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4 THE ZUMBRUN LAW FIRM
5 3800 Watt Avenue, Suite 101
6 Sacramento, California 95821
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9 Attorneys for Petitioner and Plaintiff
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Petitioner and Plaintiff,

v.

CHEVREAUX AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT;
and DOES 1 through 50, inclusive,

Respondents and Defendants.

Case No.: No. SCV 19614

Complaint filed: 7/12/06

OBJECTIONS TO DEFENDANT
CHEVREAUX AGGREGATES, INC.'S
NOTICE OF TAKING DEPOSITION OF
THE PERSON MOST
KNOWLEDGEABLE AT MEADOW
VISTA PROTECTION AND FOR
PRODUCTION OF DOCUMENTS

1 Plaintiff Meadow Vista Protection (MVP) hereby objects to the Notice of Taking
2 Deposition of the Person Most Knowledgeable at Meadow Vista Protection and for Production of
3 Documents (Notice, Exhibit "A" hereto) on the following grounds:

4 First, the Notice states that "the matters on which examination is requested are as follows:
5 the allegations contained in the Verified Complaint filed in Placer County Superior Court, Case
6 No. SCV 19614 entitled 'MEADOW VISTA PROTECTION V. CHEVREAUX
7 AGGREGATES, INC.'" This is a requested designation of the person most knowledgeable as to
8 every separate allegation in the complaint – an impermissibly vague, overbroad, burdensome and
9 oppressive description in violation of C.C.P. § 2025.230, which requires that the notice describe
10 "with reasonable particularity the matter on which examination is requested."

11 Second, the Notice indicates "injuries and damages" suffered by members of MVP as an
12 alternative ("and/or") matter in which examination is requested. This is likewise an
13 impermissibly vague and ambiguous description, as it is not clear which alleged injuries are
14 being referred to. Further, the alternative ("and/or") phraseology grants MVP the option of
15 designating and producing a PMK on this issue.

16 Third, dismissal of the Fifth Cause of Action for Public Nuisance has been entered by the
17 Court, including the request for damages therein. Therefore, "injuries and damages" suffered by
18 members of Meadow Vista Protection is no longer an allegation in the public nuisance cause of
19 action.

20 Fourth, MVP objects to the document requests in the Notice as follows:

21 **SPECIFIC OBJECTIONS TO DEFENDANT'S**
22 **REQUEST FOR PRODUCTION OF DOCUMENTS**

23 REQUEST FOR PRODUCTION NO. 1: Objection. This document request is vague,
24 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
25 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
26 Defendant ChevreauX Aggregates, Inc., and Respondents County of Placer and County of Placer
27 Planning Department. MVP further understands the term "witnesses" to mean percipient
28 witnesses to alleged "operations of ChevreauX outside the boundaries of LD-1030."

1 REQUEST FOR PRODUCTION NO. 2: Objection. This document request is vague,
2 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
3 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
4 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
5 Planning Department. MVP further understands the term "witnesses" to mean percipient
6 witnesses to the alleged "output of the Chevreux quarry that exceeds that allowed by LD-1030."

7
8 REQUEST FOR PRODUCTION NO. 3: Objection. This document request is vague,
9 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
10 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
11 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
12 Planning Department. MVP further understands the term "witnesses" to mean percipient
13 witnesses to alleged "blasting at the Chevreux quarry that is not in compliance with LD-1030."

14
15 REQUEST FOR PRODUCTION NO. 4: Objection. This document request is vague,
16 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
17 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
18 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
19 Planning Department. MVP further understands the term "witnesses" to mean percipient
20 witnesses to alleged "water quality control methods of Chevreux not in compliance with LD-
21 1030."

22
23 REQUEST FOR PRODUCTION NO. 5: Objection. This document request is vague,
24 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
25 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
26 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
27 Planning Department. MVP further understands the term "witnesses" to mean percipient
28 witnesses to the alleged "dust mitigation at the Chevreux site not in compliance with LD-1030."

1 REQUEST FOR PRODUCTION NO. 6: Objection. This document request is vague,
2 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
3 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
4 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
5 Planning Department. MVP further understands the term "witnesses" to mean percipient
6 witnesses to the alleged "lapse of LD-786."

7
8 REQUEST FOR PRODUCTION NO. 7: Objection. This document request is vague,
9 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
10 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
11 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
12 Planning Department. MVP further understands the term "witnesses" to mean percipient
13 witnesses to the alleged "relocating of the asphalt plant outside of the area permitted by LD-786."

14
15 REQUEST FOR PRODUCTION NO. 8: Objection. MVP objects to this request for production
16 as it is overbroad, vague and ambiguous, and burdensome.

