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4	San Francisco, California 94105-2482 Telephone: 415.268.7000	
5	Facsimile: 415.268.7522	
6	Attorneys for U.S. BORAX INC.	
7		
8	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
9	COUNTY OF LOS A	ANGELES
10		
11	Coordination Proceeding Special Title (Rule 1550(b))	Judicial Council Coordination Proceeding No. 4408
12 13	ANTELOPE VALLEY GROUNDWATER CASES	Case No. 1-05-CV-049053
14	Included Actions:	EXPERT WITNESS
15	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Los Angeles,	DESIGNATION FOR PHASE 3 TRIAL; DECLARATION OF WILLIAM M. SLOAN
16	Case No. BC 325 201	(U.S. BORAX)
17 18	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern,	Dept: 1 (L.A. County - Central) Judge: Hon. Jack Komar
19	Case No. S-1500-CV-254-348	
20	Wm. Bolthouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster	
21	Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside,	
22	Case Nos. RIC 353 840, RIC 344 436, RIC 344 668 (Consolidated Actions)	
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1	Pursuant to sections 2034.210(b) and 2034.260 of the California Code of Civil Procedure,		
2	U.S. Borax, Inc. ("Borax") hereby designates the following person whose expert opinion it intends to		
3	offer at the Phase III trial:		
4	Bruce N. Nelson, P.E.		
5	EDE Consultants 23 N. Scott St., Suite 27 Sharidan WY 22201		
6	Sheridan, WY 82801 (307) 672-3793		
7	Borax reserves the right to supplement or augment its expert witness list in any manner		
8	consistent with section 2034.210 et seq. of the California Code of Civil Procedure.		
9	Dated: July 15, 2010 EDGAR B. WASHBURN WILLIAM M. SLOAN		
10	MORRISON & FOERSTER LLP		
11			
12	By: William M Alvan WILLIAM M. SLOAN		
13	Attorneys for Defendant		
14	U.S. BORAX, INC.		
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DECLARATION OF WILLIAM M. SLOAN

1. I, William M. Sloan, am an attorney of record in this action for Defendants and Cross-Defendants U.S. BORAX, INC. ("Borax") in the above-titled action.

2. Borax intends to offer at the Phase 3 trial in this action, either orally or by deposition testimony, the expert opinion testimony of BRUCE N. NELSON whose business address and telephone number are:

EDE Consultants 23 N. Scott St., Suite 27 Sheridan, WY 82801 (307) 672-3793

3. Mr. Nelson is a civil engineer specializing in water resources engineering and engineering hydrology. Mr. Nelson has more than thirty years of experience in these areas and has been a Registered Professional Engineer for twenty-five years. He is licensed in five states, as well as nationally through the National Council of Engineering Examiners. He has extensive experience as a hydrologic and water resources engineering consultant and founded EDE Consultants in 1986, for which he presently serves as a Senior Engineer and Principal. A copy of Mr. Nelson's curriculum vitae and list of his representative work experience is attached hereto as **Exhibit A**. Mr. Nelson has more than a decade of experience of on-the-ground fieldwork in the Antelope Valley as a hydrologic and water resources engineering consultant to Borax. Mr. Nelson also was designated as a testifying expert during the Phase I trial in this litigation and submitted testimony at that trial phase.

4. At the Phase 3 trial, Mr. Nelson is expected to testify about his analysis and opinion regarding the groundwater hydrologic balance of the Antelope Valley Groundwater Basin ("Basin"). In forming this opinion, Mr. Nelson reviewed numerous materials including, but not limited to, the documents listed in **Exhibit B** attached hereto. As part of this analysis, Mr. Nelson will testify about the inherent uncertainties in estimating the groundwater storage coefficient, aquifer recharge, water use/extraction from the Basin, return flow travel times, the extent of aquifer compartmentalization, and the role of subsidence and aquifer compaction in order to accurately determine the hydrologic balance of the Basin. In light of these uncertainties, Mr. Nelson will also testify about the specific

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hydrologic data that could be obtained through monitoring in order to properly determine the hydrologic balance of the Basin.

5. Mr. Nelson will also provide his opinion as a civil engineer on the professional approaches to addressing the uncertainty in determining the hydrologic balance of the Basin until an appropriate management system is in place. This opinion will incorporate the engineering principle of the factor of safety, which ensures that the public will be protected in the face of uncertainty, and Mr. Nelson will provide his professional opinion regarding a proper estimate of the hydrologic balance in the Basin until these uncertainties are sufficiently lessened to practically determine the water balance in the basin.

6. Mr. Nelson will also provide rebuttal testimony to the relevant opinions and analysesoffered by other experts.

7. Mr. Nelson has agreed to testify at the Phase 3 trial of this action and is sufficiently familiar with the pending action to submit a meaningful oral deposition concerning the testimony described above, including his expert opinion and the basis thereof.

8. Mr. Nelson's fee for providing deposition and/or trial testimony is \$240 per hour. Mr.
Nelson will also be compensated for reasonable travel costs and expenses associated with his testimony.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 15th day of July, 2010, at San Francisco, California.

Dated: July 15, 2010

EDGAR B. WASHBURN WILLIAM M. SLOAN MORRISON & FOERSTER LLP

By: M. SLOAN

Attorneys for Defendant U.S. BORAX, INC.

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1		PROOF OF SERVICE	
2	I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is		
3	425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.		
4	I further declare that on July 15, 2010, I served a copy of:		
5	EXPERT WITNESS DESIGNATION FOR PHASE 3 TRIAL; DECLARATION OF WILLIAM M. SLOAN (U.S. BORAX)		
6			
7 8	×	BY ELECTRONIC SERVICE by electronically posting a true copy thereof to Santa Clara County Superior Court's electronic filing website for complex civil litigation cases (Judge Jack Komar, Dept. 17C - <u>http://www.scefiling.org</u>) with respect to Judicial Council Coordination Proceeding No. 4408 (Antelope Valley Groundwater matter).	
9		BY U.S. MAIL by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully	
10		prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices. I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence	
11		for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited with the United States Postal	
12		Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully prepaid for collection and mailing.	
13		BY FACSIMILE by sending a true copy from Morrison & Foerster LLP's facsimile transmission telephone number 415.268.7522 to the fax number(s) set forth below, or as stated on the attached service list. The	
14		transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine. I am readily familiar with Morrison & Foerster LLP's practice for sending facsimile transmissions, and know that in the ordinary course of Morrison & Foerster LLP's business practice	
15		the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed at Morrison & Foerster LLP for transmission.	
16			
17	I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.		
18	Executed at San Francisco, California, July 15, 2010.		
19 20			
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21		Catherine L. Berke	
22		Catherine L. Berté (signature)	
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