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William C. Kuhs, State Bar No. 39217  
Robert G. Kuhs, State Bar No. 160291  
Kuhs & Parker  
P. O. Box 2205  
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Tejon Ranchcorp

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

ANTELOPE VALLEY GROUNDWATER	)	Judicial Council Coordination No. 4408
CASES	)	
	)	Santa Clara Case No. 1-05-CV-049053
Included Actions:	)	Assigned to Hon. Jack Komar
Los Angeles County Waterworks District No. 40	)	
v. Diamond Farming Co., Superior Court of	)	
California, County of Los Angeles, Case No. BC	)	
325201;	)	
	)	
Los Angeles County Waterworks District No. 40	)	
v. Diamond Farming Co., Superior Court of	)	
California, County of Kern, Case No. S-1500-CV-	)	
254-348;	)	
	)	
Wm. Bolthouse Farms, Inc. v. City of Lancaster,	)	
Diamond Farming Co. v. Lancaster, Diamond	)	
Farming Co. v. Palmdale Water Dist., Superior	)	
Court of California, County of Riverside, Case	)	
No. RIC 353 840, RIC 344 436, RIC 344 668	)	
	)	Phase 2 Trial Date: October 6, 2008

**MOTION *IN LIMINE* FOR ORDER  
EXCLUDING EXPERT TESTIMONY  
OF N. THOMAS SHEAHAN;  
MEMORANDUM OF POINTS  
AND AUTHORITIES; AND  
DECLARATION OF ROBERT G.  
KUHS IN SUPPORT THEREOF**

To: Bolthouse Properties, LLC ("Bolthouse") and its attorney of record:

**I. MOTION**

TEJON RANHCORP ("Tejon") hereby moves for an order excluding the expert testimony of N. Thomas Sheahan under Code of Civil Procedure section 2034.300 on

KUHS & PARKER  
ATTORNEYS AT LAW  
P. O. BOX 2205  
BAKERSFIELD, CALIFORNIA 93303  
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1 the ground that Bolthouse has unreasonably failed to submit an expert witness  
2 declaration setting forth a brief narrative statement of the general substance of the  
3 testimony that its expert is expected to give at the Phase 2 Trial.

4 This motion is based on this motion, the memorandum of points and  
5 authorities in part II hereof, the declaration of Robert G. Kuhs in part III hereof, the  
6 records and papers on file herein, and on such other and further evidence as may be  
7 presented at the hearing on the motion.

8 Dated: August 29, 2008

KUHS & PARKER

9 By 

10  
11 Robert G. Kuhs,  
12 Attorney for Tejon Ranchcorp

13  
14 **II. POINTS AND AUTHORITIES**

15 **A. Introduction.**

16 The Phase 2 Trial is currently set for October 6, 2008. The sole issue before the  
17 court is whether there exists one or more basins within the Antelope Valley  
18 Adjudication Area ("AVAA"). This court ordered the parties to make a written  
19 disclosure of experts on August 15, 2008 pursuant to Code of Civil Procedure section  
20 2034.260. Tejon and other parties filed expert disclosure declarations consistent with  
21 section 2034.260; Bolthouse did not. Richard G. Zimmer filed a declaration  
22 designating one expert, N. Thomas Sheahan. Nowhere in the declaration, however,  
23 does Mr. Zimmer disclose what opinions Mr. Sheahan will offer at trial. Furthermore,  
24 the expert did not produce a written report summarizing his anticipated opinions at  
25 trial.  
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By letter dated August 22, 2008, Tejon requested that Bolthouse make a disclosure in compliance with section 2034.260 or risk exclusion at trial. Bolthouse refused to make such disclosure. Accordingly, Tejon brings this motion to exclude from the Phase 2 Trial any opinion not expressly disclosed in Bolthouse's expert witness declaration.

**B. When A Party Fails to Disclose the Substance of an Expert's Testimony, Exclusion From Trial is Mandatory.**

One of the principal purposes of civil discovery is to do away with the "sporting theory of litigation - namely, surprise at trial." (*Chronicle Pub. Co. v. Superior Court* (1960) 54 Cal.2d 548, 561.) The purpose is accomplished by giving "greater assistance to the parties in ascertaining the truth and in checking and preventing perjury," and by providing "an effective means of detecting and exposing false and fraudulent and sham claims and defenses." (*Greyhound Corp. v. Superior Court* (1961) 56 Cal.2d 355, 376.) In other words, pretrial discovery is designed to take the "game" out of pretrial preparation. (*Ibid.*) To fulfill this goal, the legislature developed a comprehensive scheme for the orderly exchange of expert witness information.

