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August 22, 2008

1291.01

VIA POSTING TO COURT WEBSITE

Douglas J. Evertz
Luce, Forward, Hamilton & Scripps LLP
2050 Main Street, Suite 600
Irvine, CA 92614

Re: Antelope Valley Groundwater Cases
Judicial Council Proceeding No. 4408
Santa Clara County Superior Court Case No. 1-05-CV 049053
Expert Witness Disclosure

Dear Mr. Evertz:

We are in receipt of the expert witness disclosure statement submitted by Los Angeles County Water Works District No. 40, Rosamond Community Services District, City of Lancaster, Palmdale Water District, Quartz Hill Water District, California Water Service Company and Littlerock Creek Irrigation District. The disclosure is not adequate.

The expert witness declaration must include "a brief narrative statement of the general substance of the testimony that the expert is expected to give." (Code Civ. Proc., § 2034.260(c)(2).) The purpose of the expert witness disclosure is to give "fair notice of what an expert will say at trial." (*Bonds v. Roy* (1999) 20 Cal.4th 140, 146.) "This allows the parties to assess whether to take the expert's deposition, to fully explore the relevant subject area at any such deposition, and to select an expert who can respond with a competing opinion on that subject area." (*Id.* at pp. 146-147.)

The sole issue before the court during the Phase 2A trial is whether there are sub-basins within the Antelope Valley adjudication area. We cannot determine from your declaration what opinion, if any, Mr. Scalmanini, Mr. Utley and Mr. Williams will express at trial, whether we should take their depositions, and whether we should prepare rebuttal testimony.

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The purpose of this letter is to request that you promptly submit a supplemental declaration which includes a brief narrative statement of the general substance of your proposed experts' testimony. Absent such compliance, we will move to exclude Mr. Scalmanini's, Mr. Utley's and Mr. Williams' opinions. (Code Civ. Proc., § 2034.300.)

Very truly yours,



Robert G. Kuhs

RGK/lel

cc: Counsel and Parties

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