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15 Attorneys for Plaintiff

16 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
17 **COUNTY OF LOS ANGELES**

18 Coordination Proceeding Special Title (Rule  
19 1550(b))

JUDICIAL COUNCIL COORDINATION  
PROCEEDING No. 4408

20 ANTELOPE VALLEY GROUNDWATER  
21 CASES

(Santa Clara Case No. 1-05-CV-049053,  
Honorable Jack Komar)

22 RICHARD A. WOOD, an individual, on  
23 behalf of himself and all others similarly  
24 situated,

Case No.: BC391869

Plaintiff,

**RICHARD WOOD'S NOTICE OF *EX*  
*PARTE* HEARING ON HANDLING OF  
TRIAL TESTIMONY OF JOSEPH  
SCALAMININI**

v.

Date: December 30, 2010

Time: 9:00

Place: Telephonic

25 LOS ANGELES COUNTY  
26 WATERWORKS DISTRICT NO. 40; et al.

(800) 508-2831

code: 8821453#

Defendants.

1 PLEASE TAKE NOTICE THAT on December 31, 2010, at 9:00 a.m., a hearing  
2 will be held on Richard Wood's application for an order resolving the manner of  
3 presentation of the trial testimony for Joseph Scalaminini. The hearing will be  
4 telephonic, and only attorneys for the parties may participate. The telephone number for  
5 the conference call is 800-508-2831, and the passcode is 8821453#.

6  
7 The parties have been informed that Mr. Scalaminini can only testify 3 hours per  
8 day, and cannot appear in person. Richard Wood believes the following proposal best  
9 accommodates the witness, the Court's desire to proceed with the trial, and the concerns  
10 of the overlying landowners about having an orderly and fair trial process:

11 1. On Tuesday January 4, 2011, the purveyors should begin offering  
12 testimony with witnesses other than Mr. Scalmanini. AGWA's understanding of the  
13 purveyor's case-in-chief is that these witnesses' testimony was largely intended to be  
14 foundational to Mr. Scalmanini's testimony. The Court should encourage the purveyors  
15 to have these witnesses cover as much of the material otherwise intended to be covered  
16 by Mr. Scalmanini as possible.

17 2. At the end of this testimony the Court should go into recess for a two week  
18 period during which a videotaped deposition will be conducted of Mr. Scalmanini at a  
19 location convenient to Mr. Scalmanini. During this deposition, the purveyors may  
20 conduct direct testimony of Mr. Scalmanini as to those issues no previously covered by  
21 the other purveyor witnesses. Opposing counsel may conduct cross-examination at that  
22 time as well.

23 3. This videotaped deposition testimony will then be offered in Court as Mr.  
24 Scalmanini's testimony in this matter.

25 This proposal will allow the trial to commence on January 4, 2011 as planned, and  
26 will allow for the efficient presentation of Mr. Scalmanini's testimony to the Court  
27 without the necessity of abbreviated Court days or the confusion attendant to the

1 presentation of overlapping expert testimony. This proposal is also more protective of  
2 Mr. Scalmanini's health as it will provide the purveyors the opportunity to lessen the  
3 burden on Mr. Scalmanini by seeking to have his subject areas covered by the other  
4 designated witnesses and it will allow for more flexibility in the conduct of his testimony  
5 than would a formal Court setting.

6  
7 DATED: December 30, 2010

LAW OFFICES OF MICHAEL D. McLACHLAN  
LAW OFFICE OF DANIEL M. O'LEARY

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9  
10 By: \_\_\_\_\_ //s//

11 Michael D. McLachlan  
12 Attorneys for Plaintiff  
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PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action. My business address is 10490 Santa Monica Boulevard, Los Angeles, CA, 90025. On the date set forth below, I served the within document(s) by posting the document(s) listed below to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter: **RICHARD WOOD'S NOTICE OF *EX PARTE* HEARING ON HANDLING OF TRIAL TESTIMONY OF JOSEPH SCALAMININI**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 30, 2010 at Los Angeles, California.

\_\_\_\_\_  
//s//  
Mike McLachlan