

EXHIBIT 1

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Attorneys for ANAVERDE LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

**ANTELOPE VALLEY GROUNDWATER
CASES:**

Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
County of Los Angeles, Case No. BC325201

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 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

**DECLARATION OF KIMBERLY
HUANGFU IN SUPPORT OF CROSS-
DEFENDANT ANAVERDE LLC's
OPPOSITION TO MOTION TO QUASH
TRIAL SUBPOENA OF N. THOMAS
SHEAHAN**

Date: October 31, 2008

Time: 9:00 a.m.

Dept.: 17C

Phase 2 Trial: November 3, 2008

Time: 9 a.m.

Location: LASC, Dept. 1

I, Kimberly Huangfu, declare and state as follows:

1. I am an attorney at law, duly licensed to practice before the courts of the State of California. I am a member of the law firm of Lewis Brisbois Bisgaard & Smith, LLP, attorneys for Anaverde LLC ("Anaverde"). I am an associate responsible for the handling this matter, and I

1 present this declaration in support of Anaverde's opposition motion to quash trial subpoena of N.
2 Thomas Sheahan. I have personal knowledge of the matters set forth below, and if called upon to
3 do so, I could and would competently testify to the following:

4 2. During Anaverde's Ex Parte Motion to Compel Discovery Responses from the Los Angeles
5 County Waterworks District No. 40, heard on September 23, 2008, the Court informed Anaverde
6 that its case would commence on approximately October 14, 2008.

7 3. As a result, Anaverde's lead trial counsel, Mr. Joseph Salazar had no conflicts with the
8 proposed trial calendar.

9 4. Similarly, Bolthouse Properties LLC and Wm. Bolthouse Farms, Inc. (hereinafter
10 collectively referred to as "Bolthouse") did not raise any concern that their expert witness, Mr.
11 Sheahan, would be unavailable for trial at any time.

12 5. On the fourth day of trial, the Court apprised the parties, for the first time, that it would be
13 dark the week of October 13, 2008 and proposed alternative trial dates, all of which conflicted
14 with Mr. Salazar's trial calendar.

15 6. The Court denied Anaverde's verbal entreaties to continue the matter beyond November
16 17, 2008.

17 7. On October 10, 2008, Bolthouse also apprised the Court that Mr. Sheahan was unavailable
18 from November 3, 2008 through November 14, 2008.

19 8. The Court advised the parties to meet and confer regarding this scheduling conflict.

20 9. During a conference to schedule witnesses heard on October 24, 2008, the Court directed
21 counsel for Bolthouse to follow the California Code of Civil Procedure requirements regarding the
22 use of Mr. Sheahan's videotaped deposition testimony at trial. To date, this has not occurred.

23 10. Mr. Zimmer, counsel for Bolthouse, informed the Court that he preferred to have Mr.
24 Sheahan provide live testimony, which could occur subsequent to his return from his birthday
25 celebration.

26 11. Anaverde did not object, but did describe the only way in which Mr. Sheahan's
27 videotaped deposition could logically proceed without prejudicing Anaverde. (Letter from
28 Anaverde to Bolthouse, Oct. 24, 2008, attached hereto as Exhibit A.)

1 12. Bolthouse did not object to the procedure outlined in the October 24, 2008 letter, nor did
2 counsel for Bolthouse even respond for that matter. It was posted to the Court's website at 3:56
3 p.m on October 24, 2008, which afforded Bolthouse sufficient time to confirm or object to the
4 proposed order for the October 27, 2008 deposition of Mr. Sheahan. (Exhibit A.)

5 13. Instead, Bolthouse insisted on proceeding first with its "direct examination" during the
6 October 27, 2008 deposition. Anaverde was not afforded an opportunity to depose Mr. Sheahan at
7 all. (Rough Deposition Transcript of Mr. Sheahan, Oct. 27, 2008, pages 1-9, attached hereto as
8 Exhibit B.)

9 14. Mr. Sheahan was previously properly noticed to appear for a deposition by the Public
10 Water Suppliers, on August 22, 2008, and Bolthouse Properties, on September 8, 2008.
11 (Deposition Notices, Aug. 22, 2008 and Sept. 8, 2008, attached heretoq as Exhibit C.)

