

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

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

CHARLES D. MELTON  
T. MARK SMITH  
JEREMY J. SCHROEDER  
WINIFRED THOMSON HOSS  
SHELLY S. MAURER  
DANIEL T. CLIFFORD  
CHRISTOPHER J. HAGAN  
VICTORIA M. TRICHELL  
NICHOLAS J. STREET  
MARC E. DENISON

KATHY R. SMITH  
OFFICE ADMINISTRATOR

www.clifford-brownlaw.com

February 5, 2009

2455-2

**Via E-Filing, E-Mail and Mail**

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:

I have been in trial over the past month and reviewed with interest the letters of Mr. Lemieux (January 28, 2009), Mr. Kalfayan (January 30, 2009) and Ms. Huangfu (February 2, 2009). I share the concern of Ms. Huangfu that this process may be delaying necessary discovery which clearly will need to be conducted by numerous parties prior to the next phase of trial. This discovery will be extensive and time consuming. The effort to streamline the initial round of discovery may ultimately be helpful; however, we should have received responses to discovery long ago. The participation in the process of joint discovery should not be used in any prejudicial way to the defendants in terms of the setting of a further trial date in this matter.

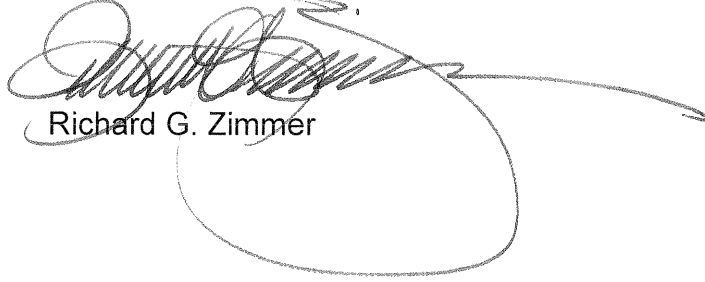
With regard to the letter forwarded by Mr. Kalfayan, we agree that there has been no agreement to stay discovery. Further, the agreement to propound a joint set of discovery applies to initial discovery only and does not prejudice any defendant or other party in serving individual discovery as necessary in their view at a later time. Finally, although the parties have somewhat coalesced naturally in terms of liaison counsel, it is still our understanding that any party desiring to represent itself may do so.

One final thought, I am not sure whether the Court is desirous of reviewing all of the letters in this case regarding these issues. I agree with Mr. Kalfayan that it would be a better process to confirm agreement between parties before such matters are presented to the Court.

Honorable Jack Komar  
Superior Court of California, County of Santa Clara  
Re: Antelope Valley Groundwater Cases  
February 5, 2009  
Page 2

Thank you for your courtesy and consideration of these issues.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Richard G. Zimmer', is written over a large, faint, circular watermark or stamp. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard G. Zimmer

RGZ/nm

cc: Counsel and parties

BL/BOLTHOUSE/ANTELOPE VALLEY/SANTA CLARA/KOMAR-05