

Exhibit 21

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 ROOM 222 HON. JACK KOMAR, JUDGE
4

5 IN THE MATTER OF:) CASE NO. JCCP4408
6 ANTELOPE VALLEY GROUNDWATER)
7 CASES)
8 PLAINTIFFS,)
9 VS.)
10 LOS ANGELES COUNTY WATERWORKS)
11 DISTRICT NO. 40,)
12 DEFENDANTS.)
13)

14 REPORTER'S TRANSCRIPT OF PROCEEDINGS
15 AUGUST 3, 2015

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I N D E X

AUGUST 3, 2015

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1 CASE NAME: ANTELOPE VALLEY GROUNDWATER
CASES PHASE 5
2 CASE NUMBER: JCCP4408
3 LOS ANGELES, CA AUGUST 3, 2015
4 ROOM 222 HON. JACK KOMAR, JUDGE
5 REPORTER: VERONICA RODRIGUEZ, CSR #12215
6 APPEARANCES: (AS HERETOFORE NOTED)
7 TIME: 10:00 A.M.
8

9 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT:)
10

11 THE COURT: THIS IS THE ANTELOPE VALLEY COORDINATED
12 CASES. THOSE WHO ARE ON COURT CALL, I DO NOT EXPECT ANY
13 ARGUMENT FROM YOU IF YOU HAVE ARGUMENT, OR ANY
14 PRESENTATION TO MAKE IN CONNECTION WITH THESE
15 PROCEEDINGS TODAY, YOU SHOULD BE HERE IN PERSON.

16 WE ARE GOING TO DO ONE THING HERE THIS
17 MORNING. WE'RE GOING TO HEAR FROM THE WOOD CLASS IN
18 TERMS OF THE FAIRNESS HEARING. THIS IS SET FOR FINAL
19 APPROVAL OF THE STIPULATED SETTLEMENT.

20 AS TO THOSE WHO ARE IN THE COURTROOM, IF YOU
21 HAVE OBJECTIONS TO A PRESENTATION OF EVIDENCE OR
22 ANYTHING ELSE, MAKE SURE YOU IDENTIFY YOURSELF, PLEASE,
23 FOR THE RECORD FOR THE BENEFIT OF NOT ONLY THE COURT
24 REPORTER, THE CLERK AND EVERYBODY ELSE WHO'S HERE, AS
25 WELL AS TO HAVE A GOOD CLEAR RECORD.

26 AS TO THE MOVING PARTY HERE, IT'S THE WOOD
27 CLASS REPRESENTED BY MR. MCLACHLAN.

28 ANYBODY ELSE WHO ADDRESSES THE COURT -- I'M

1 NOT GOING TO HAVE EVERYBODY STATE YOUR APPEARANCE AT
2 THIS POINT, BUT WHEN YOU DO, JUST IDENTIFY YOURSELF AND
3 I HOPE THAT WE CAN PROCEED SMOOTHLY HERE.

4 ALL RIGHT. SO MR. MCLACHLAN, YOU'RE THE
5 MOVING PARTY HERE.

6 ALSO, COUNSEL, I GOT OFF AN AIRPLANE; MY EARS
7 ARE STILL BLOCKED SO MAKE SURE YOU SPEAK UP. MAYBE IT'S
8 THE AIRPLANE AND MAYBE IT'S JUST SOMETHING ELSE. I HOPE
9 IT'S THE AIRPLANE.

10 MR. MCLACHLAN: GOOD MORNING, YOUR HONOR.

11 MICHAEL MCLACHLAN FOR THE SMALL PUMPER CLASS
12 AND RICHARD WOOD. I'M GOING TO START OFF BY PERHAPS
13 PROPOSING SOME LOOSE FORM OF SCHEDULE TO THE PROCEEDINGS
14 WE HAVE HERE TODAY AND TOMORROW.

15 I WILL SUGGEST THAT PERHAPS THE COURT HEAR ANY
16 OBJECTIONS THAT THERE MAY BE FROM CLASS MEMBERS,
17 ALTHOUGH I'LL NOTE THAT THERE WERE NO TIMELY FILED
18 NOTICES OF OBJECTION FROM SMALL PUMPER CLASS MEMBERS.
19 THERE WERE OBJECTIONS FROM NON-CLASS MEMBERS, MEANING
20 PHELAN PINON HILLS AND MR. KALFAYAN'S CLASS, THE WILLIS
21 CLASS.

22 I HAVE RELATIVELY BRIEF WITNESS TESTIMONY PUT
23 ON THROUGH DR. MARK WILDERMUTH. HE'S PRESENT. I HAD
24 ASKED HIM TO BE HERE BY 11:00 A.M. THIS AFTERNOON AT
25 1:30, I PLAN TO PUT ON MR. TIMOTHY THOMPSON, THE COURT'S
26 EXPERT. AND AT SOME POINT IN THE PROCEEDING, WHERE IT
27 NATURALLY MAKES SENSE, I'M GOING TO PUT ON RICHARD WOOD
28 BRIEFLY TO ESTABLISH THE BASIC FUNDAMENTALS OF HIS

1 OWNERSHIP AND THINGS OF THAT NATURE, WHICH ARE GERMANE
2 TO HIS POSITION AS A CLASS REPRESENTATIVE.

3 AND THEN MY SUGGESTION WOULD BE, IN TERMS OF
4 WHEN WE HAVE BLOCKS OF AVAILABLE FREE TIME, AT SOME
5 POINT PERHAPS, MAYBE THE TIME WILL COME UP TODAY OR
6 TOMORROW, WE CAN HAVE SOME DISCUSSION ON THE LEGAL
7 ISSUES RAISED BY MR. KALFAYAN'S OBJECTIONS; AND, OF
8 COURSE, PHELAN'S OBJECTIONS WHICH -- MOST OF WHICH ARE
9 LEGAL IN NATURE.

10 I DID NOTE THAT VERY LATE ON FRIDAY THERE WAS
11 A COUPLE OF MOTIONS IN LIMINE FILED BY THE KRAUSE
12 KALFAYAN FIRM, AND MY SUGGESTION ON BOTH OF THOSE WERE
13 THAT ONE OF THEM BASICALLY GOES TO THE ADMISSIBILITY OF
14 THE COURT APPOINTED EXPERT'S REPORT.

