

STEPHEN T. CLIFFORD
JAMES E. BROWN
ROBERT D. HARDING
ARNOLD ANCHORDOQUY
PATRICK J. OSBORN
MICHAEL L. O'DELL
GROVER H. WALDON
JOHN R. SZEWCZYK
STEPHEN H. BOYLE†
JAMES B. WIENS
RICHARD G. ZIMMER
CHARLES D. MELTON
T. MARK SMITH

OF COUNSEL
ANTHONY L. LEGGIO

† LLM TAXATION

CLIFFORD & BROWN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

BANK OF AMERICA BUILDING

1430 TRUXTUN AVENUE, SUITE 900

BAKERSFIELD, CALIFORNIA 93301-5230

TELEPHONE NO. (661) 322-6023 • FACSIMILE NO. (661) 322-3508

JEREMY J. SCHROEDER
WINIFRED THOMSON HOSS
SHELLY S. MAURER
DANIEL T. CLIFFORD
CHRISTOPHER J. HAGAN
BRENDA A. ENDERLE
VICTORIA M. TRICHELL
RYAN A. LEGGIO
NICHOLAS J. STREET
TIMOTHY M. OSBORN
MARC E. DENISON

KATHY R. SMITH
OFFICE ADMINISTRATOR

www.clifford-brownlaw.com

August 18, 2008

2455-2

Honorable Jack Komar
Superior Court of California, County of Santa Clara
Old Courthouse
191 N. First Street
San Jose, CA 95113

Re: Antelope Valley Groundwater Cases
Judicial Council Proceeding No. 4408
Santa Clara County Superior Court Case No. 1-05-CV 049053

Dear Judge Komar:

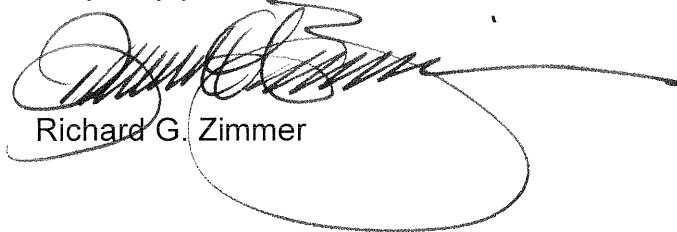
This correspondence is in reference to Mr. Kuhs' correspondence and objection related to the October 6 trial date. Our expert was advised that the trial would be held the week of October 6th and if not completed, following the first week of trial the Court would discuss a continued trial date with counsel. Since Tejon is the primary proponent of sub basins, we assume Tejon and any other proponents of sub basins will want to proceed first followed by LA County which is the primary opponent of sub basins. We would then be in a position to evaluate what evidence, if any, to present through our expert Tom Sheahan. Based upon the Court's Order at the last hearing that the trial would proceed in one week blocks, starting on October 6, we do not presently have an expert set up to testify after the 10th in the two weeks that follow as suggested by Tejon. Additionally, I am not available during that time frame.

Notwithstanding the above, given the changing nature of the Phase 2 trial, we do not object, given reasonable notice, to adjusting the trial date as necessary in order that Tejon has the opportunity to present witnesses it deems necessary on the sub basin issue. A telephonic conference between counsel who intend to present expert testimony at the Phase 2 Trial, to discuss the order and timing of witnesses for the Phase 2 trial, would be helpful. Thereafter, we can advise the Court of our progress. If the Court would like us to proceed in this manner, or have a further conference with the Court, please let us know.

Honorable Jack Komar
Superior Court of California, County of Santa Clara
Re: Antelope Valley Groundwater Cases
August 18, 2008
Page 2

Thank you for your courtesy and cooperation in this regard.

Very truly yours,

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

Richard G. Zimmer

RGZ/nm

cc: Counsel and parties

BL/BOLTHOUSE/ANTELOPE VALLEY/SANTA CLARA/KOMAR-02