

1 WALTER E. RUSINEK (Bar No. 148438)
2 PROCOPIO CORY HARGREAVES &
3 SAVITCH LLP
4 525 B Street, Suite 2200
5 San Diego, CA 92101
6 Telephone: 619.238.1900
7 Facsimile: 619.235.0398
8 walter.rusinek@procopio.com

9 Attorneys for NRG SOLAR ALPINE LLC

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12 CENTRAL DISTRICT

13 ANTELOPE VALLEY GROUNDWATER CASES

14 INCLUDED ACTIONS:

15 LOS ANGELES COUNTY WATERWORKS
16 DISTRICT NO. 40 v. DIAMOND FARMING
17 COMPANY, Superior Court of California, County
18 of Los Angeles, Case No. BC 325201;

19 LOS ANGELES COUNTY WATERWORKS
20 DISTRICT NO. 40 v. DIAMOND FARMING
21 COMPANY, Superior Court of California, County
22 of Kern, Case No. S-1500-CV-254-348;

23 WM. BOLTHOUSE FARMS, INC., v. CITY OF
24 LANCASTER, DIAMOND FARMING CO. v.
25 CITY OF LANCASTER, DIAMOND FARMING
26 CO. v. CITY OF PALMDALE WATER
27 DISTRICT, Superior Court of California, County of
28 Riverside, Consolidated Actions, Case Nos. RIC
344 436, RIC 344 668 and RIC 353 840

Judicial Council Coordination Proceeding
No. 4408

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

**NRG SOLAR ALPINE LLC'S
WITNESS AND EXHIBIT LISTS IN
SUPPORT OF THE PROVE-UP OF
THE PROPOSED STIPULATED
JUDGMENT AND PHYSICAL
SOLUTION**

Date: August 3, 2015
Time: TBD
Dept: TBA

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, in accordance with this Court's Second Amended Case Management Order dated March 27, 2015, NRG Solar Alpine LLC ("NRG") intends to call, as necessary, the following witnesses and present the following exhibits for purposes of the Prove-up of the Proposed Stipulated Judgment and Physical Solution.

1 **WITNESSES:**

- 2 1. Mark Rohrlick – non-expert witness regarding NRG land ownership and reasonable and
3 beneficial use
4 2. NRG also lists as non-retained, expert witness those experts identified by and shared with
5 AVEK and other Exhibit 4 overlying landowners in support of the Proposed Stipulated
6 Judgment and Physical Solution.
7 NRG reserves the right to update or supplement this list of witnesses as necessary.

8 **EXHIBITS:**

9 Those documents previously entered into evidence by NRG during the Phase 4 proceedings
10 that concern NRG's land ownership and its use of water on that land, including the following
11 documents:

- 12 1. Declaration of Keith Latham for NRG Solar Alpine, LLC, in Lieu of Deposition
13 Testimony For Phase 4 Trial;
14 2. NRG Solar Alpine LLC's Response to Discovery Order For Phase 4 Trial;
15 3. Stipulation With NRG Solar Alpine LLC in Lieu of Testimony for Phase 4 Trial.

16 NRG reserves the right to supplement this list of exhibits as necessary.
17

18 DATED: April 27, 2015

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

19
20 By: 

21 Walter E. Rusinek
22 Attorney for NRG Solar Alpine LLC
23
24
25
26
27
28

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, 530 "B" Street, Suite 2100, San Diego, California 92101. On **April 27, 2015**, I served the within documents:

NRG SOLAR ALPINE LLC'S WITNESS AND EXHIBIT LISTS IN SUPPORT OF THE PROVE-UP OF THE PROPOSED STIPULATED JUDGMENT AND PHYSICAL SOLUTION

- ☐ by transmitting via facsimile a copy of said document(s) listed above to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.
- ☒ by electronic mail: by posting the document listed above to the Santa Clara Superior Court website: www.scefilings.org regarding the ANTELOPE VALLEY GROUNDWATER matter.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.
- ☐ by placing the document(s) listed above in a sealed overnight envelope and depositing it for overnight delivery at San Diego, California, addressed as set forth below. I am readily familiar with the practice of this firm for collection and processing of correspondence for processing by overnight mail. Pursuant to this practice, correspondence would be deposited in the overnight box located at 530 "B" Street, San Diego, California 92101 in the ordinary course of business on the date of this declaration.
- ☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **April 27, 2015**, at San Diego, California.



Sarai DeJesus