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Attorneys for Cross-Defendant,
SHEEP CREEK WATER COMPANY, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES**

Coordination Proceeding
Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

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

Including Actions:

) **NOTICE OF EXPERT WITNESS
DEPOSITIONS [JOSEPH SCALMANINI
AND DR. JUNE OBERDORFER] AND
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California, County of Los
Angeles, Case No. BC 325 201

) DATE: December 11/12, 2008
) TIME: 9:30 a.m.
) LOCATION: 3750 University Avenue
Suite 250
Riverside, CA 92501

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. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
Riverside, consolidated actions, Case Nos. RIC
353 840, RIC 344 436, RIC 344 668

) **MOTION Date: December 18, 2008**

AND RELATED CROSS-ACTIONS.

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1 PLEASE TAKE NOTICE THAT:

2 I.

3 NOTICE OF DEPOSITIONS

4 SHEEP CREEK WATER COMPANY (the "Noticing Party") will take the depositions of
5 the following expert witnesses (the "DEPONENT") at the Law Offices of Gresham Savage
6 Nolan & Tilden, APC, at 3750 University Avenue, Suite 250, Riverside, CA 92501, on the
7 following dates and times, and will continue from day-to-day thereafter, Sundays and Holidays
8 excepted:

9 <u>DEPONENT</u>	<u>Date</u>	<u>Time</u>
10 Joseph Scalmanini	December 11, 2008	9:30 a.m.
11 Dr. June Oberdorfer	December 11, 2008	9:30 a.m.

12 II.

13 REQUEST FOR PRODUCTION

14 The DEPONENT is required to produce the following DOCUMENTS at the time of
15 his/her deposition:

16 A. Definitions.

17 1. The term "COMMUNICATION(S)" is a broadly inclusive term referring to any
18 and all DOCUMENTS or documentation, as defined below, which, in any way, refers or relates
19 to or otherwise evidences information, ideas or oral, written or physical acts, whether or not
20 intended to be transmitted or received.

21 2. The terms "DOCUMENT(S)" and/or "DOCUMENTATION" shall have the
22 broadest possible meaning and encompass, without limitation, the terms "in writing" and
23 "recordings" as defined in *California Evidence Code* section 250 and include, without limitation
24 all written, graphic or otherwise recorded matter, however produced or reproduced, including the
25 originals (or any copies when originals are not available) and non-identical copies (where
26 different, for example, because notes were made on such copies or because said copies may have
27 been sent to different individuals than the original, or for any other reason) and preliminary or
28 final drafts or records, and recordings of every kind and description, whether inscribed by hand

1 or by electronic, microfilm, photographic or other means, as well as phonic or visual
2 reproductions, statements, conversations or events, including, but not limited to, correspondence,
3 teletype messages, facsimile messages, notes, reports, compilations, drawings, plans, pictures,
4 computer printouts, computer disks and tapes, computer files, computerized data of any kind,
5 intranet and internet computer messages and transmissions, inter-office and intra-office
6 communications, notes of conversations, financial calculations and statements, working papers,
7 statistical analysis, invoices, purchase orders, expense account records, diaries, calendars,
8 manuals, pamphlets, contracts, agreements, and any summaries and analysis of the above, and all
9 other recorded matter of every kind and nature.

10 3. The term "**PERSON(S)**" means a natural person, corporation, business trust,
11 estate, trust, partnership, limited liability company, association, league, joint venture,
12 governments, and municipalities (including all departments, agencies, bureaus, officers, agents
13 and subdivisions thereof) and all other business and artificial entities, and shall include persons
14 living or deceased.

15 4. The terms "**DEPONENT**," "**YOU**" or "**YOUR**" refers to the **DEPONENT**
16 identified above in this Notice, and includes **YOUR** agents, **YOUR** employees, **YOUR**
17 assistants, and anyone else acting on **YOUR** behalf or pursuant to **YOUR** direction or request in
18 connection with **YOUR** investigation and/or preparation to opine on the subject matter of the
19 **MOTION** as defined below, and of any phase of trial involving issues that may bear on the
20 subject matter of the **MOTION** as defined below.

21 5. The term "**MOTION**" refers to *Sheep Creek Water Company's **MOTION** To Be*
22 *Excluded From The Antelope Valley Groundwater Adjudication, Or, In The Alternative, For*
23 *Recognition Of Its Prior Rights To The Waters Of Sheep Creek* that is presently set for hearing
24 on December 18, 2008.

25 6. Other defined terms shall have the meaning set forth in the **MOTION** and
26 supporting papers.

27 **B. DOCUMENTS and Things to be Produced.**

28 The **DEPONENT** is required to produce, at the date, time and location so noticed, all

1 **DOCUMENTS** described below. This demand relates not only to all **DOCUMENTS** in the
2 possession of **DEPONENT**, but also to all **DOCUMENTS** under the care, custody and/or
3 control of **DEPONENT** and those **DOCUMENTS** which are reasonably available to the
4 **DEPONENT**.

5 1. Any and all **DOCUMENTS** received, reviewed and/or relied upon by the
6 **DEPONENT** in preparing to give testimony on or in connection with the subject matter of the
7 **MOTION** and of any phase of trial involving issues that may bear on the subject matter of the
8 **MOTION**.

9 2. Any and all preliminary, draft and final **DOCUMENTS** prepared by or on behalf
10 of the **DEPONENT** which in any way pertain to the **DEPONENT's** review, analysis, opinions,
11 conclusions, or beliefs regarding the subject matter of the **MOTION** and of any phase of trial
12 involving issues that may bear on the subject matter of the **MOTION**.