12 15. In an artful attempt to not produce Mr. Sheahan for deposition, Bolthouse informed all
13 parties that it would take Mr. Sheahan's original deposition scheduled for October 1, 2008 off-
14 calendar since Bolthouse was uncertain as to whether it intended to call Mr. Sheahan to testify as
15 an expert witness at trial. (Correspondence, Sept. 30, 2008, attached hereto as Exhibit D.)

16 16. At the time, Anaverde did not object, despite its desire to depose Mr. Sheahan, only
17 because it relied on Bolthouse' promise that should it later decide to call Mr. Sheahan as a rebuttal
18 witness at trial, Bolthouse would honor and respect Anaverde's right to depose him, and would
19 present Mr. Sheahan as a witness prior to trial. (Correspondence from Anaverde to All Counsel,
20 Sept. 30, 2008, attached hereto as Exhibit E.)

21 17. Merely three days before the October 6, 2008 Phase 2 trial, Bolthouse, for the first time,
22 notified all parties of its intention to call Mr. Sheahan as a rebuttal witness for trial. (Bolthouse's
23 Amended Witness and Exhibit List, Oct. 3, 2008, attached hereto as Exhibit F.)

24 18. In response, Anaverde immediately informed Bolthouse of its intent to depose Mr.
25 Sheahan pursuant to Bolthouse prior representations that it would allow Anaverde to do so, prior
26 to the time of trial. (Exhibit F.)
27
28

1 19. On October 29, 2008, I spoke with Jason Grandsinger, representative of First Legal
2 Investigations, the entity which served the subpoena, attached hereto as Exhibit H, who advised
3 me that a subpoena for an expert witness is the same document as one for a lay witness.

4 I declare under penalty of perjury that the foregoing is true and correct. I make this
5 Declaration on the 29th day of October 2008 in Los Angeles, California.

6
7 /s/ _____
8 Kimberly A. Huangfu
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EXHIBIT A

LEWIS BRISBOIS BISGAARD & SMITH LLP

ATTORNEYS AT LAW

221 NORTH FIGUEROA STREET, SUITE 1200, LOS ANGELES, CA 90012
PHONE: 213.250.1800 | FAX: 213.250.7900 | WEBSITE: www.lbbslaw.com

KIMBERLY HUANGFU
DIRECT DIAL: 213.580.3907
E-MAIL: huangfu@lbbslaw.com

October 24, 2008

FILE NO.
27175-02

POSTED VIA COURT WEBSITE

Richard G. Zimmer
Clifford & Brown
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 933011

Re: *Antelope Valley Groundwater Litigation*
Santa Clara County Superior Court Case No. 1-05-CV-049053
Judicial Council Coordination Proceeding 4408

Dear Mr. Zimmer:

This letter serves to clarify the procedure of Mr. Sheahan's upcoming deposition scheduled for October 27, 2008. Anaverde is not conceding to the use of Mr. Sheahan's videotaped deposition testimony in lieu of live trial testimony. To the contrary, to minimize prejudice to our client in the event that the Judge grants Bolthouse Properties' motion to quash our properly served subpoena, the October 27, 2008 deposition will proceed, as follows:

(1) In accordance with Anaverde's deposition notice posted on October 17, 2008, Anaverde will proceed first and take Mr. Sheahan's deposition. As you are well aware, Anaverde agreed to take Mr. Sheahan's deposition, originally scheduled for October 1, 2008, off-calendar under the condition that Anaverde be given an opportunity to depose Mr. Sheahan if Bolthouse later decided to offer him as a rebuttal witness.

(2) After Anaverde and other parties, such as Tejon Ranch, have had a chance to depose Mr. Sheahan, Bolthouse can proceed with its direct examination as indicated during this morning's scheduling conference.

