

EXHIBIT “1”

(SPACE BELOW FOR FILING STAMP ONLY)

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**LAW OFFICES OF
SHELDON R. BLUM**
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STATE BAR No. 83304

Attorney for . BLUM TRUST

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES**

Coordinated Proceedings
Special Title {Rule 1550 (b)}
**ANTELOPE VALLEY GROUNDWATER
CASES**
Included Actions:
Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Los Angeles County Superior Court
Case No. BC 325 201
Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Kern County Superior Court
Case No. S-1500-CV-254-348
Wm. Bolthouse Farms, Inc., v. City of
Lancaster; Diamond Farming Co. v. City of
Lancaster; Diamond Farming Co. v. City of
Palmdate Water District.
Riverside County Superior Court
Consolidated Action Nos. RIC 344 840,
RIC 344 436, RIC 344 668
Defendants.

Judicial Council Coordination Proceeding
No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to Hon. Jack Komar

**BLUM TRUST'S NOTICE OF DEPOSITION OF
WM. BOLTHOUSE FARMS, INC'S
MANAGEMENT EMPLOYEES DANIEL WILKE;
STEVE RODRIGUES; MICHAEL KOVACEVICH,
& REQUEST FOR PRODUCTION OF BUSINESS
RECORDS AT DEPOSITION
[CCP §§2025.220; 2025.330; 2025.280; &
2025.620]**

Date: January 23, 2013
Times: 10:00 am; 11:00 am; & 12:00 pm.
Location: VERITEXT LEGAL SOLUTIONS
707 Wilshire Blvd.
Los Angeles, CA 90017
Dated: 2-6-13 EXHIBIT for:
ANNETTE HUGHES, CSR #1004
Date: 2-6-13
Witness: Wilke

TO: WM. BOLTHOUSE FARMS, INC, its Irrigation Department Manager DANIEL WILKE;
Lancaster Ranch Manager STEVE RODRIGUES; and Agriculture Property Manager MICHAEL
KOVACEVICH, its attorneys; and all attorneys and parties of record:

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1 PLEASE TAKE NOTICE that pursuant to Code of Civil Procedure §§2025.220, 2025.330,
2 2025.280, & 2025.620, BLUM TRUST shall take the depositions of WM. BOLTHOUSE FARMS, INC,
3 Irrigation Department Manager **DANIEL WILKE**; Lancaster Ranch Manager **STEVE RODRIGUES**;
4 and Agriculture Property Manager **MICHAEL KOVACEVICH**, on oral examination and recorded by
5 audio technology and video technology through the instant visual display of the testimony which
6 may be used at trial, commencing at 10:00 a.m., or as soon thereafter, at Veritext Legal Solutions,
7 707 Wilshire Blvd., Suite 3500, Los Angeles, CA 90017, scheduled as follows:
8

9	<u>NAME</u>	<u>DATE</u>	<u>TIME</u>
10	1. DANIEL WILKE	January 23, 2013	10:00 a.m.
11	2. STEVE RODRIGUES	January 23, 2013	11:00 a.m.
12	3. MICHAEL KOVACEVICH	January 23, 2013	12:00 p.m.

13 The depositions shall be taken stenographically before a Certified Court Reporter who is
14 authorized to administer oaths, and will continue from day to day until completed.
15

16 Pursuant to Code of Civil Procedure §§2025.220(a)(4), & 2025.280(a), *each deponent* shall
17 also produce and permit for examination, inspection, copying and/or production, the following
18 business records and other tangible things, as specified in the below-described 'Documents To Be
19 Produced' which are in WM. BOLTHOUSE FARMS, INC's possession, custody or under or subject to
20 its control.

21 **DEFINITIONS**

22 For purposes of this herein Deposition Subpoena, the following terms are defined:
23
24 1. The term "DOCUMENT(S)" shall be defined as having the same broad meaning as it
25 has under California Evidence Code §§250, and Code of Civil Procedure §2031.010, et seq, and
26 includes all letters, correspondence, reports, papers, records, emails, electronically stored

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1 information, memorandum, journals, diaries, log books, worksheets, internal office data, interoffice
2 and intra-office communications, notes, minutes of meetings or conferences, whether computer
3 generated, typewritten or handwritten. It includes all forms of communication, including all
4 originals, copies, duplicates, or other recordings whether inscribed by hand, or by mechanical,
5 electronic, microfilm, photographic, pictures, videos, phonic, laser disks, computer disks, diskettes
6 and tapes and any other electronic or storage media. It includes architectural blueprints, drawings,
7 plans, specifications, sketches, charts, graphs, summaries and compilations, computations, bids,
8 consultant reports or studies, analysis of any kind, financial statements or calculations, purchase
9 orders, estimates, expense records, contracts, agreements, assignments or transfers.
10

