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May 13, 2008

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### Via E-mail

To 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:

It has once again come to my attention that the purveyor experts and Joe Scalmanini are manipulating the Technical Committee, deciding what to put in the Technical Committee Report by majority opinion and refusing to provide underlying data and work product. This is absurd and certainly was not what was contemplated, at least insofar as what was represented at the outset of this matter. If majority expert opinion on the Technical Committee is what determines what conclusions and data are included in the Technical Committee Report, the landowners could hire tens of thousands of experts on their own behalf and obviously be far and away the majority on the Technical Committee and themselves dictate the facts and the opinions ultimately published in the Technical Committee Report.

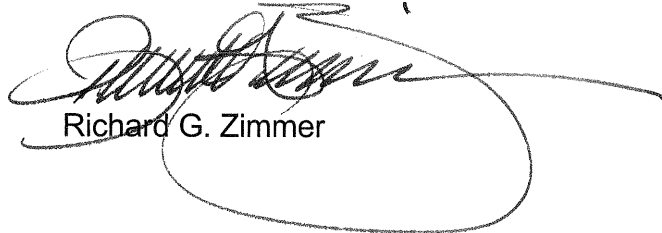
The Technical Committee was not originally put together to author a report. It was simply put together as a group of experts for various parties to discuss issues and concepts which would help resolve the case. Either by pre-design or evolving design, the purveyors have turned the Technical Committee into a purveyor majority dominated group to advance purveyor interests. In the process, a mockery has been made of the scientific evaluation of the hydrogeology of the Basin and the search for truth as to available water supplies. Also along the way, this biased process is breeding ill will and distrust among the parties, which certainly is not helpful in trying to resolve this complicated matter.

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At this point, my recommendation is that the Committee not produce a Technical Committee Report. Producing this biased and one sided report will serve no purpose. However, the purveyor parties and overlying landowners are certainly at liberty to prepare reports and/or writings to express their view of the scientific evaluation of the Antelope Valley Groundwater Basin and available water supplies for purposes of discussion and consideration by the mediator as part of the settlement process. To characterize the work product generated as a Technical Committee Report, consensus or any other alleged scientifically reliable document, is misleading.

I suspect we will not hear much from the purveyors given the fact they appear to be content with a purveyor controlled majority report which intentionally disregards important facts, circumstances and sensitivity analysis in order to further their litigation agenda. We have objected to this process in the past for the reasons stated above. We are simply making this observation once again, suggesting another approach which will create less ill will and will be more likely to facilitate meaningful settlement discussions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard G. Zimmer", with a large, sweeping flourish extending to the right and looping back under the name.

Richard G. Zimmer

RGZ/nm

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