15 IN ANY EVENT, I SUGGEST THAT BOTH OF THOSE
16 MOTIONS BE DEFERRED UNTIL MR. THOMPSON HAS ACTUALLY
17 TESTIFIED BECAUSE IT'S GOING TO BE DIFFICULT FOR THE
18 COURT TO RULE IN A VACUUM. WE OBVIOUSLY DIDN'T HAVE
19 TIME TO PREPARE ANY OPPOSITION PAPER. IF WE COULD
20 ADDRESS THOSE MOTIONS ORALLY.

21 I BELIEVE I'M FORGETTING A MATTER OR TWO. I
22 THINK THERE'S ANOTHER MOTION NOTICED TODAY THAT WAS NOT
23 OF THE WOOD CLASS ORIGIN.

24 THE COURT: WELL, AS I RECOLLECT, WHAT WE'RE GOING
25 TO DO HERE THE NEXT TWO DAYS, IS TO HEAR, FIRST OF ALL,
26 WHETHER OR NOT THERE ARE ANY OBJECTIONS BY ANY CLASS
27 MEMBERS.

28 SECONDLY, WE'RE GOING TO DETERMINE THE

1 FAIRNESS AND THE JUSTIFICATION FOR THE STIPULATION
2 REGARDING THE CREATION OF THE CLASS SETTLEMENT AND THE
3 STIPULATION THERETO WITH SEVERAL OF THE PARTIES.

4 THE THIRD THING WE'RE GOING TO DO IS, WITH
5 REGARD TO THE CONTENTION BY THE WILLIS CLASS, THAT THE
6 SETTLEMENT WITH REGARD TO THE PUBLIC WATER SUPPLIERS IN
7 THE GLOBAL SETTLEMENT IS LEGALLY IMPROPER BECAUSE OF AN
8 EARLIER STIPULATION FOR ENTRY OF JUDGMENT THAT SETTLED
9 THE DISPUTE BETWEEN THE PUBLIC WATER SUPPLIERS AND THE
10 WILLIS CLASS. THAT'S GOING TO HAPPEN TOMORROW.

11 NOW, THAT WILL NOT BE EVIDENTIARY IN NATURE.
12 IT WILL BE BASED UPON LEGAL ISSUES THAT ARE RAISED
13 SUBSTANTIALLY IN MULTIPLE FORMS FROM THE WILLIS CLASS,
14 WHICH I HAVE READ.

15 SO THE FIRST THING I'M GOING TO ASK IS: ARE
16 THERE ANY MEMBERS OF THE WOOD CLASS WHO ARE PRESENT WHO
17 HAVE ANY OBJECTION TO THE PROPOSED STIPULATION?

18 MR. KALFAYAN: YOUR HONOR, RALPH KALFAYAN ON BEHALF
19 OF THE WILLIS CLASS.

20 THE COURT: I'M ASKING FOR THE WOOD CLASS MEMBERS.

21 MR. KALFAYAN: THE ONLY CLARIFICATION THAT I WANT
22 TO MAKE IS MR. MCLACHLAN HAS CONTINUOUSLY TAKEN THE
23 POSITION CONTRARY TO MINE THAT A MEMBER MAY BE IN BOTH
24 CLASSES. IF MR. MCLACHLAN IS CORRECT, THEN A
25 SIGNIFICANT NUMBER OF INDIVIDUALS IN HIS CLASS OBJECT.
26 I DON'T THINK HE IS CORRECT, BUT THAT IS A SUBJECT OF A
27 MOTION THAT THE COURT HAS SET FOR AUGUST 25TH.

28 AND THE SECOND POINT THAT I'D LIKE TO MAKE IS

1 THAT THE WILLIS -- THE WOOD CLASS IS BASICALLY TELLING
2 THE WILLIS CLASS NOT TO HAVE ANY RIGHTS TO THE NATIVE
3 SAFE YIELD, AND THE WILLIS CLASS IS A PARTY TO THIS
4 ADJUDICATION, AND TO THE EXTENT THE WOOD CLASS IS
5 TELLING THE WILLIS CLASS THAT THEY CANNOT HAVE A SHARE
6 OR A RIGHT IN THE NATIVE SAFE YIELD, THE WILLIS CLASS IS
7 AN AGREED PARTY AND IS OBJECTING AS AN AGREED PARTY TO
8 THIS MOTION.

9 THE COURT: WE'RE GOING TO TAKE UP YOUR OBJECTION
10 ON BEHALF OF THE WILLIS CLASS. THAT'S NOT THE QUESTION
11 I ASKED. AND I UNDERSTAND YOUR CONTENTION WITH REGARD
12 TO WHO REPRESENTS THE PARTIES IN THE WILLIS CLASS, WHO
13 MAY ALSO BE PARTIES TO THE WOOD CLASS, WHICH IS A VERY
14 LIKELY SCENARIO WHEN PARTIES OWN MORE THAN ONE PARCEL OF
15 PROPERTY THAT IS NOT CONTIGUOUS OR PERTINENT. SO I
16 UNDERSTAND THAT.

17 WE'RE GOING TO TAKE UP YOUR ARGUMENT ABOUT
18 THAT, WHICH REALLY RELATES TO YOUR MOTION TO WITHDRAW,
19 ON THE 25TH OF AUGUST, WHICH WAS RATHER PRECIPITOUSLY
20 FILED EARLIER. IT HAD TO BE PUT OVER TO GIVE THE
21 PARTIES AN OPPORTUNITY TO ADEQUATELY BRIEF THE COURT.

22 AS TO THE FIRST QUESTION, I ASK: ARE THERE
23 ANY MEMBERS OF THE WOOD CLASS HERE WHO OBJECT TO THE
24 PROPOSED GLOBAL SETTLEMENT AND STIPULATION? I SAY
25 "GLOBAL SETTLEMENT," AND I PUT THAT IN QUOTES BECAUSE
26 THAT'S WHAT THE PARTIES HAVE LABELED IT.

