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6 Attorney for Quartz Hill Water District
7 Defendant/Cross Complainant
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES-CENTRAL DISTRICT

11 ANTELOPE VALLEY GROUNDWATER
12 CASES

13 Included Actions:

14 Los Angeles County Waterworks District No.
15 40 v. Diamond Farming Co.
16 Superior Court of California, County of Los
17 Angeles, Case No. BC325201;

18 Los Angeles County Waterworks District
19 No. 40 v. Diamond Farming Co.
20 Superior Court of California
21 County of Kern, Case No. S-1500-CV-254-
22 348;

23 Wm. Bolthouse Farms, Inc. v. City of
24 Lancaster
25 Diamond Farming Co. v. City of Lancaster
26 Diamond Farming Co. v. Palmdale Water Dist.
27 Superior Court of California
28 County of Riverside, consolidated actions
Case Nos. RIC 353840, RIC 344436,
RIC 344668.

**Judicial Council Coordination Proceeding No.
4408**

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar Dept. I

**DECLARATION OF UNAVAILABILITY OF
BRADLEY T. WEEKS REGARDING EX
PARTE HEARING SCHEDULED FOR
FEBRUARY 24, 2011**

1 I, Bradley T. Weeks, declare as follows:
2

3 1. If called to testify as a witness in the above mentioned matter, I could
4 competently testify to the following matters, which are within my personal knowledge.
5

6 2. I am an attorney licensed to practice law in the State of California. I
7 represent Quartz Hill Water District in this matter.

8 3. On February 12, 2011 I prepared responses to Special Interrogatories and
9 Requests for Production served upon the Public Water Suppliers by Rebecca Willis.

10 4. The Special Interrogatories and Requests for Production requested
11 information regarding communication that is privileged under the under the Attorney-
12 Client privilege. Specifically, Ms. Willis requested copies of attorney bills and requested
13 that the responding parties prepare compilations of those bills. Accordingly, all of the
14 interrogatories and requests were objected to on that basis (Los Angeles Bar Ass'n
15 Form.Opns. 456(1989)). The interrogatories and requests were subject to numerous other
16 objections.

17 5. On February 18, 2011 at a telephonic meet and confer meeting between Mr.
18 Kalfayan, many other parties, and myself, I reiterated my position that the discovery
19 requests were subject to the attorney client privilege, although I stated that I would be
20 willing to look at any authority that interpreted the California Attorney-Client privilege to
21 not include attorney-client billing. I have looked for such authority myself, and found
22 none.

23 6. As of the preparation of this declaration, Mr. Kalfayan has not provided me
24 with any authority for the proposition that attorney bills sent to the attorney's client are not
25 protected by the attorney client privilege.

26 7. Near the conclusion of the meet and confer Mr. Kalfayan stated that he
27 intended to bring an ex parte motion on February 24, 2011. I informed Mr. Kalfayan that I
28 could not attend on that date because I was engages in another trial.

1 8. I am currently scheduled for trial in Department A11 of the Los Angeles
2 Superior Court, North District in front of the Honorable Randolph Rogers in the case *In Re*
3 *Conservatorship of Stanley H. Hawkes*, case number MP005589. This trial is scheduled to
4 start at 8:30 a.m. on February 24, 2011 and is scheduled to last for two days. This trial has
5 been previously continued do my participation in this case. It was not my preference to
6 have another trial while I am in recess in this trial, but this is the date selected by the court
7 and I fully expect the *Hawkes* trial to start on February 24, 2011.

8 9. Despite my unavailability, Mr. Kalfayan has give notice of an ex parte
9 hearing regarding these discovery issued for February 24, 2011. I am unable to attend this
10 ex parte due to the trial before Honorable Randolph Rogers.

11 10. If this court is inclined to hear Mr. Kalfayan's motion, I request the court
12 schedule it for March 14, 2011, the first day of trial in this matter.

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14 I declare under penalty of perjury under the laws of the State of California the foregoing is
15 true and correct.

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17 Date: February 22, 2011

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19 _____
/s/ Bradley T. Weeks

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PROOF OF SERVICE

I am employed in the aforesaid county, State of California; I am over eighteen years of age and not a party to the within action; my business address is:
1007 West Avenue M14, Suite A, Palmdale, California 93551.

On February 14, 2011 at my place of business at Palmdale, California, a copy of the following document(s):

DECLARATION OF UNAVAILABILITY REGARDING EX PARTE HEARING SCHEDULED FOR FEBRUARY 24, 2011

By posting the documents listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Matter:

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

Executed on February 22, 2011

/s/ Gayle P.J. Fenald