

EXHIBIT F

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.lbbslaw.com

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

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
E-mail: Stefanie.Hedlund@bbkclaw.com

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.

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

Ms. Hedlund
October 20, 2008
Page 2

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
LEWIS BRISBOIS BISGAARD & SMITH LLP

KAH:me

EXHIBIT G

10-10-08

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT NO. 1 HON. JACK KOMAR, JUDGE
4 COORDINATION PROCEEDING)
5 SPECIAL TITLE (RULE 1550B))
6 ANTELOPE VALLEY GROUNDWATER CASES) JUDICIAL COUNCIL
7) COORDINATION
8) NO. JCCP4408
9)
10) PALMDALE WATER DISTRICT AND) SANTA CLARA CASE NO.
11) QUARTZ HILL WATER DISTRICT,) 1-05-CV-049053
12)
13) CROSS-COMPLAINANTS,)
14)
15) VS.)
16)
17) LOS ANGELES COUNTY WATERWORKS,)
18) DISTRICT NO. 40, ET AL,)
19)
20) CROSS-DEFENDANTS.)
21)
22)
23)
24)
25)
26)
27)
28)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, OCTOBER 10, 2008

APPEARANCES:

(SEE APPEARANCE PAGES)

GINGER WELKER, CSR #5585
OFFICIAL REPORTER

10-10-08

1 APPEARANCES:
2
3 ROSAMOND CSD & L.A. COUNTY BEST, BEST & KRIEGER, LLP
4 WATERWORKS BY: JEFFREY V. DUNN
5 STEFANIE D. HEDLUND
6 5 PARK PLAZA, SUITE 1500
7 IRVINE, CA 92614
8 (949) 263-2600
9
10 RAYMOND G. FORTNER, JR.,
11 COUNTY COUNSEL
12 BY: MICHAEL L. MOORE,
13 SENIOR DEPUTY
14 500 WEST TEMPLE STREET
15 LOS ANGELES, CA 90012
16 (213) 974-8407
17
18 ANTELOPE VALLEY COVINGTON & CROWE, LLP
19 UNITED MUTUAL GROUP BY: WILLIAM A. HAUCK
20 1131 WEST SIXTH STREET
21 SUITE 300
22 ONTARIO, CA 91762
23 (909) 983-9393
24
25 PALMDALE WATER DISTRICT & LAGERLOF, SENECA, GOSNEY
26 QUARTZ HILL WATER DISTRICT & KRUSE, LLP
27 BY: THOMAS S. BUNN, III
28 301 NORTH LAKE AVENUE
10TH FLOOR
PASADENA, CA 91101-4108
(626) 793-9400

CITY OF PALMDALE RICHARDS WATSON GERSHON
BY: JAMES L. MARKMAN
1 CIVIC CENTER CIRCLE
POST OFFICE BOX 1059
BREA, CA 92822-1059
(714) 990-0901

LOS ANGELES COUNTY SANITATION ELLISON, SCHNEIDER &
DISTRICTS NOS. 14 & 20 HARRIS
BY: CHRISTOPHER M. SANDERS
2015 H STREET
SACRAMENTO, CA 95811-3109
(916) 447-2166

□

1 APPEARANCES (CONTINUED)

Page 2

10-10-08

2 ANTELOPE VALLEY EAST BRUNICK, MCELHANEY &
3 KERN WATER AGENCY BECKETT
(AVEK) BY: WILLIAM J. BRUNICK
4 1839 COMMERCENTER WEST
5 SAN BERNARDINO, CA 92408
(909) 889-8301
6
7
8 CITY OF LANCASTER LUCE, FORWARD, HAMILTON &
9 SCRIPPS, LLP
10 BY: DOUGLAS EVERTZ
11 2050 MAIN STREET
12 SUITE 600
13 IRVINE, CA 92614
14 (949) 732-3716
15
16 LITTLEROCK CREEK IRRIGATION
17 DISTRICT & PALM RANCH IRRIGATION
18 DISTRICT: LEMIEUX & O'NEILL
19 BY: W. KEITH LEMIEUX
20 2393 TOWNSGATE ROAD
21 SUITE 201
22 WESTLAKE VILLAGE, CA 91361
(805) 495-4770
23
24 FOR REBECCA LEE WILLIS: KRAUSE, KALFAYAN, BENINK
& SLAVENS
25 BY: RALPH B. KALFAYAN
26 625 BROADWAY, SUITE 635
27 SAN DIEGO, CA 92101
(619) 232-0331
28
29 ANTELOPE VALLEY GROUNDWATER
30 AGREEMENT ASSOCIATION BROWNSTEIN, HYATT, FARBER
(AGWA) & SCHRECK
31 BY: MICHAEL FIFE
32 21 EAST CARRILLO STREET
33 SANTA BARBARA, CA 93101
(805) 963-7000
34
35
36

