

1 EDGAR B. WASHBURN (BAR NO. 34038)  
Email: EWashburn@mofo.com  
2 WILLIAM M. SLOAN (BAR NO. 203583)  
Email: WSloan@mofo.com  
3 **MORRISON & FOERSTER LLP**  
425 Market Street  
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 ANGELES

10  
11 Coordination Proceeding  
Special Title (Rule 1550(b))

12 **ANTELOPE VALLEY GROUNDWATER CASES**

13 Included Actions:

14 **Los Angeles County Waterworks District No. 40 v.**  
15 **Diamond Farming Co.**  
Superior Court of California, County of Los Angeles,  
16 Case No. BC 325 201

17 **Los Angeles County Waterworks District No. 40 v.**  
18 **Diamond Farming Co.**  
Superior Court of California, County of Kern,  
Case No. S-1500-CV-254-348

19 **Wm. Bolthouse Farms, Inc. v. City of Lancaster**  
20 **Diamond Farming Co. v. City of Lancaster**  
21 **Diamond Farming Co. v. Palmdale Water Dist.**  
Superior Court of California, County of Riverside,  
Case Nos. RIC 353 840, RIC 344 436, RIC 344 668  
22 (Consolidated Actions)

Judicial Council Coordination  
Proceeding No. 4408

Case No. 1-05-CV-049053

**EXPERT WITNESS  
DESIGNATION FOR PHASE 3  
TRIAL; DECLARATION OF  
WILLIAM M. SLOAN  
(U.S. BORAX)**

Dept: 1 (L.A. County - Central)  
Judge: Hon. Jack Komar


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  
6 23 N. Scott St., Suite 27  
7 Sheridan, WY 82801  
8 (307) 672-3793

9 Borax reserves the right to supplement or augment its expert witness list in any manner  
10 consistent with section 2034.210 et seq. of the California Code of Civil Procedure.

11 Dated: July 15, 2010

12 EDGAR B. WASHBURN  
13 WILLIAM M. SLOAN  
14 MORRISON & FOERSTER LLP

15 By:   
16 WILLIAM M. SLOAN

17 Attorneys for Defendant  
18 U.S. BORAX, INC.



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

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

10 6. Mr. Nelson will also provide rebuttal testimony to the relevant opinions and analyses  
11 offered by other experts.

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

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

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

20 Dated: July 15, 2010

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

21  
22  
23 By:   
24 WILLIAM M. SLOAN

25 Attorneys for Defendant  
26 U.S. BORAX, INC.  
27

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  
4 am over the age of eighteen years.

5 I further declare that on July 15, 2010, I served a copy of:

6 **EXPERT WITNESS DESIGNATION FOR PHASE 3 TRIAL;  
7 DECLARATION OF WILLIAM M. SLOAN (U.S. BORAX)**

8  **BY ELECTRONIC SERVICE** by electronically posting a true copy thereof to Santa Clara County Superior  
9 Court's electronic filing website for complex civil litigation cases (Judge Jack Komar, Dept. 17C -  
10 <http://www.scefilng.org>) with respect to Judicial Council Coordination Proceeding No. 4408 (Antelope  
11 Valley Groundwater matter).


12  **BY U.S. MAIL** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully  
13 prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San  
14 Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.  
15 I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence  
16 for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster  
17 LLP's business practice the document(s) described above will be deposited with the United States Postal  
18 Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully  
19 prepaid for collection and mailing.

20  **BY FACSIMILE** by sending a true copy from Morrison & Foerster LLP's facsimile transmission telephone  
21 number 415.268.7522 to the fax number(s) set forth below, or as stated on the attached service list. The  
22 transmission was reported as complete and without error. The transmission report was properly issued by the  
23 transmitting facsimile machine. I am readily familiar with Morrison & Foerster LLP's practice for sending  
24 facsimile transmissions, and know that in the ordinary course of Morrison & Foerster LLP's business practice  
25 the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed  
26 at Morrison & Foerster LLP for transmission.

27 I declare under penalty of perjury under the laws of the State of California that the foregoing  
28 is true and correct.

Executed at San Francisco, California, July 15, 2010.

\_\_\_\_\_  
Catherine L. Berté  
(typed)

  
\_\_\_\_\_  
(signature)