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### Via Online Service

All Counsel

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

Dear Counsel:

This is to follow-up on my conversation with June Ailin today. She advised she is preparing the Appellate Index regarding the appeal for the entire case, with the exception of the attorney fee appeals. Based upon the voluminous record stretching back to the year 2000, numerous counsel, numerous phases of trial and voluminous law and motion and exhibits, Ms. Ailin and I discussed that to assure a complete appellate appendix it would be helpful to identify issues which parties may raise on appeal.

This correspondence is to suggest, and to request the Court's consideration of, Statements of Issues to be filed by the various appellants. These statements could be filed without prejudice to expanding or contracting the issues. This would provide Respondents with the ability to consider the issues and to more surgically identify the appellate index without identifying a 16-year Clerk's and Reporter's transcript. Appellants would not be prejudiced since they will not be limited to the appellate issues they raise. If the appellate issues are enlarged, augmentation could be easily accomplished.

My thanks to Ms. Ailin's office for taking on this monumental project of preparing an appellate appendix. Proceeding with a Statement of issues could facilitate a more cogent and streamlined approach to the record. Likewise, the Appellate Court could more easily focus on Clerk's and Reporter's transcripts which have a bearing on the appellate issues raised.

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Thank you for your consideration of this suggestion. We obviously are open to other suggestions which accomplish the same end. If a further call would be helpful to discuss a Statement of Issues and/or other proposals, we certainly could set one.

Very truly yours,



RICHARD G. ZIMMER

RGZ/ds  
cc:4<sup>th</sup> District Court of Appeal

BL/ANTELOPE VALLEY/ALLCOUNSEL-20