ATLANTA | CHICAGO | FORT LAUDERDALE | LAFAYETTE | LAS VEGAS | LOS ANGELES | NEW ORLEANS | NEW YORK
ORANGE COUNTY | PHOENIX | SACRAMENTO | SAN BERNARDINO | SAN DIEGO | SAN FRANCISCO | TAMPA | TUCSON

LEWIS BRISBOIS BISGAARD & SMITH LLP

Richard G. Zimmer

October 24, 2008

Page 2

(3) Anaverde and Tejon Ranch will then have an opportunity to cross-examine Mr. Sheahan as to the direct testimony he presents at deposition.

We would also like to confirm that Mr. Sheahan will bring all documents that he relied upon in forming his opinions regarding Anaverde and any other rebuttal testimony, including any reports or documents referenced in the report Bolthouse posted yesterday.

Furthermore, since Bolthouse indicated that Mr. Sheahan's rebuttal testimony, regarding Anaverde, will be relatively short (30 minutes to an hour), Anaverde is willing to pay for his round-trip airfare so he can fly into Los Angeles, for a few hours, to offer live testimony at trial on either November 3 or November 4, 2008.

In the event that Mr. Sheahan chooses not to accept this offer, Anaverde is agreeable to Bolthouse having a motion to quash on file by the close of business on Monday, **October 27, 2008**. This will allow Anaverde sufficient time to prepare its opposition to be filed by Wednesday, October 28, 2008.

Very truly yours,

/s/

Kimberly Huangfu

LEWIS BRISBOIS BISGAARD & SMITH LLP

KAH:me

PROOF OF SERVICE

I declare that:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

On October 24, 2008, I served the Letter to Richard G. Zimmer dated October 24, 2008 by posting the document(s) 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 above is true and correct, executed on October 24, 2008, 2008.

/s/ _____
Maritza Estrada

THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING - WWW.SCEFILING.ORG

c/o Glotrans
2915 McClure Street
Oakland, CA 94609
TEL: (510) 208-4775
FAX: (510) 465-7348
EMAIL: Info@Glotrans.com

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

Antelope Valley Groundwater Cases (JCCP 4408)

Plaintiff,

vs.

Defendant.

AND RELATED ACTIONS

Antelope Valley Groundwater Cases (JCCP 4408)

Lead Case No.1-05-CV-049053

Hon. Jack Komar

PROOF OF SERVICE
Electronic Proof of Service

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the worldwide web on Fri. October 24, 2008 at 3:56 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.scefiling.org>, on Fri. October 24, 2008 at 3:56 PM PDT

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties on the electronic service list maintained for this case. The message identified the document and provided instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 24, 2008 at Oakland, California.

Dated: October 24, 2008

For WWW.SCEFILING.ORG

Andy Jamieson

**THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG**

**Electronic Proof of Service
Page 2**

**Document(s) submitted by Kimberly Huangfu of Lewis Brisbois Bisgaard & Smith LLP on Fri. October 24, 2008 at
3:56 PM PDT**

1. Letter: Letter to Richard G. Zimmer

1 THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
2 ELECTRONIC FILING - WWW.SCEFILING.ORG
3 c/o Glotrans
4 2915 McClure Street
5 Oakland, CA94609
6 TEL: (510) 208-4775
7 FAX: (510) 465-7348
8 EMAIL: Info@Glotrans.com

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THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

Antelope Valley Groundwater Cases (JCCP 4408)

Plaintiff,

vs.

Defendant.

AND RELATED ACTIONS

Antelope Valley Groundwater Cases (JCCP 4408)

Lead Case No.1-05-CV-049053

Hon. Jack Komar

PROOF OF SERVICE
Electronic Proof of Service

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the worldwide web on Thu. October 23, 2008 at 12:37 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.scefiling.org>, on Thu. October 23, 2008 at 12:37 PM PDT

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties on the electronic service list maintained for this case. The message identified the document and provided instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 23, 2008 at Oakland, California.

