

LEWIS BRISBOIS BISGAARD & SMITH LLP

ATTORNEYS AT LAW

221 NORTH FIGUEROA STREET, SUITE 1200, LOS ANGELES, CA 90012
PHONE: 213.250.1800 | FAX: 213.250.7900 | WEBSITE: www.lbbsslaw.com

KIMBERLY A. HUANGFU
DIRECT DIAL: 213.580.3907
E-MAIL: huangfu@lbbsslaw.com

October 2, 2008

FILE NO.
27175-02

POSTED VIA COURT WEBSITE

To All Counsel

Re: *Antelope Valley Groundwater Litigation*
Santa Clara County Superior Court Case No. 1-05-CV-049053
Judicial Council Coordination Proceeding 4408

Dear Counsel:

Although the expert depositions are now complete for Phase II, we would like to request that, in the future, counsel inform others when a particular witness has no intention of testifying about specific parties.

On September 30, 2008, Anaverde stipulated to take Thomas Sheahan off calendar and, in return, asked that Dr. Williams' deposition be continued one day to accommodate conflicts. Mr. Dunn denied our request for a continuance but failed to inform us that there was no reason to attend in any event. At Dr. Williams' deposition, Mr. Dunn began with a statement that Dr. Williams would have no testimony concerning Anaverde. Had we known this fact, we would not have prepared and taken the time to attend.

On October 1, 2008, we asked Carol Draper, counsel for the U.S., whether witness Dr. Sun would be testifying against Anaverde. She indicated that she would let us know but thought not. Hearing nothing, we attended that deposition this morning only to have the witness confirm he had nothing to testify to regarding our client.

I appreciate that everyone is busy but unnecessary appearances are costly and time consuming. Please try to show more professional courtesy in the future.

ATLANTA | CHICAGO | FORT LAUDERDALE | LAFAYETTE | LAS VEGAS | LOS ANGELES | NEW ORLEANS | NEW YORK
ORANGE COUNTY | PHOENIX | SACRAMENTO | SAN BERNARDINO | SAN DIEGO | SAN FRANCISCO | TAMPA | TUCSON

LEWIS BRISBOIS BISGAARD & SMITH LLP

To All Counsel
October 2, 2008
Page 2

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Kimberly A. Huangfu".

Kimberly A. Huangfu
LEWIS BRISBOIS BISGAARD & SMITH LLP

KAH:me