1 APPEARANCES (CONTINUED)

2 ANAVERDE

LEWIS, BRISBOIS, BISGAARD
Page 3

10-10-08

3		& SMITH, LLP
4		BY: JOSEPH A. SALAZAR, JR.
		KIMBERLY A. HUANGFU
5		ELIZABETH MARTYN
		AZUSA K. TOKUDOME
6		221 NORTH FIGUEROA STREET
		SUITE 1200
7		LOS ANGELES, CA 90012
		(213) 250-1800
8		
9	RICHARD A. WOOD	OFFICES OF MICHAEL MCLACHLAN
		BY: MICHAEL D. MCLACHLAN
10		DANIEL M. O'LEARY
		523 WEST SIXTH STREET
11		SUITE 215
		LOS ANGELES, CA 90014
12		(213) 630-2884
13		
14	BOLTHOUSE PROPERTIES, INC.	CLIFFORD & BROWN
		BY: RICHARD G. ZIMMER
15		BANK OF AMERICA BUILDING
		1430 TRUXTUN AVENUE
16		SUITE 900
		BAKERSFIELD, CA 93301
17		(661) 322-6023
18		
19	HEALY ENTERPRISES, SHEEP CREEK, SERVICE ROCK	GRESHAM, SAVAGE, NOLAN & TILDEN
20		BY: MICHAEL DUANE DAVIS
		3750 UNIVERSITY AVENUE
21		SUITE 250
		RIVERSIDE, CA 92501-3335
22		(951) 684-2171
23		
24	CITY OF LOS ANGELES	KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
25		BY: JANET GOLDSMITH
26		400 CAPITOL MALL, 27TH FLOOR
		SACRAMENTO, CA 95814-4417
27		(916) 321-4500
28		

□

1 APPEARANCES (CONTINUED)

2

3 TEJON RANCH CORP

KUHS & PARKER
Page 4

10-10-08

4		BY: WILLIAM C. KUHS
5		ROBERT G. KUHS
6		1200 TRUXTUN AVENUE
7		SUITE 200
		BAKERSFIELD, CA
		(661) 322-4004
8	DIAMOND FARMING COMPANY	LEBEAU, THELEN, MCINTOSH &
9	AND CRYSTAL ORGANIC	CREAR
10		BY: BOB H. JOYCE
11		5001 EAST COMMERCENTER DRIVE
12		P.O. BOX 12092
		BAKERSFIELD, CA 93389-2092
		(661) 325-8962
13	THE UNITED STATES	R. LEE LEININGER
14		JAMES J. DUBOIS
15		U.S. DEPARTMENT OF JUSTICE
16		ENVIRONMENT & NATURAL
17		RESOURCES DIVISION
18		1961 STOUT STREET, 8TH FLOOR
19		DENVER, CO 80294
20		(303) 844-1364
		MARK S. BARRON
		U.S. DEPARTMENT OF JUSTICE
		601 D STREET, N.W.
		WASHINGTON, DC 20044
		(202) 305-0490
21	PALMDALE HILLS PROPERTY	WESTON, BENSHOOF, ROCHEFORT,
22	AND NORTHROP GRUMMAN	RUBALCAVA & MACCUISH, LLP
23		BY: TAMMY L. JONES
24		333 SOUTH HOPE STREET
25		16TH FLOOR
		LOS ANGELES, CA 90071
		(213) 576-1000
26	CALIFORNIA WATER SERVICES	JOHN S. TOOTLE
27	COMPANY	CORPORATE COUNSEL
28		2632 W. 237TH STREET
		TORRANCE, CA 90505-5272
		(310) 257-1488

□

1 APPEARANCES (CONTINUED)

2

3 U.S. BORAX

4

MORRISON & FOERSTER, LLP
BY: WILLIAM M. SLOAN
425 MARKET STREET
Page 5

10-10-08
SAN FRANCISCO, CA 94105
(415) 268-7209

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

QUARTZ HILL WATER DISTRICTS

CHARLTON WEEKS
BY: BRADLEY T. WEEKS
1007 W. AVE. M-14, SUITE A
PALMDALE, CA 93551
(661)265-0969

GATEWAY TRIANGLE PROPERTIES

OFFICES OF DAVID N. NOROUZI
BY: DAVID N. NOROUZI
10940 WILSHIRE BLVD.
18TH FLOOR
LOS ANGELES, CA 90024
(310) 208-1840

SORRENTO WEST PROPERTIES

PILLSBURY, WINTHROP, SHAW &
PITTMAN, LLP
BY: WILLIAM E. FORK
501 WEST BROADWAY
SUITE 1100
SAN DIEGO, CA 92101
(619)544-3162

* * *

0

I N D E X

1
2
3
4

W I T N E S S E S

5 TEJON RANCH

		10-10-08			
	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
6	ERICSON JOHN LIST				
7	(RESUMED)				
8	(BY MR. DUNN)		2		
9	(BY MR. EVERTZ)		18		
10	(BY MR. SALAZAR)		24		
11	(BY MR. WILLIAM KUHS)		26		
12					
13					
14					
15	ANAVERDE				
	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
16	JOHN LAMBIE	30			
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					