27 ALL RIGHT. HEARING NONE, MR. MCLACHLAN, ARE
28 YOU READY TO PROCEED WITH YOUR PROVE UP?

1 MR. MCLACHLAN: YES, YOUR HONOR.

2 I BELIEVE, IF WE'RE NOT GOING TO ARGUE ANY
3 OBJECTIONS FROM THE NON-PARTIES, WE CAN START. SINCE
4 MR. WILDERMUTH IS IN THE COURTROOM, WE CAN START WITH
5 MR. WILDERMUTH.

6 THE COURT: AND INCIDENTALLY, WE WILL HEAR ANY
7 OBJECTIONS FROM NON-WOOD CLASS MEMBERS AFTER THERE IS A
8 PRELIMINARY PRESENTATION OF YOUR EVIDENCE.

9 MR. MCLACHLAN: MR. WILDERMUTH, I THINK WE'RE GOING
10 TO HAVE THE WITNESS STAND OVER HERE.

11 THE COURT: WELL --

12 MR. MCLACHLAN: WHERE WOULD YOU LIKE, YOUR HONOR?

13 THE COURT: I'D LIKE THE REPORTER TO BE ABLE TO SEE
14 HIM AND HEAR HIM. I'M AFRAID SHE'S NOT GOING TO BE ABLE
15 TO FROM WHERE SHE IS.

16 THE CLERK: CAN WE ROLL A CHAIR OFF TO THE SIDE OF
17 COUNSEL TABLE?

18 MR. MCLACHLAN: THAT WILL WORK FOR THIS WITNESS
19 PROBABLY, BUT IT WILL BE A LITTLE PROBLEMATIC FOR
20 MR. THOMPSON GIVEN THE PAPERS AND VOLUME --

21 THE COURT: WE MAY WANT TO SHIFT THE COURT REPORTER
22 TO THE OTHER SIDE OF THE ROOM.

23 WE'LL HAVE MR. WILDERMUTH HERE; AND IF YOU
24 NEED A PLACE TO PUT PAPERS, WE'LL FIGURE THAT OUT TOO.

25 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN.

26 YOU DO SOLEMNLY STATE THAT THE TESTIMONY
27 YOU'LL GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
28 SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE

1 TRUTH, SO HELP YOU GOD?

2 THE WITNESS: I DO.

3 THE CLERK: IF YOU CAN STATE, PLEASE, AND SPELL
4 YOUR NAME FOR THE RECORD.

5 THE WITNESS: MARK WILDERMUTH; M-A-R-K,
6 W-I-L-D-E-R-M-U-T-H.

7 THE COURT: YOU MAY PROCEED, MR. MCLACHLAN.

8 MR. MCLACHLAN: ONE POINT OF GENERAL ORDER, IN
9 TERMS OF MARKING EXHIBITS, MY SUGGESTION, PERHAPS SINCE
10 THIS IS PART OF ONE LARGER CONTINUOUS PROCEEDING, WOULD
11 BE TO USE INITIALS PERHAPS R.W. OR S.P. FOR RICHARD WOOD
12 OR SMALL PUMPER AND THEN NUMBER ONE.

13 DOES THE COURT HAVE ANY PREFERENCE?

14 THE COURT: AS LONG AS THE RECORD SHOWS THE
15 EXHIBITS AND THE -- AND WHO'S TESTIFYING TO IT.

16 MR. MCLACHLAN: ALTERNATIVELY, WE CAN JUST GO ONE
17 THROUGH WHATEVER, WHICH WE HAVE DONE IN PRIOR
18 PROCEEDINGS, BUT PERHAPS THERE WILL BE LESS PARTIES
19 HERE.

20 THE COURT: I DON'T KNOW WHERE YOU LEFT OFF ON
21 PRIOR PROCEEDINGS. WHY DON'T WE START ANEW, AND WE'LL
22 CALL THIS THE WOOD HEARING EXHIBIT NUMBER 1.

23 MR. MCLACHLAN: I'M GOING TO USE RW-1, AND I'M
24 GOING TO IDENTIFY AS RW-1, BUT LIKELY NOT INTRODUCE INTO
25 EVIDENCE, THE CURRICULUM VITAE OF MR. MARK WILDERMUTH.

26 THE COURT: I GUESS WE DON'T HAVE A MICROPHONE FOR
27 MR. WILDERMUTH.

28 MR. MCLACHLAN: HE'LL JUST HAVE TO KEEP HIS VOICE

1 UP.

2 THE SECOND POINT OF PROCEDURE I HAVE FOR YOUR
3 HONOR IS YOU MAY RECALL THAT MR. WILDERMUTH HAS
4 TESTIFIED IN THESE PROCEEDINGS AT LENGTH IN, I THINK
5 LAST -- IT WAS PHASE THREE, I BELIEVE, AND THE COURT
6 QUALIFIED HIM AS AN EXPERT AT THAT TIME. I CAN GO BACK
7 THROUGH HIS BACKGROUND, WHICH IS IN THE RECORD AND
8 REQUALIFY HIM HERE.

9 WHAT I PLAN TO DO IF YOUR HONOR IS SATISFIED
10 WITH HIS QUALIFICATIONS IN TERMS OF HIS MAIN AREA OF
11 EXPERTISE, I'M GOING TO ASK HIM A FEW BASIC ADDITIONAL
12 QUESTIONS RELATED TO MY NARROW EXAMINATION AND THEN
13 LEAVE IT AT THAT. I'M NOT GOING TO GO INTO HIS WHOLE --

14 THE COURT: ALL RIGHT. THE COURT DOES RECALL
15 QUALIFYING MR. WILDERMUTH AS AN EXPERT IN THE PREVIOUS
16 PROCEEDINGS. I'M NOT SURE THERE WAS ONLY ONE
17 PROCEEDING; THERE MAY HAVE BEEN MORE THAN ONE, BUT
18 CERTAINLY IN PHASE THREE, AND I FIND THAT HE IS SO
19 QUALIFIED.

