

# LEWIS BRISBOIS BISGAARD & SMITH LLP

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October 24, 2008

FILE NO.  
27175-02

## ***POSTED VIA COURT WEBSITE***

Richard G. Zimmer  
Clifford & Brown  
1430 Truxtun Avenue, Suite 900  
Bakersfield, CA 933011

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

Dear Mr. Zimmer:

This letter serves to clarify the procedure of Mr. Sheahan's upcoming deposition scheduled for October 27, 2008. Anaverde is not conceding to the use of Mr. Sheahan's videotaped deposition testimony in lieu of live trial testimony. To the contrary, to minimize prejudice to our client in the event that the Judge grants Bolthouse Properties' motion to quash our properly served subpoena, the October 27, 2008 deposition will proceed, as follows:

(1) In accordance with Anaverde's deposition notice posted on October 17, 2008, Anaverde will proceed first and take Mr. Sheahan's deposition. As you are well aware, Anaverde agreed to take Mr. Sheahan's deposition, originally scheduled for October 1, 2008, off-calendar under the condition that Anaverde be given an opportunity to depose Mr. Sheahan if Bolthouse later decided to offer him as a rebuttal witness.

(2) After Anaverde and other parties, such as Tejon Ranch, have had a chance to depose Mr. Sheahan, Bolthouse can proceed with its direct examination as indicated during this morning's scheduling conference.

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(3) Anaverde and Tejon Ranch will then have an opportunity to cross-examine Mr. Sheahan as to the direct testimony he presents at deposition.

We would also like to confirm that Mr. Sheahan will bring all documents that he relied upon in forming his opinions regarding Anaverde and any other rebuttal testimony, including any reports or documents referenced in the report Bolthouse posted yesterday.

Furthermore, since Bolthouse indicated that Mr. Sheahan's rebuttal testimony, regarding Anaverde, will be relatively short (30 minutes to an hour), Anaverde is willing to pay for his round-trip airfare so he can fly into Los Angeles, for a few hours, to offer live testimony at trial on either November 3 or November 4, 2008.

In the event that Mr. Sheahan chooses not to accept this offer, Anaverde is agreeable to Bolthouse having a motion to quash on file by the close of business on Monday, **October 27, 2008**. This will allow Anaverde sufficient time to prepare its opposition to be filed by Wednesday, October 28, 2008.

Very truly yours,

/s/

Kimberly Huangfu

LEWIS BRISBOIS BISGAARD & SMITH LLP

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**PROOF OF SERVICE**

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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 24, 2008, 2008, I served the Letter to Richard G. Zimmer dated October 24, 2008 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 24, 2008, 2008.

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

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