

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

Coordination Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No. 40 v.
Diamond Farming Co.
Superior Court of California
County of Los Angeles, Case No. BC 325 201

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

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of Riverside,
consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Willis v. Los Angeles County Waterworks District
No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 364 553

Wood v. Los Angeles County Waterworks District
No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 391869

Judicial Council Coordination
Proceeding No. 4408

For Court's Use Only:
Santa Clara County Case No.
1-05-CV-049053
(for E-Posting/E-Service
Purposes Only)

Date/Time: December 29, 2010 (9:00 a.m.)

Via teleconference

Location: Los Angeles County Superior Court

111 North Hill Street
Los Angeles, CA 90012

Present: Hon. Jack Komar, Judge
~~C. Walker~~, Reporter

~~M. Godderz~~, Clerk [Rowena Walker]
~~C. Wright~~, Deputy

*Antelope Valley Groundwater Cases (JCCP 4408)
Los Angeles County Superior Court, Case No. BC 325 201
December 29, 2010 (9:00am) / Hon. Jack Komar*

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MINUTE ORDER RE: **Expert Witness Testimony of Mr. Joseph Scalmanini**

On December 22, 2010, an *ex parte* hearing request was made by California Water Service Company, City of Palmdale, Littlerock Creek Irrigation District, Los Angeles County Waterworks District No. 40, Palmdale Water District, Palm Ranch Irrigation District and Quartz Hill Water District (collective hereinafter referred to as "Requesting Parties") to permit, due to health reasons, designated expert witness, Mr. Joseph Scalmanini, to testify at the Phase 3 trial proceedings via web conference, to allow for a shortened testimony schedule, and additionally, to seal said request. The Court deemed this request to be an emergency and requested that objections thereto and any requests for a conference call be submitted to the Court by noon on December 23, 2010. Any party requesting a conference call with the Court shall notify Best, Best & Krieger and such conference call will be scheduled for December 24, 2010 at 9:00 a.m., with Best, Best & Krieger making the necessary arrangements for the call.

Comments were received from Attorneys Michael Fife, Michael Duane Davis, and Marlene Allen-Hammarlund.

The Court conducted a teleconference call on December 24, 2010 at 9:00 a.m. with the following attorneys present: Tom Bunn, Jeffrey Dunn, Michael Fife, Marlene Allen-Hammarlund, Stefanie Hedlund, Bradley Herrema, Bob Joyce, Robert G. Kuhs, Wayne Lemieux, Julie Riley, Christopher Sanders, and William Sloan.

Mr. Dunn, on behalf of the Requesting Parties, presented information regarding Mr. Scalmanini's health status, and their proposals for live video testimony for Phase 3 Trial and the shortened testimony schedule. Mr. Fife presented his concerns regarding the request for live video testimony and to the shortened testimony schedule.

The Court requested that Mr. Dunn lodge, under seal, a doctor's declaration regarding Mr. Scalmanini's health status and serve said declaration only to counsel in this action. Pending receipt of a doctor's declaration, the Court continued this hearing to December 29, 2010 at 9:00 a.m., to be conducted telephonically and limited to counsel only. All counsel are instructed to use the conference call information (phone number and passcode) provided by Best Best & Krieger for today's conference.

On December 29, 2010, the Court conducted a further teleconference and the following attorneys were present: William Brunick, Tom Bunn, Jeffrey Dunn, Michael Fife, Marlene Allen-Hammarlund, Stefanie Hedlund, Bradley Herrema, Bob Joyce, Robert G. Kuhs, William Kuhs, Lee Leininger, Wayne Lemieux, Julie Riley, Christopher Sanders, William Sloan, Brad Weeks, and Richard Zimmer.

After further discussion with counsel, the Court instructed Mr. Dunn to complete the lodging, under seal, of the doctor's declaration regarding Mr. Scalmanini's health status and serve said declaration only to counsel in this action. The Court ordered counsel to meet and confer and discuss alternatives and to contact the Court for a further teleconference next week. The Court advised parties it will confirm the location of Phase 3 trial and will issue its order by January 4, 2011.

This matter was not reported.

PARTIES/ATTORNEYS OF RECORD: NOTED ABOVE

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam Antelope Valley Water Storage	Scott Kuney	
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	