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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF SANTA CLARA**

11 **ANTELOPE VALLEY GROUNDWATER**  
12 **CASES:**

13 Included Actions:

14 Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co.  
Superior Court of California  
15 County of Los Angeles, Case No. BC325201

16 Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co.  
17 Superior Court of California  
County of Kern, Case No. S-1500-CV-254-  
18 348

19 Wm. Bolthouse Farms, Inc. v. City of  
Lancaster

20 Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water Dist.  
21 Superior Court of California  
County of Riverside, consolidated actions  
22 Case Nos. RIC 353840, RIC 344436,  
RIC 344668  
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Judicial Council Coordination  
Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053  
Assigned to the Honorable Jack Komar

**DECLARATION OF JOSEPH SALAZAR,  
JR. IN SUPPORT OF CROSS-  
DEFENDANT ANAVERDE LLC'S  
EX PARTE MOTION TO CONTINUE  
TRIAL DATE**

**Date:** October 23, 2008  
**Time:** 8:15 a.m.  
**Dept.:** 17C

**Telephonic call-in number:** (866) 844-4955  
**Passcode:** 9554462#

**Phase 2 Trial:** November 3, 2008  
**Time:** 9 a.m.  
**Location:** LASC, Dept. 1

*[Filed concurrently herewith Ex Parte  
Motion, Declaration of Kimberly A. Huangfu  
in Support Thereof, and [Proposed] Order]*

1 I, Joseph Salazar, Jr., declare and state as follows:

2 1. I am an attorney at law, duly licensed to practice before the courts of the State of  
3 California. I am a partner with the law firm of Lewis Brisbois Bisgaard & Smith, LLP, attorneys  
4 for Anaverde LLC (“Anaverde”). I am responsible for the handling this matter, and I present this  
5 declaration in support of Anaverde’s ex parte motion to continue the November 3, 2008 trial date  
6 to November 17, 2008. I have personal knowledge of the matters set forth below, and if called  
7 upon to do so, I could and would competently testify to the following:  
8

9 2. I am lead trial counsel in the case of *Scott Shewbridge v. El Dorado Irrigation District, a*  
10 *municipal corporation, Ane Deister, David Powell, Thomas Cumpston, George Wheeldon, George*  
11 *Osborne, individuals, and Does 1 through 50, inclusive (“Shewbridge”)*, United States Court for  
12 the Eastern District of California, Case No. 2:05-CV-00740FCD PAN. (Exhibit D, Civil Docket  
13 for *Shewbridge* at pgs. 1-3.)

14 3. The *Shewbridge* case was filed on April 15, 2005. (Exhibit D at pg. 3.)

15 4. It was originally scheduled to proceed on February 6, 2007, but has been continued four  
16 times:

- 17 • Continued from February 6, 2007 to May 22, 2007 on September 12, 2006;
- 18 • May 22, 2007 trial date vacated on May 1, 2007;
- 19 • New trial date set for September 11, 2007 on May 24, 2007;
- 20 • September 11, 2007 trial date vacated on August 27, 2008 due to scheduling conflict;
- 21 • New trial date set for June 3, 2007 on September 11, 2007;
- 22 • June 3, 2007 trial date is vacated due to scheduling conflict and reset for October 21, 2008;
- 23 • Trial confirmed to begin on October 28, 2008.

24 (Exhibit D at pgs. 4-12.)

25 5. On October 15, 2008, I informally requested that the federal trial be continued to avoid  
26 scheduling conflicts. I received a response that the federal trial “is confirmed set to go on  
27 Tuesday, October 28, 2008” from Ms. Kruger, the Courtroom Deputy to the Honorable Frank C.  
28 Damrell, Jr. (Exhibit A.)

6. *Shewbridge* is a complex case that involves numerous parties and 44 witnesses. (Exhibit  
D, Civil Docket for *Shewbridge* at pgs. 1-3; Exhibit E, *Shewbridge* Joint Pre-trial Conference

1 Statement, Feb. 23, 2007 at pgs. 15-22.) I am, therefore, unable to delegate the role of lead trial  
2 attorney to another attorney in my office.

3 7. I brought the *Shewbridge* case with me when I switched firms in June 2007, and I did not  
4 bring my then-associate who worked on this case with me in the move.

5 8. I am the only attorney who attended all of the *Shewbridge* depositions and the only  
6 attorney who has worked individually with all five, individually named defendants.

7 9. I am also primarily responsible for advising the board of directors for Defendant El Dorado  
8 Irrigation District.