11 2. The term "SUBJECT PROPERTY" as used herein, shall refer to the BLUM TRUST
12 parcels bearing Los Angeles County APN: 3384-009-001, & 3384-009-006, located on Avenue J and
13 70th Street East, Lancaster, CA, which were leased to Lessee WM. BOLTHOUSE FARMS, INC.
14

15 3. The terms "YOU" or "YOUR" as used herein, refers to Yourself; WM. BOLTHOUSE
16 FARMS, INC.; BOLTHOUSE PROPERTIES, LLC, and any natural person, firm, corporation,
17 limited liability company, joint venture, partnership, association, trust or organization acting or
18 purporting to act on its behalf, including but not limited to their agents, employees, representatives,
19 assignees, transferees, sublessees, consultants, contractors and/or sub-contractors.
20

21 **DOCUMENTS TO BE PRODUCED**

22 1. Produce all groundwater pumping meter records and other related DOCUMENT(S) which
23 evidences, verifies and/or identifies the amount of groundwater pumped from any and all water wells
24 onto the SUBJECT PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term, for each
25 calendar year commencing from 2001, up through 2009.

26 2. Produce all agriculture irrigation records and other related DOCUMENT(S) which

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1 evidences, verifies or refers in any way to the type of crops irrigated and harvested on the SUBJECT
2 PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term, for each calendar year
3 commencing from 2001, up through 2009.

4
5 3. Produce all DOCUMENT(S) which evidences, verifies and/or identifies the location of the
6 real property where the water wells were located and used to pump groundwater onto the SUBJECT
7 PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term, for each calendar year
8 commencing from 2001, up through 2009.

9 4. Produce all DOCUMENT(S) which evidence, verifies and/or relates to YOUR calculations
10 of the amount of groundwater pumped from real property onto the SUBJECT PROPERTY during
11 WM. BOLTHOUSE FARMS, INC's lease term for each calendar year commencing from 2001, up
12 through 2009.

13 5. Produce all DOCUMENT(S), including all First and Annual Notices for Groundwater
14 Extraction YOU filed with the State Water Resource Control Board, which evidences, relates to
15 and/or identifies the amount of groundwater pumped from Lancaster, CA parcel APN: 3384-008-001,
16 during WM. BOLTHOUSE FARMS, INC's lease term for each calendar year commencing from 2000,
17 up through 2009.

18 6. Produce all DOCUMENT(S), including all First and Annual Notices for Groundwater
19 Extraction YOU filed with the State Water Resource Control Board, which evidences, relates to
20 and/or identifies the amount of groundwater pumped from the water well(s) located on Lancaster, CA
21 parcel APN: 3384-008-020, during WM. BOLTHOUSE FARMS, INC's lease term for each calendar
22 year commencing from 2000, up through 2009.

23 7. Produce all DOCUMENT(S), including all First and Annual Notices for Groundwater
24 Extraction YOU filed with the State Water Resource Control Board which evidences, relates to and/or

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1 identifies the amount of groundwater pumped from the water well(s) located on Lancaster, CA parcel
2 APN: 3384-020-001, during WM. BOLTHOUSE FARMS, INC's lease term for each calendar year
3 commencing from 2000, up through 2009.

4
5 8. Produce all DOCUMENT(S), including all First and Annual Notices for Groundwater
6 Extraction YOU filed with the State Water Resource Control Board which evidences, relates to and/or
7 identifies the amount of groundwater pumped from the water well(s) located on Lancaster, CA parcel
8 APN: 3384-004-004, onto the SUBJECT PROPERTY during WM. BOLTHOUSE FARMS, INC's
9 lease term for each calendar year commencing from 2000, up through 2009.

10 9. Produce all DOCUMENT(S), including all First and Annual Notices for Groundwater
11 Extraction YOU filed with the State Water Resource Control Board which evidences, relates to and/or
12 identifies the amount of groundwater pumped from the water well(s) located on Lancaster, CA parcel
13 APN: 3384-017-003, and APN: 3384-017-002, during WM. BOLTHOUSE FARMS, INC's lease term
14 for each calendar year commencing from 2000, up through 2009.

