

1 RICHARD G. ZIMMER - SBN 107263
2 T. MARK SMITH - SBN 162370
3 CLIFFORD & BROWN
4 A Professional Corporation
5 Attorneys at Law
6 Bank of America Building
7 1430 Truxtun Avenue, Suite 900
8 Bakersfield, CA 93301-5230
9 (661) 322-6023

6 Attorneys for Bolthouse Properties, LLC and Wm. Bolthouse Farms,
7 Inc.

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

10 * * *

11 COORDINATION PROCEEDING)
12 SPECIAL TITLE (Rule 1550(b))) Judicial Council Coordination
13 ANTELOPE VALLEY GROUNDWATER) Proceeding No. 4408
14 CASES) CASE NO. 1-05-CV-049053
15 INCLUDED ACTIONS:)
16 LOS ANGELES COUNTY WATERWORKS) NOTICE OF TAKING AND
17 DISTRICT NO. 40 v. DIAMOND) VIDEOTAPING DEPOSITION OF LOS
18 FARMING COMPANY, et al.,) ANGELES COUNTY WATERWORKS NO.
19 Los Angeles Superior Court) 40'S EXPERT, JOSEPH SCALMANINI
20 Case No. BC325201) Phase 3 Trial Date:
21) September 27, 2010
22)
23) DATE: August 2, 2010
24) TIME: 9:00 A.M.
25) LOCATION: Lagerlof, Senecal,
26) et al., LLP
301 North Lake Avenue
10th Floor
Pasadena, CA 91101
(626) 793-9400

DIAMOND FARMING COMPANY, and)
W.M. BOLTHOUSE FARMS, INC., v.)
CITY OF LANCASTER, et al.,)
Riverside Superior Court)
Case No. RIC 344436 [c/w case)
no. RIC 344668 and 353840])
ROSAMOND COMMUNITY SERVICES)
DISTRICT,)
CROSS-COMPLAINANT,)

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on the date, time and location listed
3 below, the deposition of the individual listed below will be taken
4 before a Certified Shorthand Reporter and, if for any reason the
5 taking of said deposition is not completed on said day, the taking
6 of the deposition will be continued from day to day, Sundays and
7 holidays excepted, until completed.

8 The person whose deposition will be taken and the date and
9 time is as follows:

10 1. **JOSEPH SCALMANINI** August 2, 2010
11 9:00 A.M.
12 Lagerlof, Senecal,
13 et al., LLP
14 301 North Lake Avenue
15 10th Floor
16 Pasadena, CA 91101
17 (626) 793-9400

18 **FURTHER PLEASE TAKE NOTICE** that the deponent set forth herein
19 above is requested to produce at the time of the deposition the
20 following:

- 21 1. Deponent's entire file concerning the above-captioned
22 lawsuit.
- 23 2. Any and all writings prepared by or on behalf of said
24 deponent or anyone working at the direction of said
25 deponent which in any way pertains to the review,
26 analysis, opinions, conclusions, or beliefs of said
deponent with regard to the subject matter of this
litigation;
3. Any and all writings received and/or reviewed by said
deponent pertaining to the subject matter of this
litigation;
4. Any and all handwritten notes, field notes,
calculations or other writings prepared by or on behalf
of said deponent or by someone at the direction of said
deponent pertaining to the subject matter of this
litigation;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

- 5. Any and all photographs, videotapes, scans, micrographs, or other such recording reviewed, received, analyzed, prepared by, considered, and/or relied upon by said deponent which pertains to the subject matter of this litigation;
- 6. Any and all books, articles, treatises, reports, or other writings which in any way form the basis for any opinion, conclusion or analysis of said deponent relating to the subject matter of this litigation;
- 7. Any and all writings pertaining to the billing and amount of time spent by said deponent or others under the direction of said deponent in working on any matter pertaining to the subject of this litigation. This includes but is not limited to any and all timesheets or billing statements.
- 8. Any and all reports, conclusions, opinions, and drafts of the same prepared by deponent in connection with the above-captioned lawsuit.
- 9. Any "engagement letter" or similar instructions received by deponent in connection with the above-captioned lawsuit.
- 10. Your Curricula Vitae.
- 11. All documents, depositions, scientific, technical or professional texts, journals, or any other "writings" (as defined by California Evidence Code, Section 250) including any documents prepared by any present or former party to this action which the deponent read, referred to, considered or relied upon in preparing to testify in deposition or at trial, of this action.
- 12. All documents, depositions, scientific, technical or professional texts, journals, or any other action in which you provided testimony, either by deposition or in trial, as a percipient and/or expert witness, which you have read, referred to, considered or relied upon in preparing to testify or in testifying, in deposition or at trial, in this action.

\\\

\\\

\\\

\\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26


13. All documents, correspondence, depositions, deposition summaries, memoranda, or any other "writing" (as defined by California Evidence Code, Section 250), prepared by you or sent and/or received from plaintiff's counsel which retained you concerning the subject matter of the issues in this case, or concerning any of the matters referred to in any of the aforementioned categories of this list of documents to be produced at deposition.

14. A list of all cases by name, venue, and date in which you have testified at deposition and at trial.

Expert witness fees will be tendered at the time of the commencement of the deposition pursuant to CCP §2034.430, et seq.

DATED: July 16, 2010

CLIFFORD & BROWN

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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 16, 2010, I served the foregoing document(s) entitled:

NOTICE OF TAKING AND VIDEOTAPING DEPOSITION OF LOS ANGELES COUNTY WATERWORKS NO. 40'S EXPERT, JOSEPH SCALMANINI

— 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 16, 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

— **BY OVERNIGHT DELIVERY** (other than Express Mail)

I deposited such envelopes in an envelope or package designated by the express service carrier with delivery fees paid or provided;

— and deposited such envelope or package in a facility regularly maintained by the express service carrier.

— delivered such envelope or package to an authorized courier or driver authorized by the express service carrier to receive documents.

— **BY PERSONAL SERVICE**

I caused such envelope to be hand delivered to the offices of the addressee(s).

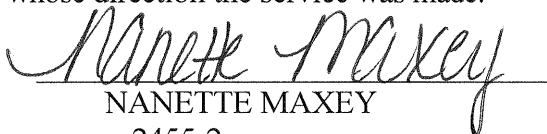
— **BY FACSIMILE**

I transmitted the above-referenced documents by facsimile to the interested parties as listed below.

Executed on July 16, 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