20 ANY COUNSEL THAT MIGHT WISH TO VOIR DIRE WHO
21 HAS NOT PREVIOUSLY HAD THAT OPPORTUNITY, YOU MAY AT THIS
22 TIME.

23 HEARING NONE, HE IS QUALIFIED AND MAY SO
24 TESTIFY.

25

26 ///

27 ///

28 ///

1 MARK WILDERMUTH,
2 CALLED AS A WITNESS ON BEHALF OF THE WOOD CLASS, WAS
3 SWORN AND TESTIFIED AS FOLLOWS:
4

5 DIRECT EXAMINATION

6 BY MR. MCLACHLAN:

7 Q MR. WILDERMUTH, WHAT IS YOUR PROFESSION?

8 A I'M A LICENSED CIVIL ENGINEER IN THE STATE OF
9 CALIFORNIA AND A HYDROLOGIST.

10 Q WHO DO YOU CURRENTLY WORK FOR?

11 A I HAVE MY OWN COMPANY WILDERMUTH
12 ENVIRONMENTAL.

13 Q HOW LONG HAVE YOU BEEN WITH THAT COMPANY?

14 A 25 YEARS.

15 Q IN THIS PROCEEDING, HAS YOUR FIRM BEEN
16 RETAINED BY THE LAGERLOF LAW FIRM TO CONDUCT CERTAIN
17 EXPERT RELATED PROJECTS IN CONJUNCTION WITH THIS
18 PROCEEDING?

19 A WITH THE PHASE THREE TRIAL, YES.

20 Q PRIOR TO THAT, WAS YOUR FIRM ASSIGNED A
21 PROJECT TO DEVELOP A CLASS LIST FOR THE SMALL PUMPER
22 CLASS?

23 A CONCURRENT WITH THAT PROCESS.

24 Q AND DID YOUR FIRM, IN FACT, DO THAT WORK?

25 A YES.

26 Q IN YOUR WORK AT WILDERMUTH ENVIRONMENTAL --
27 LET ME ASK YOU A FOUNDATIONAL QUESTION.

28 IS THAT WORK PREDOMINANTLY RELATED TO WATER

1 RESOURCES?

2 A YES.

3 Q IN YOUR WORK IN ALL THE VARIOUS PROJECTS THAT
4 YOUR FIRM DOES, DO YOU REGULARLY USE GIS TOOLS IN YOUR
5 WORK FOR MAKING BOUNDARY DETERMINATIONS?

6 A YES.

7 Q AND WHAT I HAVE IN MIND SPECIFICALLY HERE FOR
8 THE COURT AND THE OTHER PARTIES PRESENT IS IN FIRST
9 PORTION, THE ANTELOPE VALLEY AREA OF ADJUDICATION
10 BOUNDARY. ARE YOU FAMILIAR WITH THAT?

11 A YES.

12 Q AND THAT BOUNDARY IS SOMETHING THAT COMES IN,
13 WHAT I UNDERSTAND, TO BE A GIS-SHAPED FILE; IS THAT
14 CORRECT? IT'S AN ELECTRONIC BOUNDARY LINE?

15 A YES.

16 Q THAT CAN BE OVERLAID ON, LET'S SAY, A PARCEL
17 MAP OF CONTIGUOUS PARCELS OR THE ENTIRE VALLEY?

18 A YES.

19 Q CAN YOU EXPLAIN HOW YOUR FIRM WENT ABOUT
20 PREPARING THE SMALL PUMPER CLASS LIST?

21 A YES. THE PROCESS STARTED WITH FIRST ACQUIRING
22 THE ANTELOPE VALLEY AREA OF ADJUDICATION. I MIGHT CALL
23 IT AVAA FOR SHORT, FROM LUHDORFF & SCALMANINI. WE
24 ACQUIRED THE -- FROM THE ASSESSORS IN L.A. COUNTY AND
25 KERN COUNTY WE ACQUIRED THE PARCEL MAPS AS A GIS-SHAPED
26 FILE AND ALL THE ATTRIBUTES, THE TAX ROLL INFORMATION
27 THAT GOES ALONG WITH THOSE PARCELS. AND USING, YOU
28 KNOW, SIMPLE GIS MANIPULATION, WE WERE ABLE TO FIND ALL

1 THE PARCELS THAT ARE WHOLLY WITHIN OR PARTIALLY WITHIN
2 THE AVAA BOUNDARY.

3 Q SO LET ME GO OVER A LITTLE BIT OF THAT TO MAKE
4 SURE IT'S CLEAR FOR ALL OF US THAT AREN'T TECHNICALLY
5 MINDED.

6 IF I UNDERSTAND YOUR TESTIMONY, YOU GATHERED
7 FROM THE COUNTY ASSESSOR, THE KERN COUNTY AND LOS
8 ANGELES COUNTY, THEIR PROPERTY ROLLS, TAXABLE REAL
9 PROPERTY IN THOSE TWO COUNTIES?

10 A YES.

11 Q AND THEN YOU COMPARED THAT AS AGAINST THE
12 ANTELOPE VALLEY AREA OF ADJUDICATION BOUNDARY TO FIND
13 OUT WHICH PARCELS IN THOSE TWO COUNTIES WERE ACTUALLY IN
14 THE ANTELOPE VALLEY?

15 A IN THE ANTELOPE VALLEY AREA OF ADJUDICATION.

16 Q I WILL PERHAPS AVOID THE ACRONYM SOMETIMES AND
17 USE THE TERM ANTELOPE VALLEY OR BASIN. I MEAN THOSE
18 TERMS TO MEAN THE AVAA BOUNDARY AND EVERYTHING IN IT.

19 OKAY. SO THEN HAVING IDENTIFIED THE PARCELS
20 SUBJECT TO THIS ADJUDICATION WITHIN THE BOUNDARY,
21 POTENTIALLY, WHAT WAS YOUR NEXT STEP IN DEVELOPING THE
22 SMALL PUMPER CLASS LIST?