Dated: October 23, 2008

For WWW.SCEFILING.ORG

Andy Jamieson

**THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG**

**Electronic Proof of Service
Page 2**

Document(s) submitted by Richard G. Zimmer of Clifford & Brown on Thu. October 23, 2008 at 12:37 PM PDT

1. Other: Correspondence to Judge Komar regarding Hearing and testimony of Tom Sheahan

EXHIBIT B

**Antelope Valley Groundwater Adjudication
Sheahan Rough Depo Transcript 102708
10/28/2008**

Printed : 10/29/2008

1 PASADENA, CALIFORNIA; MONDAY, OCTOBER 27, 2008
2 9:17 A.M. - 5:12 P.M.

3
4 MS. McKEITH: Good morning. I'm Melissa
5 Hathaway McKeith. I'm here on behalf of Anaverde
6 LLC. The deposition of Mr. Sheahan was previously
7 noticed on October 1st. At that time, Mr. Zimmer
8 requested that the deposition not go forward and we
9 agreed to that on the understanding that Mr. Sheahan
10 would be made available for deposition before his
11 testimony at trial. Mr. Sheahan now is unavailable
12 for trial based upon his trip to highway which we
13 have objected to and for which we have a subpoena
14 outstanding subject to a motion to quash that's going
15 to be heard by the court on the 31st. I am raising
16 and I have raised in correspondence to Mr. Zimmer as
17 of Friday and it was raised with the court during the
18 ex parte on Friday that we would proceed with the
19 deposition of Mr. Sheahan after which Mr. Zimmer
20 would proceed with his trial testimony.

21 He is objecting to that here this
22 morning. He wants to take advantage of this process
23 obviously and proceed with the trial testimony before
24 I've had a right to depose the witness and obtain his
25 testimony and then prepare for objecting and

1 with 11 of his grandchildren and in order to
2 accommodate Mr. Sheahan and the court, we offered to
3 take his deposition pursuant to code as if he was on
4 district for purposes of his trial testimony. We
5 advised the court that we were intending to proceed
6 in that fashion. The court approved this proceedings
7 in that fashion there. Was no objection whatsoever
8 by Anaverde or anyone else during the telephone
9 conversation to us proceeding in that fashion and
10 giving his testimony on direct first. We're now
11 confronted with this new idea at this point. My
12 intention is to proceed as the court authorized us to
13 do. I do note that we are at some disadvantage
14 simply because we do not have Mr. Sheahan available
15 after Mr. Lambie's testimony completes, but we are
16 going to have to live with that given what the
17 court's required in terms of the trial date.

18 In terms of your ability to do a
19 deposition, as I advised Anaverde's attorney before
20 the deposition started, once the direct examination
21 is complete, I have no objection to a separate tape
22 being used so that you can depose Mr. Sheahan to your
23 heart's content and that you don't have to use that
24 for your cross-examination if you don't want. You
25 can separate that off as a separate tape. You can

1 providing cross-examination of the witness.

2 I intend to use -- if you decide to
3 proceed, I will supplement all of our opposition to
4 the motion for quashing. We've offered to fly
5 Mr. Sheahan to highway at a different point in time.
6 We've offered to fly him back from highway. There's
7 nothing in the code that says a vacation will exempt
8 this witness from trial testimony. I really think it
9 would be your best interest to cooperate here this
10 morning and allow us to go forward rather than the
11 way you intend to proceed.

12 MR. ZIMMER: Okay. We have Mac Mac I've asked
13 my associate to determine whether or not we can't get
14 a ruling from the court on this this morning.
15 Mr. Zimmer did not respond to our correspondence of
16 Friday. So we didn't know we were going to be
17 presented with this circumventing of our deposition
18 rights here today.

19 MR. ZIMMER: We've discussed this issue with
20 the court previously. We advised the court that in
21 order to accommodate the court's schedule,
22 unfortunately, the date that the court set for the
23 continued trial was during a period of time when
24 Mr. Sheahan had a preexisting, preplanned prepaid
25 vacation starting on Friday. He's flying to highway