13 3. Any and all **DOCUMENTS** that summarize the **DEPONENT's** education,
14 training and experience, including all versions of the **DEPONENT's** resume or curriculum vitae.

15 4. Any and all **DOCUMENTS** that the **DEPONENT** intends to use at the hearing
16 on the **MOTION**, including those for illustrative purposes or as demonstrative evidence.

17 5. Any and all handwritten notes, field notes, calculations or other "writings" (as
18 defined by California *Evidence Code*, section 250) prepared by or on behalf of said
19 **DEPONENT** or by someone at the direction of said **DEPONENT** pertaining to the subject
20 matter of the **MOTION** and of any phase of trial involving issues that may bear on the subject
21 matter of the **MOTION**.

22 6. Any and all maps, models (including both programs and runs), graphs,
23 photographs, videotapes, scans, micrographics, or other such recordings reviewed, received,
24 analyzed, prepared by, considered, and/or relied upon which pertain to the **DEPONENT's**
25 opinions regarding the subject matter of the **MOTION** and of any phase of trial involving issues
26 that may bear on the subject matter of the **MOTION**.

27 7. Any and all books, articles, treatises, reports, journals, publications and other
28 **DOCUMENTS**, which the **DEPONENT** has reviewed, considered or relied upon (or intends to

1 review, consider or rely upon) which in any way form the basis for any opinion, conclusion or
2 analysis of the subject matter of the **MOTION** and of any phase of trial involving issues that
3 may bear on the subject matter of the **MOTION**.

4 8. Any and all **DOCUMENTS** that set forth the terms and conditions of the
5 **DEPONENT's** employment in this matter, including as it relates to the subject matter of the
6 **MOTION** and of any phase of trial involving issues that may bear on the subject matter of the
7 **MOTION**.

8 9. Any and all of the **DEPONENT's** time records and billing statements for work
9 performed relating to the subject matter of the **MOTION**.

10 10. The **DEPONENT's** entire file concerning the subject matter of the **MOTION**
11 and of any phase of trial involving issues that may bear on the subject matter of the **MOTION**.

12 11. Any and all electronic files and software reviewed, considered or relied upon by
13 the **DEPONENT** in reaching any opinion regarding or relating to the subject matter of the
14 **MOTION** and of any phase of trial involving issues that may bear on the subject matter of the
15 **MOTION**.

16 12. Any and all **DOCUMENTS**, including any depositions, scientific, technical or
17 professional texts, journals, or any other "writings" (as defined by California *Evidence Code*,
18 section 250) including any **DOCUMENTS** prepared by any present or former party to this
19 action, which the **DEPONENT** read, referred to, considered or relied upon in preparing to testify
20 in deposition or at the **MOTION** and of any phase of trial involving issues that may bear on the
21 subject matter of the **MOTION**.

22 13. Any and all **DOCUMENTS**, including any depositions, scientific, technical or
23 professional texts, journals, or any other action in which **YOU** provided testimony, either by
24 deposition or in trial, as a percipient and/or expert witness, which **YOU** have read, referred to,
25 considered or relied upon in preparing to testify or in testifying, in deposition, at the **MOTION**,
26 or at any phase of trial, in this action.

27 14. Any and all **DOCUMENTS**, including any correspondence, depositions,
28 deposition summaries, memoranda, or any other "writings" (as defined by California *Evidence*

1 Code, section 250), prepared by **YOU** or sent and/or received from counsel which retained **YOU**
2 concerning the subject matter of the **MOTION** and of any phase of trial involving issues that
3 may bear on the subject matter of the **MOTION**, or concerning any of the matters referred to in
4 any of the aforementioned categories of this list of **DOCUMENTS** to be produced at deposition.

5 15. A list of all cases by name, venue, and date in which **YOU** have testified at
6 deposition and at trial; and the nature of the opinion or opinions **YOU** were asked to and did
7 state.

8
9 Respectfully Submitted,

10 Dated: November 26, 2008.

GRESHAM SAVAGE NOLAN & TILDEN,
A Professional Corporation

11
12 By: 

13 Michael Duane Davis
14 Marlene L. Allen-Hammarlund
15 Attorneys for Cross-Defendant,
16 SHEEP CREEK WATER COMPANY, INC.
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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

Re: *ANTELOPE VALLEY GROUNDWATER CASES*
Los Angeles County Superior Court Judicial Council Coordinated
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 3750 University Avenue, Suite 250, Riverside, CA 92501-3335.

On November 26, 2008, I served the foregoing document(s) described as **NOTICE OF EXPERT WITNESS DEPOSITIONS [JOSEPH SCALMANINI AND DR. JUNE OBERDORFER] AND REQUESTS FOR PRODUCTION OF DOCUMENTS** on the interested parties in this action in the following manner:

(X) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases,

(X) **BY EXPRESS MAIL/OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. §1013(c), with delivery fees fully prepaid or provided for.

Honorable Jack Komar
Santa Clara County Superior Court
191 North First Street, Dept. 17C
San Jose, CA 95113

Superior Court of California [Original DOCUMENTS to be filed at this location]
County of Los Angeles
Stanley Mosk Courthouse, Dept. 1, Room 534
111 North Hill Street
Los Angeles, CA 90012

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

Executed on November 26, 2008, at Riverside, California.



KRYSTLE A. DANKO