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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF LOS ANGELES

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11 COORDINATION PROCEEDING,
SPECIAL TITLE (Rule 1550 (b)),
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13 **ANTELOPE VALLEY GROUNDWATER
CASES ,**

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15 INCLUDED ACTIONS:, LOS ANGELES
COUNTY WATERWORKS DISTRICT NO.
16 40 v. DIAMOND FARMING COMPANY, et
al.,,
17 Los Angeles Superior Court Case No.
18 BC325201,

19 LOS ANGELES COUNTY WATERWORKS
20 DISTRICT NO. 40 v. DIAMOND FARMING
COMPANY, et al. ,
21 Kern County Superior Court Case No. S-1500-
22 CV-254348,

23 DIAMOND FARMING COMPANY, and
W.M. BOLTHOUSE FARMS, INC., v. CITY
24 OF LANCASTER, et al.,
25 Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and 353840] ,
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) Judicial Council Coordination
Proceeding No. 4408

) CASE NO.: 1-05-CV-049053

) **BOLTHOUSE PROPERTIES, LLC'S
AND WM. BOLTHOUSE FARMS, INC.'S
OPPOSITION TO THE WILLIS CLASS'
MOTION FOR COURT APPOINTMENT
OF INDEPENDENT EXPERT WITNESS**

1 While these responding parties do not object to the Willis Class retaining an expert at its
2 expense to represent the Class for purposes of the Phase 3 Trial, and agree that the Class' should
3 have sufficient time to retain experts and prepare them for trial, these responding parties strongly
4 object to many attempt by the Class to have Bolthouse Properties, LLC and/or Wm. Bolthouse
5 Farms, Inc. pay for this expert. Requesting that parties who intend to present expert testimony at
6 the Phase 3 Trial pay for another party's expert, clearly is inappropriate and without any legal
7 foundation whatsoever.

8 The assertion that the Court "has a fiduciary duty to protect the interests of the Willis and
9 Wood Classes" also is without merit. The Court has no duty to protect one class of parties in the
10 basin over any other parties. It is even more inequitable to suggest that an expert to protect the
11 interests of the Willis and Wood Class' should be paid for by other parties. It is certainly not in
12 the public interest to appoint an expert at the request of the Class when other members of the
13 public are forced to retain and pay for their own experts. Further, requesting that these additional
14 members of the public additionally pay for an additional expert for the Class belies the inequity
15 of this request.

16 Finally, these responding parties object to the request that only parties who appear in
17 person in San Jose, may oppose the motion. This request would set an extremely bad precedent.
18 Requesting that all parties must appear in person to oppose a motion is economic blackmail
19 intended to force parties not to oppose a motion. Accordingly, these responding parties request
20 an order that parties may oppose the motion by telephone.

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Finally, these responding parties recognize that the substance of this Motion previously was made, albeit denied without prejudice, on a prior occasion. Nothing has changed, other than a request that parties presenting experts at the Phase 3 Trial pay for the Class expert. Accordingly, the ruling on the Motion should not change.

DATED: July 1, 2010

Respectfully submitted,

CLIFFORD & BROWN

By:



RICHARD G. ZIMMER, ESQ.
T. MARK SMITH, ESQ.
Attorneys for BOLTHOUSE PROPERTIES, LLC
and WM. BOLTHOUSE FARMS, INC.

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PROOF OF SERVICE (C.C.P. §1013a, 2015.5)
Antelope Valley Groundwater Cases
Judicial Counsel Coordination Proceeding No. 4408
Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On July 1, 2010, I served the foregoing document(s) entitled:

**BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS,INC.'S
OPPOSITION TO THE WILLIS CLASS' MOTION FOR COURT APPOINTMENT OF
INDEPENDENT EXPERT WITNESS**

— by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

— by placing _ the original, _ a true copy thereof, enclosed in a sealed enveloped addressed as follows:

X BY SANTA CLARA SUPERIOR COURT E-FILING IN COMPLEX LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.

Executed on July 1, 2010, at Bakersfield, California.

X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


NANETTE MAXEY
2455-2