15
16 10. Produce all DOCUMENT(S), including all First and Annual Notices for Groundwater
17 Extraction YOU filed with the State Water Resource Control Board which evidences, relates to and/or
18 identifies the amount of groundwater pumped from the water wells identified by WM. BOLHOUSE
19 FARMS, INC in its Discovery Order For Phase 4 Trial as "RANCH MINN", "WELL ID" "AVOL 14-3N";
20 "AVOL 14-3S" and "LAID 13-3" for each calendar year commencing from 2001, up through 2009.

21 11. Produce copies of any water well drawings, blueprints, schematics, photographs, pictures,
22 videos or other similar DOCUMENT(S) which evidences, refers to and/or relates in any way to the
23 water wells and/or groundwater pipeline delivery system used by WM. BOLTHOUSE FARMS, INC,
24 to irrigate its crops on the SUBJECT PROPERTY .


25
26 12. Produce copies of any and all letters, emails, Agreements, Assignments, Transfers, or

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1 other DOCUMENT(S) exchanged by and between WM. BOLTHOUSE FARMS, INC.,
2 and BOLTHOUSE PROPERTIES, LLC, that evidences, refers to and/or relates in any way to the
3 terms under which BOLTHOUSE PROPERTIES, LLC's obtained authorization, a license, easement
4 or otherwise consent from WM. BOLTHOUSE FARMS, INC, to pump groundwater onto the
5 SUBJECT PROPERTY.
6

7 13. Produce copies of any and all applications, petitions, filings or other DOCUMENT(S) which
8 YOU submitted to or filed with any state and/or local governmental department, agency or board to
9 obtain permits, licenses, approval, permission or authorization to construct and/or divert groundwater
10 from any and all parcels onto the SUBJECT PROPERTY.

11 Dated: January 10, 2013

Law Offices of Sheldon R. Blum
By: 
Sheldon R. Blum, Esq.
Attorney For BLUM TRUST

1 THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
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5 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

6 Coordination Proceeding Special Title (Rule) Antelope Valley Groundwater Cases (JCCP 4408)
1550(b)) ANTELOPE VALLEY GROUNDWATER CASES)
7 (JCCP)
4408) Included Actions: Los Angeles County) Lead Case No.1-05-CV-049053
Waterworks District No. 40)
8 Plaintiff,)
vs.)
9 Diamond Farming Co. Superior Court of California)
County of Los Angeles, Case No. BC 325 201 Los)
10 Angeles County Waterworks District No. 40 v.)
Diamond Farming Co. Superior Court of)
California, County of Kern, Case No.)
11 S-1500-CV-254-348 Wm. Bolthouse Farms, Inc. v.)
City of Lancaster Diamond Farming Co. v. City of)
Lancaster Diamond Farming Co. v. Palmdale Water)
12 Dist. Superior Court of California, County of)
Riverside, consolidated actions, Case Nos. RIC)
353 840, RIC 344 436, RIC 344 668)
13 Defendant.)
14 AND RELATED ACTIONS)
PROOF OF SERVICE
Electronic Proof of Service

15 I am employed in the County of Alameda, State of California.

16 I am over the age of 18 and not a party to the within action; my business address is 2915 McClure
Street, Oakland, CA 94609.

17 The documents described on page 2 of this Electronic Proof of Service were submitted via the
worldwide web on Thu. January 10, 2013 at 1:07 PM PST and served by electronic mail notification.

18 I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and
am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described
19 document's electronic service in the following manner:

20 The document was electronically filed on the Court's website, <http://www.scefilling.org>, on Thu. January
10, 2013 at 1:07 PM PST

21 Upon approval of the document by the Court, an electronic mail message was transmitted to all parties
22 on the electronic service list maintained for this case. The message identified the document and provided
instructions for accessing the document on the worldwide web.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and

correct. Executed on January 10, 2013 at Oakland, California.

Dated: January 10, 2013

For WWW.SCEFILING.ORG

Andy Jamieson

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**THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG**

**Electronic Proof of Service
Page 2**

Document(s) submitted by Sheldon R. Blum of Law Offices of Sheldon R. Blum on Thu. January 10, 2013 at 1:07 PM PST

1. Deposition/In Calif: Blum Trust's Notice of Depositions of Wm. Bolthouse Farms, Inc's Management Employees Daniel Wilke; Steve Rodrigues; and Michael Kovacevich; & Production of Business Records