The exchange of retained expert witness information must include a declaration. The declaration must contain 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) [emphasis added].) 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

1 expert's deposition, to fully explore the relevant subject area at any such deposition,  
2 and to select an expert who can respond with a competing opinion on that subject  
3 area." (*Id.* at pp. 146-147.) "In short, the statutory scheme as a whole envisions  
4 timely disclosure of the general substance of the expert's expected testimony so that  
5 the parties may properly prepare for trial." (*Id.* at p. 148.)

7 Here, the expert witness declaration of Mr. Zimmer gives absolutely no notice  
8 of what the expert will say at trial. Mr. Zimmer states:

9 "Mr. Sheahan may give testimony regarding the  
10 hydrogeologic characteristics of the basin related to the  
11 existence or non-existence of sub-basins and any and all  
12 other issues which may be relevant to the case."

12 The declaration contains absolutely no expression of Mr. Sheahan's opinion. As a  
13 result, Tejon and the other parties to this action are left to guess as to what opinions  
14 Mr. Sheahan will actually express at trial, whether such opinions are consistent or  
15 inconsistent with the opinions expressed by Tejon's experts, whether Tejon should  
16 declare a rebuttal expert, and if so on what subject. Indeed, the declaration is  
17 completely ambivalent on the central issue for trial, whether there are separate  
18 basins within the AVAA.

20 The testimony of Mr. Sheahan should also be excluded for another reason. The  
21 expert witness declaration must contain "(a) representation that the expert will be  
22 sufficiently familiar with the pending action to submit to a meaningful oral deposition  
23 concerning the specific testimony, including any opinion and its basis, that the expert  
24 is expected to give at trial." (Code Civ. Proc., § 2034.260(c)(4).) Mr. Zimmer failed to  
25 do so and specifically acknowledges that Mr. Sheahan will not be sufficiently familiar  
26 with the pending action to submit to a meaningful oral deposition: ". . . it will be  
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1 necessary for further investigation and work to be accomplished by Mr. Sheahan,  
2 along with review and critique of the deposition and/or trial testimony of other  
3 experts, in order to fully evaluate and give meaningful and appropriate testimony at  
4 Phase 2." (See Ex. A.) In other words, Mr. Sheahan is not prepared to submit to a  
5 meaningful deposition. Since Mr. Sheahan cannot currently submit to a meaningful  
6 oral deposition, and no time frame is given as to when, if at all, he will be in a position  
7 to do so, his testimony, must in fairness be excluded from trial.  
8

9 In short, Bolthouse has failed to disclose the general substance of their expert's  
10 testimony in any fashion whatsoever. By letter dated August 22, 2008, Tejon  
11 requested that Bolthouse make a supplemental disclosure or risk exclusion at trial.  
12 (Ex. B.) Bolthouse refused to do so. (Ex. C.) As a result, Tejon and other parties to  
13 this action are prejudiced since we cannot determine from the declaration, whether  
14 Mr. Sheahan's deposition should be taken, how to prepare for cross-examination and  
15 whether we should prepare rebuttal testimony. "When an expert is permitted to  
16 testify at trial on a wholly undisclosed subject area, opposing parties similarly lack a  
17 fair opportunity to prepare for cross-examination or rebuttal. It makes little practical  
18 difference whether the party proffering the expert testimony failed to submit an  
19 expert witness declaration or submitted an inaccurate one." (*Bonds v. Ray, supra*, 20  
20 Cal.4th at p. 147.) Exclusion from trial is appropriate.  
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23 **C. Conclusion.**

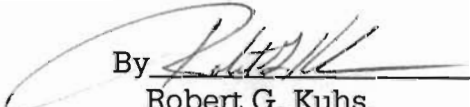
24 Based on the foregoing, Tejon respectfully requests that the court enter an  
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1 order excluding the testimony of N. Thomas Sheahan in the form attached hereto as  
2 **Exhibit D.**

3 Dated: August 29, 2008

Respectfully submitted,

4 KUHS & PARKER

5  
6   
7 By \_\_\_\_\_  
8 Robert G. Kuhs,  
9 Attorney for Tejon Ranchcorp

10 **III. DECLARATION OF ROBERT G. KUHS**

I, ROBERT G. KUHS, declare as follows:

11 1. I am an attorney at law duly admitted to practice before all courts of the  
12 State of California and a partner of Kuhs & Parker, counsel for Tejon.

