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6 DISTRICT NO. 40

**EXEMPT FROM FILING FEES  
UNDER GOVERNMENT CODE  
SECTION 6103**

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COUNTY WATERWORKS DISTRICT NO. 40

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF LOS ANGELES**

17 **ANTELOPE VALLEY**  
18 **GROUNDWATER CASES**

Judicial Council Coordination No. 4408

**CLASS ACTION**

19 Included Actions:  
Los Angeles County Waterworks District  
20 No. 40 v. Diamond Farming Co., Superior  
Court of California, County of Los  
Angeles, Case No. BC 325201;

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

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

**STIPULATION IN LIEU OF DEPOSITION  
TESTIMONY FOR PHASE 4 TRIAL**

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

Los Angeles Waterworks District No. 40, City of Palmdale, City of Lancaster, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Palmdale Water District, Quartz Hill Water District, Rosamond Community Services District, and California Water Service Company (collectively, the "Public Water Suppliers"), and \_\_\_\_\_ hereby enter into the following stipulation with Eugene B. Nebeker\_\_\_\_\_.

**Whereas**, for purposes of the Phase 4 trial the above parties wish to enter into the following stipulation in lieu of taking depositions;

**Whereas**, Eugene B. Nebeker\_\_\_\_\_ has signed the attached Declaration of Eugene B. Nebeker\_\_\_\_\_ under penalty of perjury;

**NOW, THEREFORE**, in consideration and on the basis of the foregoing recitals, the Public Water Suppliers and Eugene B. Nebeker\_\_\_\_\_, enter into the following stipulation:

1. Based on the attached Declaration of Eugene B. Nebeker\_\_\_\_\_, the Public Water Suppliers will forego taking the deposition (which has already been taken) of Eugene B. Nebeker\_\_\_\_\_ during discovery for the Phase 4 trial set for February 11, 2013;

2. The attached Declaration may be used in the same manner at trial as a deposition transcript executed under penalty of perjury by Eugene B. Nebeker\_\_\_\_\_.

3. The Public Water Suppliers reserve the right to depose Eugene B. Nebeker\_\_\_\_\_ during discovery for subsequent trial phases or in the event the Court continues the Phase 4 trial to a date other than February 11, 2013; and

4. The Public Water Suppliers reserve their right to challenge the testimony of Eugene B. Nebeker\_\_\_\_\_ at trial.

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Dated: January \_\_, 2013

BEST BEST & KRIEGER LLP

By

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LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40

Dated: January \_\_, 2013

By

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CITY OF PALMDALE

Dated: January \_\_, 2013

By

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ROSAMOND COMMUNITY SERVICES  
DISTRICT

Dated: January \_\_, 2013

By

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LITTLE ROCK CREEK IRRIGATION  
DISTRICT AND PALM RANCH  
IRRIGATION DISTRICT

1 Dated: January \_\_, 2013

2

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PALMDALE WATER DISTRICT

4

5

6 Dated: January \_\_, 2013

7

By

BRADLEY T. WEEKS  
Attorneys for Cross-Defendant  
QUARTZ HILL WATER DISTRICT

8

9

10

11 Dated: January \_\_, 2013

12

By

JOHN TOOTLE  
Attorneys for Cross-Defendant  
CALIFORNIA WATER SERVICE  
COMPANY

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17 Dated: January 25, 2013

18

By

*Eugene D. Nebeker*

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