

# LEWIS BRISBOIS BISGAARD & SMITH LLP

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October 20, 2008

FILE NO.  
27175-02

## ***VIA POSTING ON COURT'S WEBSITE AND E-MAIL***

Stefanie Hedlund, Esq.  
Best Best & Krieger LLP  
5 Park Plaza, Suite 1500  
Irvine, CA 92614  
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Re: *Antelope Valley Groundwater Litigation*  
*Santa Clara County Superior Court Case No. 1-05-CV-049053*  
*Judicial Council Coordination Proceeding 4408*

Dear Ms. Hedlund:

At the close of trial last Friday, October 10, 2008, Mr. Dunn indicated that he would like to reserve the right to recall Mr. Scalmanini as a rebuttal witness. I am writing to obtain clarification as to whether you intend to offer rebuttal testimony at trial from Mr. Scalmanini regarding Anaverde.

In Mr. Scalmanini's September 24, 2008 deposition, Mr. Scalmanini confirmed that he had no opinion regarding Anaverde. (Deposition of Mr. Scalmanini, Sept. 24, 2008 at pg. 60:15-24.) At trial, Mr. Scalmanini could only make general statements concerning the Anaverde Creek Watershed. (Antelope Valley Groundwater Adjudication, Phase 2 Trial Transcript, Oct. 8, 2008 at pg. 186:21-27, pg. 187:8, and pg. 187:10-21.) Subsequent to that testimony, the Public Water Suppliers expressed a desire to reserve the right to call Mr. Scalmanini as a rebuttal witness.

It is also my understanding that Mr. Scalmanini is out of the country until October 30, 2008. As you are aware, trial is scheduled to reconvene on November 3, 2008. This leaves little to no time to depose Mr. Scalmanini. Absent an opportunity to depose Mr. Scalmanini on October 31, 2008, we will be forced to file a motion to exclude any subsequent rebuttal testimony relevant to Anaverde.

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Please let us know by the close of business on October 21, 2008 your intention concerning Mr. Scalmanini and his availability to testify.

Very truly yours,

/s/

Kimberly A. Huangfu

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