13 2. Attached as **Exhibit A** is a true and correct copy of the Expert Witness  
14 Declaration submitted by Bolthouse.

15 3. Attached as **Exhibit B** is a true and correct copy of my August 22, 2008  
16 letter to Mr. Zimmer requesting that he promptly supplement his declaration and  
17 further warning that absent such supplemental declaration, Tejon would move to  
18 exclude the testimony of his expert at trial.

19 4. Attached as **Exhibit C** is a true and correct copy of Mr. Zimmer's  
20 August 25, 2008 response.

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

23 Dated: August 25, 2008

24   
25 \_\_\_\_\_  
26 Robert G. Kuhs

27 C:\WPDATA\WCK\Tejon Ranch\Motion for Order Excluding Testimony of Sheahan.wpd

1 RICHARD G. ZIMMER - SBN 107263  
2 T. MARK SMITH - SBN 162370  
3 CLIFFORD & BROWN  
4 A Professional Corporation  
5 Attorneys at Law  
6 Bank of America Building  
7 1430 Truxtun Avenue, Suite 900  
8 Bakersfield, CA 93301-5230  
9 (661) 322-6023

10 Attorneys for Bolthouse Properties, LLC

11 SUPERIOR COURT OF CALIFORNIA

12 COUNTY OF SANTA CLARA

13 \* \* \*

14 COORDINATION PROCEEDING ) Judicial Council Coordination  
15 SPECIAL TITLE (Rule 1550(b)) ) Proceeding No. 4408  
16 ANTELOPE VALLEY GROUNDWATER )  
17 CASES ) CASE NO. 1-05-CV-049053  
18 INCLUDED ACTIONS: )  
19 LOS ANGELES COUNTY WATERWORKS ) WRITTEN EXCHANGE OF REQUIRED  
20 DISTRICT NO. 40 v. DIAMOND ) EXPERT WITNESS INFORMATION  
21 FARMING COMPANY, et al., ) PURSUANT TO C.C.P. §2034.210  
22 Los Angeles Superior Court ) AND EXPERT WITNESS DECLARATION  
23 Case No. BC325201 ) PURSUANT TO C.C.P. §2034.260(c)  
24 LOS ANGELES COUNTY WATERWORKS )  
25 DISTRICT NO. 40 v. DIAMOND )  
26 FARMING COMPANY, et al., )  
Kern County Superior Court )  
Case No. S-1500-CV-254348 ) DATE: July 24, 2006  
DIAMOND FARMING COMPANY, and ) TIME: 10:00 a.m.  
W.M. BOLTHOUSE FARMS, INC., v. ) DEPT: D-1  
CITY OF LANCASTER, et al., )  
Riverside Superior Court ) Location:  
Case No. RIC 344436 [c/w case no. )  
RIC 344668 and 353840] ) LOS ANGELES SUPERIOR COURT  
ROSAMOND COMMUNITY SERVICES ) 111 North Hill Street  
DISTRICT, ) Los Angeles, CA 90012  
CROSS-COMPLAINANT, )

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that BOLTHOUSE PROPERTIES, LLC,  
3 hereinafter ("BOLTHOUSE") makes the following written exchange of  
4 required expert witness information pursuant to *Code of Civil*  
5 *Procedure* § 2034.210.

6 RETAINED

7 1. N. Thomas Sheahan, Principal Hydrogeologist, Geomatrix  
8 Consultants, Inc., 250 E. Rincon, Suite 204, Corona, CA 92879.

9 2. That in addition to the above, BOLTHOUSE reserves the  
10 right to call as expert witnesses any or all of the experts who  
11 have been, or may subsequently be, designated by any of the  
12 parties to this case.

