

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**
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6 **Telephone No: (805) 963-7000**
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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, Gorrindo Family Trust,
13 Leonard and Laura Griffin, Dennis L. & Marjorie E. Groven Trust, Healy Enterprises, Inc., Hines
14 Family Trust, Habod Javadi, Juniper Hills Water Group, Eugene V., Beverly A., & Paul S. Kindig,
15 Paul S. & Sharon R. Kindig, Kootenai Properties, Inc., Gailen Kyle, Gailen Kyle as Trustee of the
16 Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda
17 E. Kyle, Malloy Family Partners, Maritorea Living Trust, Jose Richard H. Miner, Barry S. Munz,
18 Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., John and
19 Adrienne Reca, Edgar C. Ritter, Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust,
20 Sahara Nursery, Marygrace H. Santoro as Trustee for the Marygrace H. Santoro Rev Trust,
21 Marygrace H. Santoro, Mabel Selak, Jeffrey L. & Nancee J. Siebert, Leo L. Simi, Helen Stathatos,
22 Savas Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Tierra Bonita Ranch
23 Company, Beverly Tobias, **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**) Judicial Council Coordination Proceeding
20 Included Actions:) No. 4408
21 Los Angeles County Waterworks District No.)
22 40 v. Diamond Farming Co. Superior Court of) **Santa Clara Case No. 1-05-CV-049053**
23 California County of Los Angeles, Case No. BC) Assigned to The Honorable Jack Komar
24 325 201 Los Angeles County Waterworks)
25 District No. 40 v. Diamond Farming Co.) **DECLARATION OF MICHAEL T. FIFE IN**
26 Superior Court of California, County of Kern,) **SUPPORT OF OBJECTIONS OF**
27 Case No. S-1500-CV-254-348Wm. Bolthouse) **ANTELOPE VALLEY GROUNDWATER**
28 Farms, Inc. v. City of Lancaster Diamond) **AGREEMENT ASSOCIATION TO**
) **UNITED STATES’ REQUEST FOR**
) **JUDICIAL NOTICE**
) **Phase 3 Trial Date**
) **Date: January 4, 2011**
) **Time: 9:00 am**
) **Dept.: 1**
)

1 I, Michael T. Fife, declare as follows:

2 1. I am an attorney licensed to practice law before the courts of the State of California. I
3 am employed by the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for the
4 Antelope Valley Groundwater Agreement Association (“AGWA”), in this case. I have personal
5 knowledge of the following, and, if called as a witness, I would and could competently testify
6 thereto.

7 2. On November 8, 2010, I was present at the deposition of Mark Wildermuth at the
8 offices of Lagerlof, Senegal, Gosney & Kruse LLP, located at 301 N Lake Ave # 1000, Pasadena,
9 CA 91101-5123. I have personal knowledge of what was said at this deposition based on my
10 presence.

11 3. At the November 8, 2010 deposition of Mr. Wildermuth, Mr. Wildermuth indicated to
12 me that he did not possess any data related to current land subsidence.

13 4. On November 16, 2010, I was present at the deposition of Joseph Scalmanini at the
14 offices of Lagerlof, Senegal, Gosney & Kruse LLP, located at 301 N Lake Ave # 1000, Pasadena,
15 CA 91101-5123.

16 5. On December 13, 2010, I was present at the deposition of Joseph Scalmanini at the
17 offices of Lagerlof, Senegal, Gosney & Kruse LLP, located at 301 N Lake Ave # 1000, Pasadena,
18 CA 91101-5123.

19 6. At the end of his deposition on December 13, 2010, at approximately 4:00 in the
20 afternoon, Mr. Scalmanini indicated to me that he intended to present at trial testimony related to
21 data obtained from extensometers located in the Antelope Valley Groundwater Basin gathered
22 during 1993-2009, in addition to plots analyzing this data.

23 7. At the deposition of Mr. Scalmanini on December 13, 2010, Mr. Scalmanini provided
24 raw data to me and other landowner attorneys conducting the deposition, by way of a flash drive, but
25 he did not provide any plots analyzing the data from the extensometers.

26 8. At the deposition of Mr. Scalmanini on December 13, 2010 the attorney for the Los
27 Angeles County Waterworks District No. 40, Mr. Jeffrey Dunn, agreed to provide the landowners
28 and their counsel with any trial exhibits that Mr. Scalmanini intends to use at trial concerning the

1 newly produced subsidence data.

2 9. On December 14, 2010, Mr. Dunn e-mailed me a single figure entitled, "Compaction
3 Data – Holly Extensometer Facility – Edwards Air Force Base." I am informed and believe that Mr.
4 Dunn provided other landowner parties with the same figure.

5 10. Since December 14, 2010, neither Mr. Dunn nor any other counsel for the purveyors
6 has provided me with any additional data or exhibits besides the single figure entitled "Compaction
7 Data – Holly Extensometer Facility – Edwards Air Force Base." I am informed and believe that
8 other landowner parties have not received any additional data or exhibits as well.

9 11. Attached hereto as Exhibit 1 is a true and correct copy of Page 444 of the Transcript
10 of Deposition of Mark J. Wildermuth, taken on November 8, 2010.


11 12. Attached hereto as Exhibit 2 is a true and correct copy of Page 280 of the Transcript
12 of Deposition of Joseph Scalmanini, taken on November 16, 2010.

13 13. Attached hereto as Exhibit 3 is a true and correct copy of Page 69 of the Transcript of
14 Deposition of June Oberdorfer, Ph.D., taken on November 4, 2010.

15 I declare under penalty of perjury of the laws of the United States that the foregoing is true
16 and correct and that this declaration was executed on this 22nd Day of December, 2010, at Santa
17 Barbara, California.

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19
20
21 Dated: December 22, 2010

BROWNSTEIN HYATT FARBER SCHRECK, LLP

22
23 By: 
24 MICHAEL T. FIFE
25 BRADLEY J. HERREMA
26 ATTORNEYS FOR AGWA

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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 December 22, 2010, I served the foregoing document described as:

DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF OBJECTIONS OF ANTELOPE VALLEY GROUNDWATER AGREEMENT ASSOCIATION TO UNITED STATES' REQUEST FOR JUDICIAL NOTICE

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on December 22, 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 December 22, 2010.

MARIA KLACHKO-BLAIR

TYPE OR PRINT NAME



SIGNATURE