23 A WE ACQUIRED SHAPED FILES WHICH SHOWED THE
24 BOUNDARIES OF THE MUNICIPAL WATER PURVEYORS AND THE
25 MUTUAL WATER COMPANIES. WE OVERLAID THOSE ON THE
26 PARCELS THAT ARE IN THE ANTELOPE VALLEY AREA OF
27 ADJUDICATION AND WERE ABLE TO EXTRACT THOSE -- EXTRACT
28 THE ONES THAT WERE NOT SERVED BY MUNICIPAL WATER

1 PURVEYORS OR MUTUAL WATER COMPANIES, SO WE ENDED UP WITH
2 A SET OF NON-SERVED PARCELS.

3 Q ALL RIGHT. AGAIN, TO SUMMARIZE THAT. IT
4 SOUNDS LIKE AT THE END OF THIS SECOND STEP YOU HAVE
5 REMOVED ALL OF THE PARCELS THAT WOULD BE SERVED BY THE
6 PUBLIC WATER SUPPLIERS WITHIN THEIR BOUNDARY AREAS, AS
7 WELL AS THOSE WITHIN THE MUTUAL WATER SUPPLIER BOUNDARY
8 AREAS; IS THAT RIGHT?

9 A YES.

10 Q AND THEN WHAT DID YOU DO NEXT, IF ANYTHING, IN
11 DEVELOPING THE SMALL PUMPER CLASS LIST?

12 A WE TOOK THE PARCELS WHICH WERE NOT SERVED BY
13 THE PUBLIC WATER AGENCIES AND THE MUNICIPAL WATER
14 COMPANIES, AND WE EXAMINED THEIR IMPROVEMENTS TO SEE
15 WHICH PROPERTIES WERE IMPROVED AND WHICH ONES WERE NOT,
16 AND WE ASSUME THAT THOSE WERE IMPROVED AND HAD WELLS.
17 AND THOSE THAT WERE NOT, DID NOT. SO WE WERE ABLE TO
18 DEVELOP A SET OF PARCELS THAT WE SAID HAD WELLS AND
19 THOSE THAT DID NOT.

20 Q MR. WILDERMUTH, LET ME ASK YOU A FEW
21 FOUNDATIONAL QUESTIONS HERE.

22 YOU RECEIVED ELECTRONIC DATA FROM BOTH THE
23 KERN COUNTY ASSESSOR AND THE LOS ANGELES COUNTY
24 ASSESSOR; IS THAT CORRECT?

25 A YES.

26 Q AND IN THE KERN COUNTY DATA, IS THERE A FEEL
27 THAT DESIGNATED WHETHER A PARTICULAR PARCEL SHOWED ON
28 THEIR ROLLS AS BEING IMPROVED OR NOT IMPROVED?

1 A YES.

2 Q AND IS THE SAME TRUE FOR LOS ANGELES COUNTY?

3 A YES.

4 Q AND SO IF I UNDERSTAND THIS LAST STEP YOU JUST
5 DESCRIBED, THEN YOU WERE ABLE TO TAKE THAT LARGER POOL
6 OF PARCELS AND SEGREGATE THAT INTO TWO GROUPS BASED UPON
7 THE STATUS OF THE PROPERTY BEING APPROVED OR NOT
8 APPROVED; IS THAT CORRECT?

9 A YES.

10 Q AND THE ASSUMPTION BEING THAT IMPROVED
11 PROPERTIES IN THOSE AREAS WOULD ALMOST VERY LIKELY OR
12 CERTAINLY NEED TO BE SERVED BY THE WATER WELL BECAUSE,
13 BY DEFINITION, THEY WERE NOT INSIDE THE PUBLIC WATER
14 SUPPLIER SERVICE AREAS OR MUTUAL WATER COMPANY SERVICE
15 AREAS; IS THAT YOUR UNDERSTANDING?

16 A WE ASSUMED THAT THE PARCELS THAT WERE IMPROVED
17 HAD WELLS.

18 Q SO AT THE END OF THIS PROCESS YOU JUST
19 DESCRIBED, YOU ESSENTIALLY ENDED UP WITH TWO GROUPS OR
20 LISTS OF PARCELS; IS THAT RIGHT?

21 A YES.

22 Q ON ONE HAND YOU HAD A LIST THAT YOU BELIEVED
23 TO BE LINING UP WITH SMALLER PUMPER CLASS, POTENTIALLY,
24 AND ANOTHER LIST THAT WOULD BE, YOU BELIEVED, AS DORMANT
25 PROPERTIES?

26 A YES.

27 MR. MCLACHLAN: I DON'T HAVE ANY FURTHER QUESTIONS.

28 THE COURT: OKAY.

1 CROSS-EXAMINATION, ANYBODY?

2 COUNSEL?

3 MR. LANDSGAARD: YES.

4 CAN I COME FORWARD?

5 THE COURT: YES.

6 MR. LANDSGAARD: GOOD MORNING, YOUR HONOR.

7 MY NAME IS OLAF LANDSGAARD. I JUST HAD A
8 QUESTION ABOUT, YOU MENTIONED THAT YOU ASSUME THAT IT
9 WAS --

10 MR. MCLACHLAN: YOUR HONOR, I THINK I'M GOING TO
11 OBJECT TO THE QUESTIONING BY MR. LANDSGAARD. ALTHOUGH
12 HE IS A LICENSED ATTORNEY, HE HAS REPRESENTED, ACCORDING
13 TO MYSELF AND MR. O'LEARY -- BY MYSELF AND RALPH
14 KALFAYAN, MR. KALFAYAN'S POSITION -- WE'RE NOT GOING
15 TO -- WELL, WE'LL DEBATE IT HERE IS THAT HE'S ONLY
16 REPRESENTED SOLELY BY ME, BUT BECAUSE MR. LANDSGAARD IS
17 REPRESENTED BY COUNSEL AND IS A POTENTIAL CLASS MEMBER,
18 I THINK THAT THERE'S AN ISSUE THERE REGARDING HIM
19 EXAMINING WITNESSES.

20 MR. KALFAYAN: YOUR HONOR, I JUST WANT TO CORRECT
21 MR. MCLACHLAN FOR THE RECORD FOR THE -- SINCE WE'VE HAD
22 ANY CONVERSATIONS BETWEEN HIMSELF AND MYSELF REGARDING
23 THE POSITION OF A PERSON LIKE MR. LANDSGAARD, I'VE MADE
24 IT CLEAR TO MR. MCLACHLAN THAT THIS COURT'S ORDER DOES
25 NOT INCLUDE FOR THE WILLIS CLASS AN INDIVIDUAL WHO HAS
26 MULTIPLE PARCELS, SOME OF WHICH PUMP AND OTHERS THAT DO
27 NOT. THAT PRESENTS THE WILLIS CLASS AN INHERENT
28 CONFLICT.

