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March 25, 2013

2455-2

Via E-mail Only

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 to request a meet and confer conference with the Court tomorrow, March 26, 2013, regarding depositions of Bolthouse representatives set for March 28th, March 29th and April 2nd, with the first deposition starting on Thursday of this week. Pursuant to the Court's previous order, the parties engaged in a telephonic conference regarding deposition dates. This conference resulted in depositions of Bolthouse representatives on March 26, March 28 and March 29. This schedule was confirmed by purveyor attorney Brad Weeks as a result of this conference call. Attached as Exhibit "A" is a copy of the schedule set during the conference call. Following the call, Bolthouse confirmed that the two witnesses set for the 28th and 29th would attend the depositions and those witnesses, both of which are out of town and one of which is out of state, made arrangements in their schedules and with regard to travel, to attend the depositions on the 28th and 29th as requested by the purveyors. See Exhibit B. The third witness, Mr. Filkins, indicated he was on vacation the week of the 26th and we forwarded an email to Mr. Weeks confirming that Mr. Filkins would be available on April 2, 2013. See Exhibit "B". These witnesses are ready to proceed to deposition as scheduled.

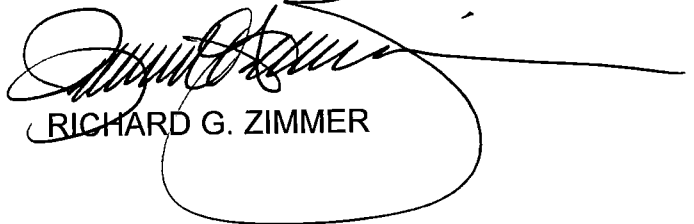
On Friday evening, March 22, 2013, the Friday before the hearing today, we received deposition notices unilaterally changing the date for the depositions to April 24, 2013 without our agreement. See Exhibits C, D and E. Furthermore, what was initially set as a group of three days for these depositions, was reduced to one day with **the most important two depositions at exactly the same time on exactly the same day.** This

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action appears to be a strategic attempt to delay Bolthouse depositions to the very last minute before trial and to create a situation where the undersigned is unable to attend one of the depositions. The Court today set the date for agreeing to declarations and or entering into stipulations regarding current water use for April 15, 2013. Since the changed date for the depositions set by the purveyor parties will not take place until nine days later, this delay will make it impossible for other parties to stipulate to Bolthouse pumping numbers or for Bolthouse to reach agreement with other parties to their pumping numbers as a part of a joint stipulation.

I met and conferred with attorney Brad Weeks and County Counsel Warren Wellen following the Case Management Conference today. Mr. Weeks deferred to Mr. Wellen. Mr. Wellen deferred to Mr. Dunn and said they would get back to us. Given the short period of time between now and the depositions, this correspondence requests that the Court order the purveyor parties to take the depositions on March 28th, 29th and April 2nd. Bolthouse requests a conference with the Court as soon as possible given the fact the depositions are scheduled to start on Thursday of this week.

Respectfully submitted,



RICHARD G. ZIMMER

RGZ/vs

Exhibits attached

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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 March 25, 2013, I served the foregoing document(s) entitled:

LETTER TO JUDGE KOMAR DATED MARCH 25, 2013 REQUESTING MEET AND CONFER WITH COURT RE: BOLTHOUSE REPRESENTATIVE DEPOSITIONS

— 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 March 25, 2013, 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.



VICKI STREET
2455-2