17
18 REQUEST FOR PRODUCTION NO. 9: Objection. MVP objects to this request for production
19 as it is overbroad, vague, ambiguous, and burdensome.

20
21 REQUEST FOR PRODUCTION NO. 10: Objection. This document request is vague,
22 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
23 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
24 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
25 Planning Department. MVP further understands the term "witnesses" to mean percipient
26 witnesses to the alleged nuisance. MVP further objects to this request for production as
27 irrelevant on the grounds that the Fifth Cause of Action for Public Nuisance has been dismissed.

28 ///

1 REQUEST FOR PRODUCTION NO. 11: Objection. This document request is vague,
2 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
3 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
4 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
5 Planning Department. MVP further understands the term "witnesses" to mean percipient
6 witnesses regarding who has been injured by the alleged nuisance. MVP further objects to this
7 request for production as irrelevant on the grounds that the Fifth Cause of Action for Public
8 Nuisance has been dismissed.

9
10 REQUEST FOR PRODUCTION NO. 12: Objection. This document request is vague,
11 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
12 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
13 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
14 Planning Department. MVP further understands the term "witnesses" to mean percipient
15 witnesses regarding the nature of the alleged nuisance injuries. MVP further objects to this
16 request for production as irrelevant on the grounds that the Fifth Cause of Action for Public
17 Nuisance has been dismissed.

18
19 REQUEST FOR PRODUCTION NO. 13: Objection. This document request is vague,
20 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
21 privileged communications. MVP further objects to this request for production as irrelevant on
22 the grounds that the Fifth Cause of Action for Public Nuisance has been dismissed.

23
24 REQUEST FOR PRODUCTION NO. 14: Objection. This document request is vague,
25 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
26 privileged communications. MVP further objects to this request for production as irrelevant on
27 the grounds that the Fifth Cause of Action for Public Nuisance has been dismissed.

28 ///

1 REQUEST FOR PRODUCTION NO. 15: Objection. This document request is vague,
2 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
3 privileged communications. MVP further objects to this request for production as irrelevant on
4 the grounds that the Fifth Cause of Action for Public Nuisance has been dismissed. MVP further
5 objects to this request on the ground that the Complaint does not contain the term "special
6 injuries."

7
8 REQUEST FOR PRODUCTION NO. 16: Objection. This document request is vague,
9 ambiguous, overbroad, irrelevant, and calls for the production of attorney-client and attorney
10 work product privileged communications. MVP understands the term "parties" to mean Plaintiff
11 MVP, Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of
12 Placer Planning Department. MVP further understands the term "witnesses" to mean percipient
13 witnesses showing that MVP opposed any permit granted to Chevreux.

14
15 REQUEST FOR PRODUCTION NO. 17: Objection. This document request is vague,
16 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
17 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
18 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
19 Planning Department. MVP further understands the term "witnesses" to mean percipient
20 witnesses to MVP's opposition to the undefined "Placer County Mineral Resource Conservation
21 Plan."

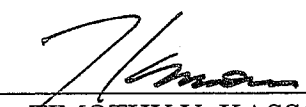
22
23 REQUEST FOR PRODUCTION NO. 18: Objection. This document request is vague,
24 ambiguous, overbroad, and calls for the production of attorney-client and attorney work product
25 privileged communications. MVP understands the term "parties" to mean Plaintiff MVP,
26 Defendant Chevreux Aggregates, Inc., and Respondents County of Placer and County of Placer
27 Planning Department. MVP further understands the term "witnesses" to mean percipient
28 witnesses to MVP's opposition to the Meadow Vista Community Plan.

1 REQUEST FOR PRODUCTION NO. 19: Objection. This document request is vague,
2 ambiguous and overbroad. MVP is not alleged to be the owner of a "residence."

3
4 REQUEST FOR PRODUCTION NO. 20: Objection. MVP objects to this request for
5 production on the grounds that MVP is not an entity which it alleges suffered an injury. Further,
6 MVP is not an entity that has a "family." For these reasons, the document request is vague,
7 ambiguous, unintelligible, overbroad, burdensome, oppressive, violates the privacy rights of third
8 parties, and further calls for the production of attorney-client and attorney work product
9 privileged communications.

10
11 DATED: December 14, 2006.