1 WE DO NOT REPRESENT MR. LANDSGAARD BECAUSE HE
2 OWNS ONE PARCEL THAT PUMPS, AND HE'S CONTENT WITH THE
3 ALLOCATION UNDER THE PHYSICAL SOLUTION, BUT HE'S NOT
4 CONTENT WITH THE PHYSICAL SOLUTION BECAUSE IT DEPRIVES
5 HIM OF HIS ABILITY TO PUMP GROUND WATER ON THE DORMANT
6 PARCELS. AGAIN, THAT'S AN ISSUE THAT THE COURT HAS
7 ELECTED TO TAKE UP ON AUGUST 25TH.

8 BUT AS FAR AS I'M CONCERNED, FOR THE RECORD
9 HERE TODAY, I DO NOT REPRESENT MR. LANDSGAARD, BUT I DO
10 HAVE QUESTIONS THAT I'M GOING TO CROSS-EXAMINE
11 MR. WILDERMUTH WITH.

12 THE COURT: ALL RIGHT.

13 MR. MCLACHLAN: FOR THE RECORD, YOUR HONOR, RICHARD
14 WOOD OBJECTS TO NON-ATTORNEYS OF RECORD QUESTIONING
15 WITNESSES.

16 THE COURT: OKAY. YOU ARE NOT AN ATTORNEY OF
17 RECORD IN THIS CASE?

18 MR. LANDSGAARD: CORRECT.

19 THE COURT: IS THAT CORRECT?

20 MR. LANDSGAARD: THAT IS CORRECT.

21 THE COURT: I'M GOING TO, AT THIS POINT, SUSTAIN
22 THE OBJECTION. THE REAL QUESTION CONCERNING
23 REPRESENTATION HERE AS TO WHETHER OR NOT YOU'RE A MEMBER
24 OF A PARTICULAR CLASS OR ANOTHER CLASS IS SOMETHING THAT
25 WILL BE DETERMINED AS WE INTERPRET THE TERMS OF THE
26 CLASS ORDER THAT WAS MADE IN THE WILLIS CLASS AND WHAT
27 THAT LANGUAGE MEANT IN TERMS OF WHO IS INCLUDED, WHO IS
28 NOT INCLUDED.

1 I HAVE, INCIDENTALLY, READ BOTH OF YOUR
2 ARGUMENTS ABOUT THAT, EVEN THOUGH WE'RE NOT SET TILL THE
3 25TH. SO I'M GOING TO RESERVE THAT ISSUE. SOLELY ON
4 THE BASIS THAT WE HAVE A NON-ATTORNEY OF RECORD, I'M
5 GOING TO SUSTAIN THE OBJECTION. WE CAN REVISE THAT AT
6 SOME LATER TIME, IF NEED BE.

7 OF COURSE, ONE OF THE OPTIONS WAS IF YOU DID
8 NOT FEEL THAT OR IF YOU DID FEEL THAT YOUR ATTORNEY AS A
9 MEMBER OF ONE CLASS HAD A CONFLICT, ONE OF YOUR OPTIONS
10 WAS TO OPT OUT OF THE CLASS. YOU'VE NOT DONE THAT, I
11 TAKE IT?

12 MR. LANDSGAARD: I HAVE NOT. IN FACT, THIS ONLY
13 CAME UP RECENTLY. OBVIOUSLY, MR. MCLACHLAN IS MY
14 ATTORNEY, AND I THINK MR. KALFAYAN IS MY ATTORNEY, BUT
15 HE THINKS HE'S NOT. SO THE QUESTION IS WHO WOULD I GIVE
16 THE QUESTION TO ASK AN EXPERT? DO I ASK MR. MCLACHLAN
17 TO ASK THE QUESTION OR DO I ASK --

18 THE COURT: IT DEPENDS, I SUPPOSE, ON WHAT YOU'RE
19 GOING TO ASK ABOUT.

20 MR. MCLACHLAN: MAY I CONFER WITH MR. LANDSGAARD
21 FOR A MOMENT?

22 THE COURT: SURE.

23 MR. MCLACHLAN: FOR THE RECORD, I'LL ALSO NOTE THAT
24 MR. LANDSGAARD WAS RECENTLY ELECTED THE DIRECTOR OF
25 ROSEMONT COMMUNITY SERVICES DISTRICT, SO I THINK,
26 TECHNICALLY, HE'S ALSO REPRESENTED BY DOUG EVERTZ.

27 SORRY, DOUG.

28 THE COURT: WE'LL JUST STANDBY HERE FOR A COUPLE

1 MINUTES WHILE THEY CONFER BEFORE WE RESUME.

2

3 (BRIEF PAUSE IN PROCEEDINGS.)

4

5 MR. MCLACHLAN: AFTER CONFERRING WITH
6 MR. LANDSGAARD, YOUR HONOR, WE'VE DETERMINED THAT THE
7 QUESTION THAT HE HAD FOR THE WITNESS DOES NOT NEED TO BE
8 ANSWERED.

9 THE COURT: DOES NOT WHAT?

10 MR. MCLACHLAN: DOESN'T NEED TO BE ASKED.

11 THE COURT: SO HE'S WITHDRAWING HIS REQUEST TO
12 EXAMINE THE WITNESS; IS THAT RIGHT?

13 MR. LANDSGAARD: I JUST PRESENTED IT TO MY COUNSEL,
14 AND HE'S WITHDRAWING THE QUESTION.

15 MR. KALFAYAN: I OBJECT TO THE EXTENT I DON'T KNOW
16 WHAT QUESTIONS WERE GOING TO BE ASKED.

17 THE COURT: DOESN'T MATTER, DOES IT?

18 MR. KALFAYAN: WELL --

19 THE COURT: GO AHEAD.

20

21 CROSS-EXAMINATION

22 BY MR. KALFAYAN:

23 Q GOOD MORNING, DR. WILDERMUTH.

24 A EXCUSE ME, IT'S MR. WILDERMUTH. I APPRECIATE
25 THE PROMOTION.

26 Q I STAND CORRECTED. I THOUGHT MR. MCLACHLAN
27 INTRODUCED YOU AS A DR. WILDERMUTH.

28 MR. WILDERMUTH, YOU SAID THAT THE WAY YOU

1 COMPOSED THE WOOD CLASS LIST WAS BY TAKING THE ASSESSOR
2 ROLL RECORDS FROM KERN COUNTY AND LOS ANGELES COUNTY;
3 CORRECT?

