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9 Attorneys for DIAMOND FARMING COMPANY,  
10 a California corporation

11  
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13  
14 IN AND FOR THE COUNTY OF LOS ANGELES

15 Coordination Proceeding Special Title  
16 (Rule 1550 (b))

Judicial Council Coordination No. 4408

17 ANTELOPE VALLEY GROUNDWATER  
18 CASES

Case No.: 1-05-CV-049053

19 Included actions:

**OBJECTION TO THE DECLARATION  
OF JOSEPH C. SCALMANINI IN  
SUPPORT OF PUBLIC WATER  
SUPPLIERS' STATEMENT OF  
SUPPORT FOR A MODIFIED CLASS  
AS PROPOSED BY REBECCA LEE  
WILLIS**

20 Los Angeles County Waterworks District No.  
21 40 vs. Diamond Farming Company  
22 Los Angeles Superior Court  
23 Case No. BC 325201

Date: August 20, 2007  
Time: 9:00 a.m.  
Dept: 1

24 Los Angeles County Waterworks District No.  
25 40 vs. Diamond Farming Company  
26 Kern County Superior Court  
27 Case No. S-1500-CV 254348 NFT

28 Diamond Farming Company vs. City of  
Lancaster  
Riverside County Superior Court  
Lead Case No. RIC 344436 [Consolidated  
w/Case Nos. 344668 & 353840]

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1 Diamond Farming Company makes the following written objections to the evidence the Public  
2 Water Suppliers seek to have the Court consider in support of its “Statement of Support for a Modified  
3 Class as Proposed by Rebecca Lee Willis.” Diamond Farming Company requests that the court rule on  
4 these objections prior to deciding the merits of the underlying Motion to Certify plaintiff class or the  
5 merits of the Public Water Suppliers’ proposed class modifications as set forth in their moving papers.

6 **1. Declaration of Joseph Scalmanini**

7 Diamond Farming Company objects to the Declaration of Joseph Scalmanini in its  
8 entirety on the following grounds:

9 a) The declaration was submitted after the motion and opposition filing deadlines  
10 set by the court and contained in the Code of Civil Procedure § 1005 and Rule of Court 3.764 have  
11 already passed, thereby making the filing of this declaration untimely and prejudicial as all other parties  
12 are deprived of their right to properly respond thereto.

13 b) The declaration is not made from Mr. Scalmanini’s personal knowledge and is  
14 therefore inadmissible as set forth in Evidence Code sections 403 and 702.

15 c) The declaration, at paragraphs contains facts and references to other documents  
16 that are hearsay and not encompassed within any recognized exception and is therefore inadmissible  
17 pursuant to Evidence Code section 1200.

18 d) To the extent Mr. Scalmanini’s opinions as set forth in the declaration are based  
19 on hearsay and other matters lacking foundation, the entire declaration must be excluded pursuant to  
20 Evidence Code section 803.

21 **2. Exhibits B, C, D, E, F, G & H attached to the Declaration of Joseph Scalmanini**

22 Diamond Farming Company objects to the Exhibits attached to the Declaration of Joseph  
23 Scalmanini in their entirety on the following grounds:

24 a) Each exhibit has not been authenticated and therefore must be excluded pursuant  
25 to Evidence Code Section 403.

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b) Each exhibit is hearsay and not within any recognized exception and must therefore be excluded pursuant to Evidence Code section 1200.

Dated: August 14, 2007

LeBEAU • THELEN, LLP

By:   
BOB H. JOYCE  
Attorneys for DIAMOND FARMING COMPANY,  
a California corporation

**PROOF OF SERVICE**

1 ANTELOPE VALLEY GROUNDWATER CASES  
2 JUDICIAL COUNCIL PROCEEDING NO. 4408  
3 CASE NO.: 1-05-CV-049053

4 I am a citizen of the United States and a resident of the county aforesaid; I am over the age  
5 of eighteen years and not a party to the within action; my business address is: 5001 E. Commercenter  
6 Drive, Suite 300, Bakersfield, California 93309. On August 14, 2007, I served the within  
7 **OBJECTION TO THE DECLARATION OF JOSEPH C. SCALMANINI IN SUPPORT OF**  
8 **PUBLIC WATER SUPPLIERS' STATEMENT OF SUPPORT FOR A MODIFIED CLASS**  
9 **AS PROPOSED BY REBECCA LEE WILLIS**

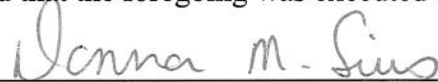
10  **(BY POSTING)** I am "readily familiar" with the Court's Clarification Order.  
11 Electronic service and electronic posting completed through [www.scefiling.org](http://www.scefiling.org) ; All papers filed  
12 in Los Angeles County Superior Court and copy sent to trial judge and Chair of Judicial Council.

13 Los Angeles County Superior Court  
14 111 North Hill Street  
15 Los Angeles, CA 90012  
16 Attn: **Department 1**  
(213) 893-1014

Chair, Judicial Council of California  
Administrative Office of the Courts  
Attn: Appellate & Trial Court Judicial Services  
(Civil Case Coordinator)  
Carlotta Tillman  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Fax (415) 865-4315

17  **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and  
18 processing correspondence for mailing. Under that practice it would be deposited with the U.S.  
19 Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California, in  
20 the ordinary course of business.

21  **(STATE)** I declare under penalty of perjury under the laws of the State of  
22 California that the above is true and correct, and that the foregoing was executed on August 14,  
23 2007, in Bakersfield, California.



24 **DONNA M. LUIS**