

1 **MICHAEL T. FIFE (State Bar No. 203025)**
2 **BRADLEY J. HERREMA (State Bar No. 228976)**
3 **BROWNSTEIN HYATT FARBER SCHRECK, LLP**
4 **21 East Carrillo Street**
5 **Santa Barbara, California 93101**
6 **Telephone No: (805) 963-7000**
7 **Facsimile No: (805) 965-4333**

8 **Attorneys for:** Gene T. Bahlman, William R. Barnes & Eldora M. Barnes Family Trust of 1989,
9 Thomas M. and Julie Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the John
10 and B.J. Calandri 2001 Trust, Calmat Land Company, Sal and Connie L. Cardile, Consolidated Rock
11 Products, Del Sur Ranch LLC, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G.
12 Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Dennis L. & Marjorie E.
13 Groven Trust, Healy Enterprises, Inc., Hines Family Trust, Habod Javadi, Juniper Hills Water
14 Group, Eugene V., Beverly A., & Paul S. Kindig, Paul S. & Sharon R. Kindig, Kootenai Properties,
15 Inc., Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as
16 Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Malloy Family Partners, Maritorea
17 Living Trust, Jose Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz,
18 Eugene B. Nebeker, R and M Ranch, Inc., John and Adrienne Reca, Edgar C. Ritter, Paula E. Ritter,
19 Paula E. Ritter as Trustee of the Ritter Family Trust, Sahara Nursery, Marygrace H. Santoro as
20 Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Mabel Selak, Jeffrey L. &
21 Nancee J. Siebert, Leo L. Simi, Helen Stathatos, Savas Stathatos, Savas Stathatos as Trustee for the
22 Stathatos Family Trust, Tierra Bonita Ranch Company, Beverly Tobias, White Fence Farms Mutual
23 Water Co. No. 3, **collectively known as the Antelope Valley Ground Water Agreement**
24 **Association (“AGWA”)**

15
16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES**

18 **ANTELOPE VALLEY**
19 **GROUNDWATER CASES**

20 Included Actions:

21 Los Angeles County Waterworks District No.
22 40 v. Diamond Farming Co. Superior Court of
23 California County of Los Angeles, Case No. BC
24 325 201 Los Angeles County Waterworks
25 District No. 40 v. Diamond Farming Co.
26 Superior Court of California, County of Kern,
27 Case No. S-1500-CV-254-348Wm. Bolthouse
28 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 No. RIC 353 840,
RIC 344 436, RIC 344 668

) Judicial Council Coordination Proceeding
) No. 4408
)

) **Santa Clara Case No. 1-05-CV-049053**
) Assigned to The Honorable Jack Komar

) **AMENDED NOTICE OF DEPOSITION OF**
) **EXPERT WITNESS TIMOTHY DURBIN**
) **AND REQUEST FOR PRODUCTION OF**
) **DOCUMENTS**

) **Date: October 14-15, 2010**
) **Time: 10:00 am**
) **Location: 301 North Lake Avenue,**
) **10th Floor Pasadena,**
) **California 91101-4108**

AMENDED NOTICE OF TAKING OF DEPOSITION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TO ALL PARTIES AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 14 and 15, beginning each day at 10:00 am, at the offices of Lagerlof, Senecal, Gosney & Kruse, LLP, 301 North Lake Avenue, 10th Floor, Pasadena, California 91101-4108, the Antelope Valley Groundwater Agreement Association (“AGWA”) will take the deposition of Timothy Durbin.

The deponent must bring to the deposition the expert’s entire file, including time and billing records, and the documents described in the attached Request for Production, which is incorporated herein by reference.

The deposition will be recorded by stenographic method before a certified reporter. The deposition will continue day to day until completed, excluding weekends and holidays.

PLEASE TAKE FURTHER NOTICE that the deponent is required to produce at the deposition the documents described in the attached Request.

REQUEST FOR PRODUCTION OF DOCUMENTS

PLEASE TAKE FURTHER NOTICE that the deponents set forth herein are requested to produce at the time of the deposition the following:

1. Deponent’s entire file concerning the above-captioned lawsuit.
2. Any and all writings prepared by or on behalf of deponent or anyone working at the direction of said deponent which in any way pertains to the review, analysis, opinions, conclusions, or beliefs of said deponent with regard to the subject matter of this litigation.
3. Any and all writings received and/or reviewed by said deponent pertaining to the subject matter of this litigation.
4. Any and all handwritten notes, field notes, calculations or other writings prepared by or on behalf of said deponent or by someone at the direction of said deponent pertaining to the subject matter of this litigation.

1 5. Any and all photographs, videotapes, micrographs, or other such recording received,
2 analyzed, prepared by, considered, relied upon by said deponent which pertains to the subject matter
3 of this litigation.

4 6. Any and all books, articles, treatises, reports, or other writings which in any way form
5 the basis for any opinion, conclusion or analysis of said deponent relating to the subject matter of
6 this litigation.

