1 2 3 4 5 6 7 8 9 10	Michael D. McLachlan (State Bar No. 18170 LAW OFFICES OF MICHAEL D. McLA 10490 Santa Monica Boulevard Los Angeles, California 90025 Telephone: (310) 954-8270 Facsimile: (310) 954-8271 mike@mclachlanlaw.com Daniel M. O'Leary (State Bar No. 175128) LAW OFFICE OF DANIEL M. O'LEARY 10490 Santa Monica Boulevard Los Angeles, California 90025 Telephone: (310) 481-2020 Facsimile: (213) 630-0049 dan@danolearylaw.com Attorneys for Plaintiff	CHLAN, APC		
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12	SUPERIOR COURT FOR THE STATE OF CALIFORNIA			
13	COUNTY OF LOS ANGELES			
14 15	Coordination Proceeding Special Title (Rule 1550(b))	JUDICIAL COUNCIL COORDINATION PROCEEDING No. 4408		
16 17	ANTELOPE VALLEY GROUNWATER CASES	(Santa Clara Case No. 1-05-CV-049053, Honorable Jack Komar)		
18 19	RICHARD A. WOOD, an individual, on behalf of himself and all others similarly situated,	Case No.: BC391869 RICHARD WOOD'S OBJECTION TO ADMISSION INTO EVIDENCE OF		
20	Plaintiff,	JOSEPH SCALAMININI EXHIBITS AND JOINDER		
21	V.			
22 23	LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40; et al.			
24	Defendants.			
25				
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28		O ADMISSION INTO EVIDENCE OF EXHIBITS AND JOINDER		

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

Richard Wood files this objection regarding the admission into evidence of
exhibits used during the testimony of Joseph Sclamanini, should any party seek to admit
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. Scalaminini 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.

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

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

1	Exhibits 16 and 17 are irrelevant because the question of subsidence in the San		
2	Joaquin and San Fernando basins has no bearing on these proceedings. The exhibits also		
3	lack foundation.		
4	Exhibits 18 and 19 should not be admitted because no foundation has been		
5	established that these pictures are in fact in the Antelope Valley.		
6	<b>Exhibit 101</b> , the "summary expert report," cannot be admitted into evidence as for		
7	all of the foregoing reasons. Nearly every single page of this exhibit contains hearsay.		
8	This report is replete with data for which no foundation has been established.		
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10	Richard Wood also joins in any objections to the direct or redirect testimony of		
11	Mr. Scalaminini and the admissibility of his exhibits made by any other parties.		
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13	DATED: February 13, 2011 LAW OFFICES OF MICHAEL D. McLACHLAN		
14	LAW OFFICE OF DANIEL M. O'LEARY		
15			
16	By: <u>//s//_Michael D. McLachlan</u>		
17	Michael D. McLachlan Attorneys for Plaintiff		
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28	RICHARD WOOD'S OBJECTION TO ADMISSION INTO EVIDENCE OF JOSEPH SCALAMININI EXHIBITS AND JOINDER		

1	PROOF OF SERVICE	
2	I am a resident of the State of California and over the age of eighteen years, and	
3	not a party to the within action. My business address is 10490 Santa Monica Boulevard,	
4	Los Angeles, CA, 90025. On the date set forth below, I served the within document(s)	
5	by posting the document(s) listed below to the Santa Clara County Superior Court	
6	website in regard to the Antelope Valley Groundwater matter: <b>RICHARD WOOD'S</b>	
7	OBJECTION TO ADMISSION INTO EVIDENCE OF JOSEPH SCALAMININI	
8	EXHIBITS AND JOINDER	
9		
10	I declare under penalty of perjury under the laws of the State of California that the	
11	above is true and correct. Executed on February 13, 2011 at Los Angeles, California.	
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13	//s//_ Michael D. McLachlan	
14	Michael D. McLachlan	
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