13 3. That in addition to the above, BOLTHOUSE reserves the  
14 right, pursuant to Section 2034.280 of the *Code of Civil*  
15 *Procedure*, as well as any other constitutional, statutory and/or  
16 common law rights he may have, to later name other experts before  
17 the trial or call to testify at trial experts not named, whose  
18 testimony may be utilized to rebut the contentions and testimony  
19 of the parties, the parties' experts or other persons or experts  
20 that may testify.

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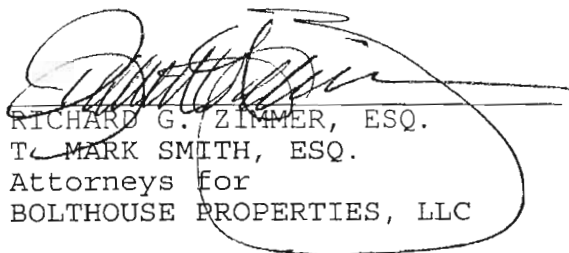


1           4.    Should BOLTHOUSE ascertain the name of any additional  
2 expert witness, other than rebuttal witnesses, prior to trial,  
3 BOLTHOUSE will immediately identify said expert and make him/her  
4 available for deposition upon reasonable notice and at a time and  
5 place convenient for all parties.

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DATED: August 15, 2008

CLIFFORD & BROWN

By:   
RICHARD G. ZIMMER, ESQ.  
T. MARK SMITH, ESQ.  
Attorneys for  
BOLTHOUSE PROPERTIES, LLC

DECLARATION OF RICHARD G. ZIMMER

I, RICHARD G. ZIMMER, declare:

1. That I am an attorney at law licensed to practice in the State of California and a member of the law firm of Clifford & Brown.

2. That I am primarily responsible for the handling of the above-captioned matter on behalf of BOLTHOUSE PROPERTIES, LLC. I am familiar with the case and make this expert witness declaration pursuant to *Code of Civil Procedure* § 2034.260(c):

3. N. THOMAS SHEAHAN

A. Geomatrix Consultants, Inc., 250 E. Rincon, Suite 204, Corona, CA 92879.

B. Mr. Sheahan is a Hydrogeologist. A copy of his curriculum vitae is attached hereto as Exhibit "A" which sets forth his qualifications in more detail;

C. Given the fact that virtually no discovery has been accomplished and that it appears that different parties still may have different ideas about what matters are truly at issue in Phase 2, it would be impossible to accurately define the scope of Mr. Sheahan's testimony. However, it does appear, based upon the Court's comments, that sub-basins will be the subject of the Phase 2 Trial. Mr. Sheahan may give testimony regarding the hydrogeologic characteristics of the basin related to the existence or non-existence of sub-basins and any and all other issues which may be relevant to the case.

It also should be noted that since virtually no

1 discovery has been accomplished and since the allegations of the  
2 various parties with regard to the Phase 2 issues is not known, it  
3 will be necessary for further investigation and work to be  
4 accomplished by Mr. Sheahan, along with review and critique of the  
5 depositions and/or trial testimony of other experts, in order to  
6 fully evaluate and give meaningful and appropriate testimony at  
7 Phase 2. Mr. Sheahan's testimony will include all potential  
8 issues raised by other experts in depositions and/or at trial,  
9 including analysis of any and all further documents, writings,  
10 studies, etc. which may be necessary to properly evaluate said  
11 issues and any other issue which becomes relevant at Phase 2.

12 D. Mr. Sheahan's hourly fee for providing testimony  
13 is \$600.00 per hour, a minimum of four (4) hours per day;

14 E. The expert identified in this declaration has  
15 agreed to testify at the trial and will be sufficiently familiar  
16 with the pending action to submit to a meaningful oral deposition  
17 concerning that expert's testimony, including any opinion and its  
18 basis that said expert is expected to give at trial.

19 I declare, under penalty of perjury, that the foregoing is  
20 true and correct of my own personal knowledge, except as to those  
21 matters stated to be based upon information and belief, and as to  
22 such matters, I am informed and believe that they are true and  
23 correct.