12
13 RONALD A. ZUMBRUN
14 TIMOTHY V. KASSOUNI
15 ANGELA C. THOMPSON
16 THE ZUMBRUN LAW FIRM

17
18 By 
19 TIMOTHY V. KASSOUNI
20 Attorneys for Plaintiff
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BRIGIT S. BARNES & ASSOCIATES, INC.
BRIGIT S. BARNES, ESQ. CSB #122673
KARIN E. SCHWAB, ESQ. CSB #157779
SUSAN M. VERGNE, ESQ. CSB #236308
3262 Penryn Road, Suite 200
Loomis, CA 95650
Telephone: (916) 660-9555
Facsimile: (916) 660-9554

Attorneys for CHEVREAUX AGGREGATES, INC.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Case No. SCV 19614

Petitioners and Plaintiffs,

v.

CHEVREAUX AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT; and
DOES 1- 50, inclusive,

Respondents and Defendants.

**NOTICE OF TAKING DEPOSITION OF
THE PERSON MOST
KNOWLEDGEABLE AT MEADOW
VISTA PROTECTION AND FOR
PRODUCTION OF DOCUMENTS**
[Code Civ. Proc. § 2025]

TO MEADOW VISTA PROTECTION, AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant CHEVREAUX AGGREGATES, INC. will
take the deposition, on oral examination, of the Person Most Knowledgeable at MEADOW
VISTA PROTECTION. The deposition will be taken as follows:

Date: December 14, 2006

Time: 9:00 a.m.

Place: Brigit S. Barnes & Associates, Inc.
3262 Penryn Road, Suite 200
Loomis, CA 95650

NOTICE IS FURTHER GIVEN that the matters on which examination is requested are as
follows: The allegations contained in the Verified Complaint filed in Placer County Superior
Court Case No SCV 19614 entitled "MEADOW VISTA PROTECTION v. CHEVREAUX

1 AGGREGATES, INC.” and/or the person with knowledge of the injuries and damages suffered
2 by members of MEADOW VISTA PROTECTION. Pursuant to the provisions of Section
3 2025.230 of the Code of Civil Procedure, MEADOW VISTA PROTECTION, shall designate
4 and produce at the deposition one or more of its officers, directors, managing agents, employees,
5 or agents who are most qualified and knowledgeable to testify on its behalf as to the above-
6 described matters to the extent of any information known or reasonably available to the
7 deponent. It is hereby requested that MEADOW VISTA PROTECTION, provide prompt
8 notification in writing to the undersigned as to the name, address, telephone number, capacity,
9 and job title of each person so designated to testify and the matters on which this person will
10 testify.

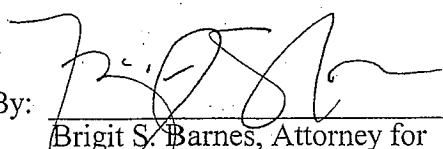
11 NOTICE IS FURTHER GIVEN that the deponent described, above is required to produce
12 documents for inspection and examination at his/her deposition. The documents required to be
13 produced are identified on Exhibit “A” to this notice, which were not already produced by the
14 Request for Production of Documents propounded by CHEVREAUX AGGREGATES, INC. to
15 MEADOW VISTA PROTECTION.

16 The deposition will be taken before any deposition officer who is authorized to
17 administer an oath. If the deposition is not completed as noticed above, it will be continued from
18 day to day thereafter, except for Saturdays, Sundays and holidays, at the same place, until
19 completed.

20 Notice is further given that the deposition testimony may be recorded by audio and video
21 tape, in addition to recording this testimony by the stenographic method, through instant visual
22 display of testimony.

23 DATED: November 15, 2006

BRIGIT S. BARNES & ASSOCIATES, INC.,
A Law Corporation

24
25
26 By: 

Brigit S. Barnes, Attorney for
CHEVREAUX AGGREGATES, INC.

EXHIBIT A

1
2 1. All documents, written statements, correspondence, notes, emails, telephone calls,
3 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
4 and/or PLACER COUNTY regarding the alleged operations of CHEVREAUX outside the
5 boundaries of LD-1030.

6 2. All documents, written statements, correspondence, notes, emails, telephone calls,
7 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
8 and/or PLACER COUNTY regarding the alleged output of the Chevreux Quarry that exceeds
9 that allowed by LD-1030.

10 3. All documents, written statements, correspondence, notes, emails, telephone calls,
11 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
12 and/or PLACER COUNTY regarding the alleged blasting at the Chevreux Quarry that is not in
13 compliance with LD-1030.

14 4. All documents, written statements, correspondence, notes, emails, telephone calls,
15 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
16 and/or PLACER COUNTY regarding the alleged water quality control methods of
17 CHEVREAUX not in compliance with LD-1030.

18 5. All documents, written statements, correspondence, notes, emails, telephone calls,
19 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
20 and/or PLACER COUNTY regarding the alleged dust mitigation at the Chevreux site not in
21 compliance with LD-1030.