7 7. Any and all writings pertaining to the billing and amount of time spent by said
8 deponent or others under the direction of said deponent in working on any matter pertaining to the
9 subject of this litigation. This includes but is not limited to any and all timesheets or billing
10 statements.

11 8. Any and all reports, conclusions, opinions, and drafts of the same prepared by
12 deponent in connection with the above-captioned lawsuit.

13 9. Any “engagement letter” or similar instructions received by deponent in connection
14 with the above-captioned matter.

15 10. Your current Curricula Vitae.

16 11. All documents, depositions, scientific, technical or professional texts, journals, or any
17 other “writings” (as defined by California Evidence Code, section 250) including any documents
18 prepared by any present or former party to this action which the deponent read, referred to,
19 considered or relied upon in preparing to testify in deposition or at trial, of this action.

20 12. All documents, depositions, scientific, technical or professional texts, journals, or any
21 other action in which you provided testimony, either by deposition or in trial, as a percipient and/or
22 expert witness, which you have read, referred to, considered or relied upon in preparing to testify or
23 in testifying, in deposition or at trial, in this action.

24 13. All documents, correspondence, depositions, deposition summaries, memoranda, or
25 any other “writing” (as defined by California Evidence Code, section 250), prepared by you or sent
26 and/or received from counsel who retained you concerning the subject matter of the issues in this
27

1 case, or concerning any of the matters referred to in any of the aforementioned categories of this list
2 of documents to be produced at deposition.

3 14. A list of all cases by name, venue, and date in which you have testified at deposition
4 and at trial.

5 15. All deposition, trial, arbitration and/or hearing transcripts in YOUR possession,
6 custody or control, wherein, YOU have previously testified as an expert witness in any legal
7 proceeding or deposition.

8 16. All expert witness reports generated by the deponents pursuant to Federal Rule of
9 Civil Procedure 26(2)(2)(B) over the last 10 years.

10 17. An electronic copy, in the format used in the calculations performed for the July 2010
11 Summary Expert Report, Phase 3 – Basin Yield and Overdraft, for which deponent is listed as a
12 preparer (“SUMMARY EXPERT REPORT”), of the digital elevation model (DEM) with 30-meter
13 cells, as downloaded from the U. S. Geological Survey.

14 18. An electronic copy, in the format used in the calculations performed for the
15 SUMMARY EXPERT REPORT, of the digital elevation model (DEM) with 100-meter cells, as
16 resampled using ArcGIS from the 30-meter-cells version downloaded from the U. S. Geological
17 Survey.

18 19. An electronic copy, in the format used in the calculations performed for the
19 SUMMARY EXPERT REPORT, of the smoothed 100-meter DEM that was created from the digital
20 elevation model (DEM) with 100-meter cells, as resampled using ArcGIS from the 30-meter-cells
21 version downloaded from the U. S. Geological Survey, which is reported to represent a 2,000-meter
22 moving average of the local topography, and which was used in the analysis of topographic effects
23 on precipitation, evapotranspiration, and other climatic variables in the report.

24 20. All other files, documentation, computer applications, programming, descriptions,
25 instructions, and related documents pertaining in any manner to the “digital elevation model”
26 referenced in the SUMMARY EXPERT REPORT, whether in electronic, written, printed, or any
27 other form.

1 21. An electronic copy, in the format used in the calculations performed for the
2 SUMMARY EXPERT REPORT, of the PRISM map of average annual precipitation for California,
3 as downloaded from the Oregon Climatic Center (2007).

4 22. An electronic copy, in the format used in the calculations performed for the
5 SUMMARY EXPERT REPORT, of the data used to construct SUMMARY EXPERT REPORT
6 Figure C.12, which reportedly shows the precipitation contours covering the Antelope Valley
7 watershed.

8 23. All data and information relating to the statement in the SUMMARY EXPERT
9 REPORT (Appendix C, Page 9) that "...such comparisons involving other semiarid areas have been
10 similar (Donovan and Katzer, 2000)."

11 24. All other files, documentation, computer applications, programming, descriptions,
12 instructions, and related documents pertaining in any manner to the "PRISM" model referenced in
13 the SUMMARY EXPERT REPORT, whether in electronic, written, printed, or any other form.

14
15 Dated: September 29, 2010

BROWNSTEIN HYATT FARBER SCHRECK, LLP



16
17
18 By: _____
19 MICHAEL T. FIFE
20 BRADLEY J. HERREMA
21 ATTORNEYS FOR AGWA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

**STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On September 29, 2010, I served the foregoing document described as:

**AMENDED NOTICE OF DEPOSITION OF EXPERT WITNESS TIMOTHY DURBIN AND
REQUEST FOR PRODUCTION OF DOCUMENTS**

on the interested parties in this action.

By posting it on the website at 4:30 p.m. on September 29, 2010.
This posting was reported as complete and without error.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed in Santa Barbara, California, on September 29, 2010.



MARIA KLACHKO-BLAIR
TYPE OR PRINT NAME

SIGNATURE