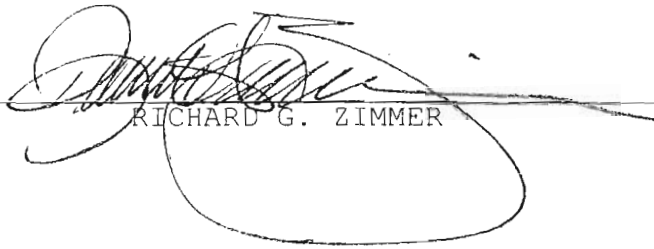
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Executed this 15th day of August, 2008, at Bakersfield,  
California.



RICHARD G. ZIMMER

KUHS & PARKER

ATTORNEYS AT LAW

WILLIAM C. KUHS  
JAMES R. PARKER, JR.  
ROBERT G. KUHS

P. O. BOX 2205  
BAKERSFIELD, CALIFORNIA 93303  
(661) 322-4004

1200 TRUXTUN AVENUE, SUITE 200  
BAKERSFIELD, CALIFORNIA 93301

TELECOPIER NO.  
(661) 322-2906

OUR FILE NO.

August 22, 2008

1291.01

Richard G. Zimmer  
Clifford & Brown  
1430 Truxtun Avenue, Suite 900  
Bakersfield, CA 93301-5230

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. Zimmer:

We are in receipt of Bolthouse Properties, LLC ("Bolthouse") expert witness disclosure statement. The disclosure is not adequate.

The expert witness declaration must include (a) "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 discovery statute 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 and 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 or any material incorporated by reference therein, what opinion, if any, Mr. Sheahan will express, whether we should take his deposition, and whether we should prepare rebuttal testimony.

The purpose of this letter is to request that Bolthouse properly submit a supplemental declaration which includes a brief narrative statement of the general

Richard G. Zimmer  
August 22, 2008  
Page 2

substance of Mr. Sheahan's testimony as required. Absent such compliance, will move to exclude Mr. Sheahan's opinion. (Code Civ. Proc., § 2034.300.)

Very truly yours,



Robert G. Kuhs

RGK/lel

cc: Counsel and Parties

STEPHEN T. CLIFFORD  
JAMES E. BROWN  
ROBERT D. HARDING  
ARNOLD ANCHORDOQUY  
PATRICK J. OSBORN  
MICHAEL L. O'DELL  
GROVER H. WALDON  
JOHN R. SZEWCZYK  
STEPHEN H. BOYLE+  
JAMES B. WIENS  
RICHARD G. ZIMMER  
CHARLES D. MELTON  
T. MARK SMITH

OF COUNSEL  
ANTHONY L. LEGGIO

† LLM TAXATION

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BRENDA A. ENDERLE  
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TIMOTHY M. OSBORN  
MARC E. DENISON

KATHY R. SMITH  
OFFICE ADMINISTRATOR

www.clifford-brownlaw.com

August 25, 2008

2455-2

Robert G. Kuhs, Esq.  
Kuhs & Parker  
1200 Truxtun Avenue, Suite 200  
Bakersfield, CA 93301

Re: Antelope Valley Groundwater Litigation  
Santa Clara County Superior Court Case No. 1-05-CV-049053  
Judicial Council Coordination Proceeding No. 4408

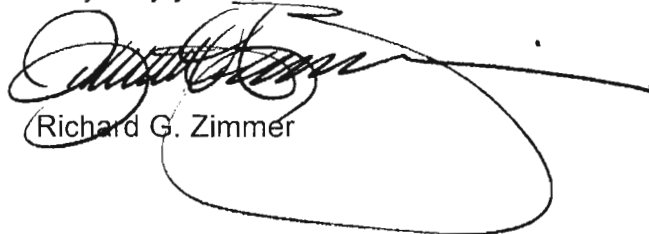
Dear Mr. Kuhs:

The following correspondence is in reference to your correspondence dated August 22, 2008. As you know, the Court, within the past few weeks, decided for the first time that the Phase 2 Trial would be for the purpose of determining whether there are any sub-basins in the area of adjudication. Since sub-basins was not an issue in the Riverside case, nor an issue of any significance in the Technical Committee, and since we only recently received the reports of other experts regarding potential sub-basins, it is difficult to provide you with any additional information as you have requested.