4 A YES.

5 Q AND YOU WERE ABLE TO GET THE SHAPE FILES FROM
6 THE PUBLIC WATER SUPPLIERS, THE MUTUAL WATER COMPANY AND
7 SUPERIMPOSE THAT ON THE AREA OF COMMUNICATION?

8 THE COURT: MR. KALFAYAN, YOU'RE HAVING A PERSONAL
9 CONVERSATION HERE WITH MR. WILDERMUTH, BUT NOBODY ELSE
10 CAN HEAR.

11 MR. KALFAYAN: WOULD YOU LIKE ME TO SPEAK UP, YOUR
12 HONOR?

13 THE COURT: I WOULD LIKE YOU TO SPEAK WAY UP.

14 UNIDENTIFIED SPEAKER: NOT JUST THE COURT.

15 THE COURT: ANYBODY OUT THERE THAT WANTS TO MOVE UP
16 CLOSER SO THEY CAN HEAR THIS, FEEL FREE. THIS IS NOT
17 CHURCH, AND WE'RE NOT GOING TO ASK ANYBODY QUESTIONS.

18 MR. KALFAYAN: MAY I, YOUR HONOR?

19 THE COURT: YES.

20 Q BY MR. KALFAYAN: MR. WILDERMUTH, YOU WERE
21 ABLE TO GATHER THE ASSESSOR, TAX ASSESSOR RECORDS FROM
22 KERN COUNTY AND LOS ANGELES COUNTY AND ABLE TO LOOK AT
23 THE TAX ROLLS FOR THE AREA OF -- THE ANTELOPE VALLEY
24 AREA OF ADJUDICATION; IS THAT CORRECT?

25 A YES.

26 Q THOSE TAX ROLLS CONTAINED PARCEL NUMBERS; IS
27 THAT CORRECT?

28 A YES.

1 Q THOSE TAX ROLLS ALSO CONTAINED THE NAMES OF
2 THE INDIVIDUALS WHO OWNED THOSE PARCELS; IS THAT
3 CORRECT?

4 A YES.

5 Q AND YOU WERE ABLE TO GET SHAPE FILES, I
6 BELIEVE YOU MENTIONED, FROM THE PUBLIC WATER SUPPLIERS
7 AND THE MUTUAL WATER COMPANIES; IS THAT CORRECT?

8 A THERE WERE VARIOUS SOURCES. SOMETIMES IT WAS
9 A MUTUAL WATER COMPANY. SOMETIMES IT WAS THE WATER
10 AGENCY, AND WE ALSO WENT TO THE STATE OF CALIFORNIA'S
11 GEOSPATIAL DATA PORTAL AND DOWNLOADED SHAPE FILES OF THE
12 VARIOUS AGENCY BOUNDARIES.

13 Q AND THOSE SHAPE FILES HELPED YOU TO SEE WHAT
14 PARCELS WITHIN THE AREA OF ADJUDICATION THAT WERE NOT
15 SERVICED BY THE PUBLIC WATER SUPPLIERS; IS THAT CORRECT?

16 A YES.

17 Q AND YOU FOUND THAT THERE WERE MANY PARCELS
18 WITHIN THE AREA OF ADJUDICATION THAT WERE NOT SERVICED
19 BY THE PUBLIC WATER SUPPLIERS; CORRECT?

20 A YES.

21 Q AND WITHIN THE AREA OF ADJUDICATION, YOU
22 SUPERIMPOSED THE TAX ROLL RECORDS ON TOP OF THE SHAPE
23 FILE, THE AREA OF ADJUDICATION; CORRECT?

24 A YES.

25 Q AND YOU'RE ABLE TO SEE FROM SUPERIMPOSING THE
26 ASSESSOR RECORDS ON TOP OF THE SHAPE FILE WHO OWNS WHAT
27 PARCEL AND WHERE; IS THAT CORRECT?

28 A IT'S A TWO-PART QUESTION. SO THE FIRST PART

1 IS YES. SECONDLY, WE CAN IDENTIFY ITS LOCATION.

2 Q SO IF -- WITH THAT SHAPE FILE AND THE TAX
3 ASSESSOR RECORDS, YOU CAN IDENTIFY A PARTICULAR PIECE OF
4 PROPERTY BY PARCEL NUMBER AND BY OWNER; CORRECT?

5 A YES.

6 Q FOR THE -- YOU PUT TOGETHER THE WOOD CLASS
7 LIST; IS THAT CORRECT?

8 A WE PUT TOGETHER A LIST OF PARCELS THAT WERE
9 NOT SERVED THAT HAD IMPROVEMENTS AND THOSE THAT DID NOT
10 HAVE IMPROVEMENTS.

11 Q ALL RIGHT. AND BASICALLY, CORRECT ME IF I'M
12 WRONG, BUT IT WAS PARCELS THAT WERE IMPROVED BASED ON
13 THE TAX ASSESSOR RECORDS?

14 A YES.

15 Q YOU WERE ABLE TO SEE FROM THOSE RECORDS IF A
16 PARTICULAR PARCEL HAS HAD IMPROVEMENTS ON IT; CORRECT?

17 A YES.

18 Q AND FROM THAT WORK, WERE YOU ABLE TO GATHER
19 HOW MANY PARCELS WERE IMPROVED?

20 A YES.

21 Q HOW MANY PARCELS WERE THERE?

22 A AT THE TIME THAT WORK WAS DONE, I BELIEVE IT
23 WAS AROUND 7,500. THESE ARE THE PARCELS THAT ARE NOT
24 SERVED BY THE PUBLIC WATER AGENCIES AND THE MUTUAL WATER
25 COMPANIES.