0

1	E X H I B I T S		
2			
3	WATER SUPPLIERS	FOR I.D	IN EVIDENCE
4	F24 - LIST'S REPORT	13	
5			
6			

10-10-08

7
8 TEJON RANCH FOR I.D. IN EVIDENCE
9 (EXHIBITS C18-C32 AND C34-C50 WERE PREVIOUSLY
10 MARKED FOR ID ON 10/9/08 AND WERE ADMITTED INTO EVIDENCE
ON PAGE 28 ON 10/10/08)

11 **(EXHIBIT 33 WAS MARKED AND ADMITTED ON 10/9/08.)**

12

13

14	ANAVERDE	FOR I.D.	IN EVIDENCE
15	B4 - LAMBIE CV	28	
16	B5 - WATERSHED MAP	40	
17	B6 - WATERSHED MAP	45	
18	B7 - GEOLOGIC MAP	54	
19	B8A- ANAVERDE FEATURE MAP	65	
20	B8B- ANAVERDE FEATURE MAP	65	
21	B8C- ANAVERDE FEATURE MAP	65	
22	B9 - AERIAL PHOTO (1940)	69	
23	B10- WATERSHED MAP	71	
24	B11A PHOTO (JUNE '08)	72	
25	B11B PHOTO (WELLS)	72	
26	B11C PHOTO (RANCH AREA)	72	
27	B11D PHOTO (WETLANDS)	72	
28	B12 WELL MAP	75	

□

1 EXHIBITS (CONTINUED)

2

3	ANAVERDE	FOR I.D.	IN EVIDENCE
4	B13 - AERIAL MAP	78	
5	B14 - AERIAL MAP (1949)	80	
6	B15 - AERIAL PHOTO	81	
7	B16 - AERIAL MAP (1957)	82	

10-10-08

8	B17 - MAP (WELLS LOCATION)	85
9	B18 - WATERSHED MAP	87
10	B19 - MAP (ELEVATIONS)	89
11	B20 - GEOLOGIC FAULTS	94
12	B21 - CHART (ELEVATIONS)	98
13	B22 - CONCEPTUAL MODEL	101
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

0

1

1	CASE NUMBER:	JCCP4008
2	CASE NAME:	ANTELOPE VALLEY
3	LOS ANGELES, CALIFORNIA,	FRIDAY, OCTOBER 10, 2008
4	DEPARTMENT NO. 1	HON. JACK KOMAR
5	REPORTER	GINGER WELKER, CSR #5585
6	TIME:	9:00 A.M.
7	APPEARANCES:	(SEE TITLE PAGE)

8

10-10-08

9 THE COURT: GOOD MORNING, YOUR HONOR, READY TO
10 RESUME.

11 MR. ZIMMER: JUST ONE HOUSEKEEPING MATTER I WANT
12 TO RAISE WITH THE COURT, YOUR HONOR. I TOLD THE COURT I
13 WOULD FOLLOW UP WITH MR. SHEAHAN TO FIND OUT WHY HE'S
14 UNAVAILABLE THE FIRST TWO WEEKS OF NOVEMBER. HE HAS A
15 70TH BIRTHDAY. HE HAS GOT HIS FAMILY AND HIS GRAND
16 CHILDREN GOING TO HAWAII.

17 I AM NOT SURE EXACTLY HOW TO DEAL WITH THAT.
18 I KNOW THE COURT WANTS TO GET THIS DONE. I COULD
19 POTENTIALLY TAKE HIS DEPOSITION BY VIDEOTAPE.

20 THE COURT: THAT'S WHAT OCCURRED TO ME AS TO ALL
21 WITNESSES WHO WOULD HAVE TROUBLE GETTING HERE. SO IF
22 YOU NEED SOME ASSISTANCE FROM THE COURT, LET ME KNOW.

23 MR. ZIMMER: I CAN SET THAT UP WITH THE OTHER
24 COUNSEL.

25 THE COURT: THANK YOU.

26 MR. SALAZAR: JUST SO I CAN GET THIS ON THE
27 RECORD, I WANT THE COURT TO KNOW AS THE COURT KNOWS OFF
28 THE RECORD THAT WITH THE NOVEMBER 3RD TRIAL DATE I WILL

□

2

1 BE IN A TRIAL ALREADY IN SACRAMENTO IN FEDERAL COURT,
2 UNFORTUNATELY. THERE IS NO PENDING ON THAT. I WOULD
3 REQUEST THAT WE RESUME THIS TRIAL ON NOVEMBER 17TH SO
4 THAT I COULD COME BACK AND FINISH.

5 THE COURT: I CAN'T DO THAT.

6 MR. SALAZAR: THANK YOU.

7 THE COURT: WHO WISHES TO EXAMINE MR. LIST?
8 MR. DUNN?

9 MR. DUNN: THANK YOU.