Generally speaking, I believe our expert is of the opinion that the area of adjudication is a hydraulically connected common water source. However, until other experts indicate what they plan to testify about, I do not know whether we will use our expert, Tom Sheahan, or not, or if so, on what particular issues.

Give me a call if you have any further questions or comments. I hope this helps.

Very truly yours,



Richard G. Zimmer

RGZ/nm

cc: Counsel and Parties

BL/BOLTHOUSE/ANTELOPE/SANTA CLARA/KUHS-01

Exhibit C

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William C. Kuhs, State Bar No. 39217  
Robert G. Kuhs, State Bar No. 160291  
Kuhs & Parker  
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Bakersfield, CA 93303  
Telephone: (661) 322-4004  
Facsimile: (661) 322-2906  
E-Mail: kpslaw@lightspeed.net

Defendant Tejon Ranchcorp

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

ANTELOPE VALLEY GROUNDWATER )  
CASES )  
 )  
Included Actions: )  
Los Angeles County Waterworks District No. 40 )  
v. Diamond Farming Co., Superior Court of )  
California, County of Los Angeles, Case No. BC )  
325201; )  
 )  
Los Angeles County Waterworks District No. 40 )  
v. Diamond Farming Co., Superior Court of )  
California, County of Kern, Case No. S-1500-CV- )  
254-348; )  
 )  
Wm. Bolthouse Farms, Inc. v. City of Lancaster, )  
Diamond Farming Co. v. Lancaster, Diamond )  
Farming Co. v. Palmdale Water Dist., Superior )  
Court of California, County of Riverside, Case )  
No. RIC 353 840, RIC 344 436, RIC 344 668 )  
 )  
Phase 2 Trial Date: October 6, 2008

Judicial Council Coordination No. 4408  
Santa Clara Case No. 1-05-CV-049053  
Assigned to Hon. Jack Komar

**[PROPOSED] ORDER EXCLUDING  
EXPERT TESTIMONY**

The motion of TEJON RANCHCORP ("Tejon") for an order excluding the expert testimony of N. Thomas Sheahan came on regularly for hearing in Department 1 of the above-entitled court, the Honorable Jack Komar, presiding. The court, having

**Exhibit D**

**KUHS & PARKER**  
ATTORNEYS AT LAW  
P. O. Box 2205  
BAKERSFIELD, CALIFORNIA 93303  
(661) 322-4004 • FAX (661) 322-2906



1 considered the papers submitted and oral argument of counsel, and good cause  
2 appearing therefor,

3 IT IS HEREBY ORDERED that:

4 1. N. Thomas Sheahan is excluded from offering any opinion in the Phase 2  
5 Trial.

6 Dated: \_\_\_\_\_, 2008

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8 \_\_\_\_\_  
9 Judge of the Superior Court

10 C:\WPDATA\WCK\Tejon Ranch\Sheahan Order.wpd

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KUHS & PARKER  
ATTORNEYS AT LAW  
P. O. Box 2205  
BAKERSFIELD, CALIFORNIA 93303  
(661) 322-4004 • FAX (661) 322-2906

**PROOF OF SERVICE**

I, Lidia E. Luna, declare:

I am employed in the County of Kern, State of California. I am over the age of 18 and am not a party to the within action; my business address is Kuhs & Parker, 1200 Truxtun Avenue, Suite 200, Bakersfield, California 93301.

On August 29, 2008, I caused the foregoing document(s) described as: **MOTION *IN LIMINE* FOR ORDER EXCLUDING EXPERT TESTIMONY OF N. THOMAS SHEAHAN; MEMORANDUM OF POINTS AND AUTHORITIES; AND DECLARATION OF ROBERT G. KUHS IN SUPPORT THEREOF** to be served on the parties in this action, as follows::

(X) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: [www.scefiling.org](http://www.scefiling.org) regarding the Antelope Valley Groundwater matter.

( ) (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced document(s) were placed in seal envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at Bakersfield, California, addressed to:

( ) (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for delivery on the next business day. Each copy was enclosed in an envelope or package designated by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.

( ) (BY FACSIMILE TRANSMISSION) I am "readily familiar" with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.

(X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
\_\_\_\_\_  
Lidia E. Luna

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