26 Q AND DID YOU PUT THAT LIST TOGETHER OF 7,500
27 PARCELS?

28 A OUR FIRM PUT THAT LIST TOGETHER.

1 Q AND DO YOU HAVE A COPY OF THAT LIST?

2 A NOT HERE.

3 Q IS IT BACK IN YOUR OFFICE?

4 A YES.

5 Q DID YOU GIVE A COPY OF THAT LIST TO
6 MR. MCLACHLAN?

7 A I THINK HE GOT A COPY. I DON'T RECALL
8 SPECIFICALLY, BUT I THINK HE CAME TO OUR OFFICE.

9 Q NOW, MR. MCLACHLAN ASKED YOU ON DIRECT ABOUT
10 WHETHER OR NOT YOU PUT TOGETHER THE WOOD CLASS LIST. IS
11 THAT THE WOOD CLASS LIST THAT YOU'RE REFERRING TO HERE
12 TODAY?

13 A CANDIDLY, I DID CONFUSE BETWEEN WOOD AND
14 WILLIS. WOOD IS THE UNSERVED, BUT WITH IMPROVEMENTS.
15 YES.

16 Q SO THE LIST THAT YOU WERE REFERRING TO IN THE
17 DIRECT EXAM, THE WOOD CLASS LIST, IS THAT THE LIST OF
18 7,500 IMPROVED PARCELS.

19 A YES, APPROXIMATELY 7,500.

20 Q AND THAT LIST, IF I ASKED YOU TO DESCRIBE FOR
21 ME THAT LIST, WHAT WOULD IT HAVE? WHAT KIND OF
22 INFORMATION WOULD IT HAVE?

23 A I DON'T RECALL COMPLETELY, BUT IT HAD PARCEL
24 NUMBERS, IT HAD NAMES AND ADDRESSES. WHAT ELSE IT HAD I
25 DON'T RECALL.

26 Q DID YOU HAVE IT ELECTRONICALLY?

27 A YES.

28 Q AND IS IT IN EXCEL SPREADSHEET?

1 A IT'S IN AN EXCEL SPREADSHEET, AND IT'S ALSO ON
2 DATABASE.

3 Q DATABASE -- MICROSOFT ACCESS DATABASE FILES?

4 A YES.

5 Q WHAT OTHER WORK DID YOU DO IN CONNECTION WITH
6 THAT LIST?

7 A I DON'T RECALL DOING ANYTHING OTHER THAN
8 PROVIDING THE LIST TO NOTIFY PARTIES, AND THEN I KNOW
9 THERE WAS SUBSEQUENT MEETINGS WITH MR. MCLACHLAN AND MY
10 STAFF; AND THAT'S ALL I RECALL.

11 Q DO YOU KNOW IF THAT LIST WAS USED TO SEND OUT
12 A MAILER TO THE CLASS MEMBERS?

13 A I DON'T HAVE FIRSTHAND KNOWLEDGE OF THAT.

14 Q SO YOUR WORK STOPPED WHEN THE LIST WAS PUT
15 TOGETHER AND GIVEN TO MR. MCLACHLAN?

16 A WE GAVE EVERYTHING TO BEST, BEST & KRIEGER,
17 AND I DO REMEMBER MR. MCLACHLAN COMING TO THE OFFICE.
18 I'M PRETTY SURE WE HAVE A COPY OF SOMETHING, BUT I WAS
19 NOT -- SO I'M NOT SURE.

20 Q BUT THE WOOD CLASS LIST THAT YOU'RE REFERRING
21 TO IS A LIST OF ALL PARCELS THAT HAVE IMPROVEMENTS ON IT
22 BASED ON THE TAX ASSESSOR ROLLS; CORRECT?

23 A TO THE BEST OF MY KNOWLEDGE, YES.

24 Q THERE'S NO FURTHER PERMUTATION, AS FAR AS YOU
25 KNOW, A DIFFERENT LIST OTHER THAN THE LIST THAT YOU JUST
26 DESCRIBED?

27 A YES.

28 Q DID YOU DO ANY WORK TO DETERMINE WHETHER OR

1 NOT AN INDIVIDUAL OWNS MORE THAN ONE PARCEL?

2 A I DON'T RECALL.

3 Q DID YOU DO ANY WORK TO DETERMINE WHETHER OR
4 NOT AN INDIVIDUAL WHO HAS AN IMPROVED PARCEL MAY HAVE AN
5 UNIMPROVED PARCEL AS WELL?

6 A I DON'T RECALL.

7 Q DO YOU KNOW IF THAT WORK CAN BE DONE?

8 A I DON'T SEE WHY NOT.

9 Q DID ANYONE EVER ASK YOU TO DO THAT WORK?

10 A I DON'T RECALL.

11 Q DID YOU PROVIDE ANY INFORMATION TO BEST, BEST
12 & KRIEGER REGARDING THE NOTICE FOR THE WOOD CLASS OTHER
13 THAN THE WOOD CLASS LIST?

14 A WE PROVIDED, I BELIEVE IT WAS AN EXCEL
15 SPREADSHEET, AND I DON'T RECALL EXACTLY HOW WE
16 CLASSIFIED THEM AS WOOD CLASS OR WILLIS CLASS; IT MUST
17 HAVE BEEN SOME FIELD. THAT'S HOW I RECALL.

18 Q BUT YOU DIDN'T DO ANYTHING WITH RESPECT TO THE
19 MAILING OF THE NOTICE TO THE CLASS?

20 A NO.

21 Q AND THE WOOD CLASS LIST, YOU GAVE IT, YOU
22 SAID, TO BEST, BEST & KRIEGER, AS WELL AS MR. MCLACHLAN;
23 CORRECT?

24 A WE GAVE THE INFORMATION TO BEST, BEST &
25 KRIEGER AT THE TIME WE WERE TRYING TO IDENTIFY PARTIES,
26 AND, FROM MY UNDERSTANDING, MR. MCLACHLAN CAME TO THE
27 OFFICE. HE WALKED THROUGH THE PROCESS WITH MY STAFF
28 ABOUT HOW THINGS WERE DONE, AND HE MAY HAVE GOTTEN SOME