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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))

20 ANTELOPE VALLEY GROUNDWATER
21 CASES

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

25 Plaintiff,

26 v.

27 LOS ANGELES COUNTY
28 WATERWORKS DISTRICT NO. 40; et al.

Defendants.

JUDICIAL COUNCIL COORDINATION
PROCEEDING No. 4408

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

Case No.: BC391869

**RICHARD WOOD'S OBJECTION TO
ADMISSION INTO EVIDENCE OF
JOSEPH SCALAMININI EXHIBITS
AND JOINDER**

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1 Richard Wood files this objection regarding the admission into evidence of
2 exhibits used during the testimony of Joseph Scalamini, should any party seek to admit
3 them.

4 An expert may state the matters on which he or she relied, but may not testify to
5 the details of those matters if they are otherwise inadmissible. (*People v. Coleman*
6 (1985) 38 Cal.3d 69, 92; *Furtado v. Montebello Unified School District* (1962) 206
7 Cal.2d 72, 79. “Likewise, while an expert may state on direct examination he or she
8 relied on information contained in certain reports, the expert may not testify as to the
9 contents of such reports.” (*Wegner et al., Civil Trials and Evidence* (Rutter 2010) §
10 8:761; *Continental Airlines v. McDonnell Douglas Corp.* (1989) 216 Cal.App.3d 388,
11 416; *Grimshaw v. Ford Motor Co.* (1981) Cal.App.3d 757, 788.) **Exhibits 20, 23, 24, 26**
12 **to 28, 33 to 45, 59 to 63 to 65, 71 to 77, 83, 84, 95, 97, 98, and 101** all violate these
13 evidentiary rules. Mr. Scalamini has chosen to conduct essentially no field work or
14 first-hand data gathering; instead, his testimony is almost entirely dependent on data
15 gathered by third parties, the reliability of which cannot be verified, or tested through
16 cross examination. While he may rely on hearsay information in forming his opinions,
17 this underlying data and the conclusions of third parties cannot come into evidence.

18 Many of Mr. Scalamini’s exhibits are entirely hearsay, and not subject to any
19 exception to the rule. **Exhibits 4 through 11, 13 and 14** are each objectionable on these
20 grounds. The testimony of the witness failed to establish that the various quoted sources
21 are actually accurate, i.e. that the texts and authors cited actually said what they are
22 asserted to have said. Furthermore, these exhibits constitute improper expert testimony
23 on the law. It is the Court’s job to establish the legal definition of safe yield and
24 overdraft, not the expert witnesses.

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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 OBJECTION TO ADMISSION INTO EVIDENCE OF JOSEPH SCALAMININI EXHIBITS AND JOINDER**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 13, 2011 at Los Angeles, California.

 //s// Michael D. McLachlan
Michael D. McLachlan