9 10. I am also Anaverde's *lead* trial counsel and am unavailable during the week of November  
10 3, 2008 because of a previously scheduled trial that is going forward on October 28, 2008.

11 (Exhibit A, E-mail correspondence to and from Mr. Salazar to Ms. Kruger, Courtroom Deputy,  
12 dated Oct. 15, 2008 at 11:30 a.m. and 1:58 p.m.)

13 11. On September 30, 2008, this Court, for the first time, informed counsel of its unavailability  
14 during the week of October 13, 2008. (Exhibit B, E-mail correspondence from Ms. Walker dated  
15 Sept. 30, 2008 at 2:30 p.m.)

16 12. I understand that Dr. Sheahan will be deposed on October 27, 2008; however, he is  
17 unavailable to testify at trial. (Exhibit C, Notice of Taking and Videotaping Deposition of  
18 Defendants Bolthosue [sic] Properties, LLC's and Wm. Bolthouse Farms, Inc.'s Expert, Tom  
19 Sheahan, dated Oct. 13, 2008.)  
20

21 13. I understand that Mr. Scalmanini is out of the county until October 30, 2008 and will be  
22 unavailable for deposition until that time.  
23

24 14. The current trial date is November 3, 2008.

25 15. There has been no previous trial continuance in this matter (for this phase).  
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1           16. The other attorneys who have assisted on this matter have no meaningful trial experience  
2 and no time exists for other attorneys to learn a complicated water case and adequately protect  
3 Anaverde’s substantial interests.

4           17. There are several potential rebuttal witnesses, including Mr. Scalmanini, Ms. Oberdorfer,  
5 Mr. Durbin, Mr. Utley, and Mr. Sheahan, all of who may be offered to provide rebuttal testimony  
6 at trial.

7           18. Anaverde is willing to accommodate the Court’s schedule in any way possible, including  
8 proceeding in the Santa Clara Superior Court.

9           19. Since June 2008, I have taken the lead in preparing for the Phase 2 trial. I tried the case  
10 during the first week of trial, attended and took all of the depositions of expert witnesses in  
11 Sacramento, California, and worked exclusively with Anaverde’s expert witness, Mr. John  
12 Lambie, to prepare for his deposition and trial testimony.

13           20. I also participated in the drafting of all substantive pleadings and discovery requests.

14           21. Upon the recommencement of this Phase 2 trial, there are approximately two expert  
15 witnesses remaining that will testify to the lack of hydrological connectivity: Mr. Lambie must  
16 complete his direct and cross-examination and Mr. Rhone will testify, as well.

17           22. The number of rebuttal witnesses for the Public Water Suppliers, the City of Los Angeles,  
18 and the United States remains unclear. (Exhibit F, Correspondence from Huangfu to Hedlund  
19 dated Oct. 20, 2008.)

20           23. On October 9, 2008, the Court offered three dates for recommencement of the trial:  
21 October 20, October 27, and November 3, 2008. Also on October 9, 2008, counsel was informed  
22 that the Court intends to proceed, after a three- week recess, on November 3, 2008. During  
23 informal discussions off-record on October 9, 2008, I informed the Court that I have another trial,  
24 in the United States District Court, Eastern District of California in Sacramento, California,  
25 starting on October 28, 2008.

26           24. The *Shewbridge* case is expected to proceed for 2-3 weeks.  
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25. Upon receiving notice of the November 3, 2008 Phase 2 trial date, I requested, on the record, that this trial “resume . . . on November 17<sup>th</sup> so that I could come back and finish.” (Exhibit G, Antelope Valley Groundwater Adjudication Trial transcript, Oct. 10, 2008 at pg. 1:26-28 and pg 2:1-4.) This Court provided that “[it] can’t do that.” (*Id.* at pg. 2:5.)

I declare under penalty of perjury that the foregoing is true and correct. I make this Declaration on the 21<sup>st</sup> day of October, 2008 in Sacramento, California

DATED: October 21, 2008 .

/s/ \_\_\_\_\_  
JOSEPH SALAZAR, JR.

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**PROOF OF SERVICE**

I declare that:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

On October 21, 2008, I served the **DECLARATION OF JOSEPH SALAZAR, JR. IN SUPPORT OF CROSS-DEFENDANT ANAVERDE LLC'S EX PARTE MOTION TO CONTINUE TRIAL DATE** by posting the document(s) to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, executed on October 21, 2008.

/s/ \_\_\_\_\_  
Maritza Estrada