22 6. All documents, written statements, correspondence, notes, emails, telephone calls,
23 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
24 and/or PLACER COUNTY regarding the alleged lapse of LD-786.

25 7. All documents, written statements, correspondence, notes, emails, telephone calls,
26 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
27 and/or PLACER COUNTY regarding the alleged relocating of the asphalt plant outside of the
28 area permitted by LD-786.

1 8. All diagrams, photographs, maps, and/or other descriptions of the property or
2 conduct involved in the alleged non-compliance with LD-1030.

3 9. All diagrams, photographs, maps, and/or other descriptions of the property or
4 conduct involved in the alleged non-compliance with LD-786.

5 10. All documents, written statements, correspondence, notes, emails, telephone calls,
6 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
7 and/or PLACER COUNTY regarding the alleged nuisance.

8 11. All documents, written statements, correspondence, notes, emails, telephone calls,
9 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
10 and/or PLACER COUNTY regarding who has been injured by the alleged nuisance.

11 12. If any persons are identified in No. 11, then all documents, name and address of
12 treating physician, and medical records regarding the nature of the alleged injuries.

13 13. All diagrams, photographs, maps, and/or other descriptions of the property or
14 conduct involved in the alleged nuisance.

15 14. All personal memoranda concerning the alleged nuisance, such as journals,
16 diaries, notes, and/or letters.

17 15. All names, addresses, and telephone numbers of MVP members or Meadow Vista
18 residents relating to alleged "special injuries" or damages they may have suffered as a result of
19 the CHEVREAUX operations.

20 16. All documents, written statements, correspondence, notes, emails, telephone calls,
21 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
22 and/or PLACER COUNTY that shows you opposed any permit granted to CHEVREAUX.

23 17. All documents, written statements, correspondence, notes, emails, telephone calls,
24 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
25 and/or PLACER COUNTY that shows you opposed the Placer County Mineral Resource
26 Conservation Plan.

1 18. All documents, written statements, correspondence, notes, emails, telephone calls,
2 if any, of parties or witnesses, including correspondence between MVP and CHEVREAUX
3 and/or PLACER COUNTY that shows you opposed the Meadow Vista Community Plan.

4 19. All documents and information regarding the purchase of your residence
5 including, but not limited to, CC&Rs, purchase agreements, escrow documents, name of title
6 company, preliminary title reports, title policies, name of real estate agents, and all real estate
7 disclosure documentation.

8 20. All documents relating to injuries you or any member of your family may have
9 suffered by any CHEVREAUX operations including, but not limited to, family member's name,
10 physician's name, and medical records.

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1 RONALD A. ZUMBRUN, SBN 32684
2 TIMOTHY V. KASSOUNI, SBN 142907
3 ANGELA C. THOMPSON, SBN 238708
4 THE ZUMBRUN LAW FIRM
5 3800 Watt Avenue, Suite 101
6 Sacramento, California 95821
7 Telephone: (916) 486-5900
8 Facsimile: (916) 486-5959
9 Attorneys for Petitioner and Plaintiff
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF PLACER

MEADOW VISTA PROTECTION,

Petitioner and Plaintiff,

v.

CHEVREAU AGGREGATES, INC.;
COUNTY OF PLACER; COUNTY OF
PLACER PLANNING DEPARTMENT;
and DOES 1 through 50, inclusive,

Respondents and Defendants.

Case No.: SCV 19614

Complaint filed: 7/12/06

DECLARATION OF SERVICE
BY HAND DELIVERY

DECLARATION OF SERVICE

I, Timothy V. Kassouni, declare:

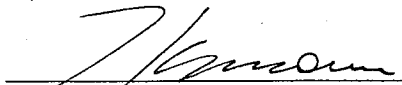
I am a citizen of the United States, and am employed in the County of Sacramento, State of California; that I am over the age of 18 years and not a party to the within-entitled action; that my business address is The Zumbrun Law Firm, 3800 Watt Avenue, Suite 101, Sacramento, California.

On December 15, 2006, a true copy of: Objections to Defendant Chevreux Aggregates, Inc.'s Notice of Taking Deposition of the Person Most Knowledgeable at Meadow Vista Protection and for Production of Documents was personally served on the following:

Ms. Brigit S. Barnes
Brigit S. Barnes & Associates, Inc.
3262 Penryn Road, Suite 200
Loomis, CA 95650

Attorney for defendant Chevreux
Aggregates, Inc.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed on this 15th day of December, 2006, at Sacramento, California.


TIMOTHY V. KASSOUNI