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File No. 26345.00001

October 9, 2007

Richard Zimmer, Esq.
Clifford & Brown
1430 Truxton Avenue, Suite 900
Bakersfield, California 93301

Re: *Antelope Valley Groundwater*
Judicial Council Coordination No. 4408

Dear Mr. Zimmer:

This letter responds to your recent letters that incorrectly claim there has been no “meet and confer” on discovery requests propounded by Diamond Farming and Bolthouse Properties, Inc.

Preliminarily, we state the obvious: You copied the discovery requests from the same requests that had been previously propounded by your colleague, Mr. Bob Joyce, on behalf of his client, Diamond Farming. You then delayed propounding the requests upon the Public Water Suppliers until after the Court’s informal discovery conference, and after one or more of the following “meet and confer” meetings on the same requests:

1. A “face-to-face” meeting between attorneys Jeffrey Dunn and Bob Joyce on July 20, 2007 immediately following the Court’s informal discovery hearing
2. A “face-to-face” meeting between attorneys Jim Markman, Keith Lemieux, Tom Bunn and Bob Joyce on August 10, 2007 in Westlake Village.
3. A telephonic meeting between attorneys Jim Markman, Keith Lemieux, Tom Bunn and other Public Water Supplier attorneys and Bob Joyce on September 10, 2007.

Each “meet and confer” meeting is detailed in the numerous motions to compel responses to the requests, opposition to the motions, and a motion for protective order regarding the requests filed and posted on the court’s website. Thus, there is no merit to your contention that there has been a failure on the Public Water Suppliers to meet and confer on the requests.

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Because the Court will decide the discovery motions next week, we request that you withdraw your request for an informal discovery conference pending the outcome of the hearing regarding the motions to compel.

Sincerely,



Jeffrey V. Dunn
of BEST BEST & KRIEGER LLP

ORANGE40306.1

1 PROOF OF SERVICE

2 I, Kerry V. Keefe, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza,
Suite 1500, Irvine, California 92614. On October 9, 2007, I served the within document(s):

5 **LETTER TO RICHARD ZIMMER, ESQ.**

- 6 7 by posting the document(s) listed above to the Santa Clara County Superior Court
website in regard to the Antelope Valley Groundwater matter.
- 8 9 by placing the document(s) listed above in a sealed envelope with postage thereon
fully prepaid, in the United States mail at Irvine, California addressed as set forth
below.
- 10 11 by causing personal delivery by ASAP Corporate Services of the document(s)
listed above to the person(s) at the address(es) set forth below.
- 12 13 by personally delivering the document(s) listed above to the person(s) at the
address(es) set forth below.
- 14 15 I caused such envelope to be delivered via overnight delivery addressed as
indicated on the attached service list. Such envelope was deposited for delivery
by Federal Express following the firm's ordinary business practices.

16
17 I am readily familiar with the firm's practice of collection and processing
18 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
19 am aware that on motion of the party served, service is presumed invalid if postal cancellation
date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

21 Executed on October 9, 2007, at Irvine, California.

22
23 
24 _____
Kerry V. Keefe

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