1 then cross-examine Mr. Sheahan however you want to
2 for purposes of the trial testimony which will in
3 effect be of the same effect as if you had done the
4 deposition previously. Unfortunately we can't do
5 that simply because of the time and the court's
6 required us to complete this earlier but the court
7 did authorize us to proceed in this fashion and
8 that's how we're intending to proceed. Mac Mac and
9 if I may say, we did object in writing on Friday. We
10 had a properly noticed deposition. We have not had
11 the opportunity to depose this witness before he
12 takes the stand at trial which is what you are
13 attempting to do here this morning. We object to the
14 procedure and if Mr. Sheahan ends up having to return
15 from highway because you will not make this small
16 accommodation, then he'll have you to thank for it.
17 I understand about his vacation. We've done
18 everything we can to accommodate that vacation. That
19 has nothing to do with the order I which we're
20 proceeding here this morning. I take great umbrage
21 at your representations on September 30th that he
22 would be made available and you're now taking
23 advantage of the situation the way you are. I find
24 it extremely unprofessional. I do not think the
25 court ruled that way on Friday and we will certainly

1 be contacting the court and we will determine whether
2 or not that's acceptable.

3 MR. KUHS: Robert Kuhs for Tejon and I don't
4 recall the issue of the order of this deposition ever
5 having been raised in court and I don't think it's an
6 issue that the court's decided. I do have the
7 question for Mr. Zimmer and that is Mr. Sheahan
8 being offered simply as a rebuttal expert this
9 morning.

10 MR. ZIMMER: Mr. Sheahan is being offered to
11 rebut the opinion testimony of -- that there are
12 certain sub base since that should question excluded
13 from the area of adjudication because they're so
14 hydraulically disconnected they should be separate
15 /H* treated as separate sub-basins that those
16 opinions have been given by the experts for Anaverde,
17 Tejon and to some tent.

18 MR. KUHS: He's being offered to rebut the
19 testimony of doctor list and Mr. Lambie; is that
20 correct.

21 MR. ZIMMER: He's being offered to rebut those
22 opinions. Kuhs okay.

23 MR. ZIMMER: Exactly what I told the court.
24 Kuhs well, and is he going to be available under your
25 procedure you're suggesting to go forward with his

1 direct apparently intending to go forward
2 notwithstanding the objections that the /W* the
3 direct examination and then you're proposing to take
4 a break and allow essentially a discovery deposition
5 to go forward.

6 MR. ZIMMER: Correct.

7 MR. KUHS: At the conclusion of the discovery
8 deposition, then allow cross-examination?

9 MR. ZIMMER: Correct. If you need some
10 /#250EU78 to talk to Mr. Lambie during a break or
11 something, you can do that as well.

12 MR. KUHS: Do we have the ability to resume
13 this deposition tomorrow if we don't get finished
14 today?

15 MR. ZIMMER: I don't know. I'll have to talk
16 to Mr. Sheahan about that and check my calendar.

17 MR. KUHS: Mr. Sheahan, will you available
18 tomorrow as opposed to, you know, to get this done?

19 THE WITNESS: I would rather get it done and
20 stay late tonight. I don't have accommodations here
21 in Pasadena. I'm three hours away. So it would be a
22 three-hour drive for me each way. I'd just as soon
23 complete it today, if possible.

24 MR. KUHS: You're in Corona.

25 THE WITNESS: My office is in Corona. My

1 residence is in Murrietta.

2 MR. KUHS: Okay.

3 MR. ZIMMER: Let's see how far we get Mac Mac
4 first of all it's so gracious for you to offer me a
5 few minutes to talk to my expert in between your
6 direct testimony. First of all, I would like to
7 object to a -- I'm going to have a running objection
8 through a lot of this. Mr. Sheahan offered opinions
9 that went beyond Mr. Lambie' in several instances and
10 to the extent he's a rebuttal witness we will be
11 objecting to the introduction of any information
12 that's a new opinion and that went beyond the scope
13 of our expert. Awkward because of the fact you
14 haven't had an opportunity to question him at trial
15 yet, but the reality is he's a /RUL bit and he
16 offered new opinions that were not previously brought
17 up. +++ +++ I also am unable to proceed after 4:30
18 today. We would be happy to pay for Mr. Sheahan'
19 accommodations to spend the night here in Pasadena if
20 that's the case, but I am not going have you steam
21 rolling overall of us. He's not available next week,
22 but he can't make himself available tomorrow because
23 he has a commute. We'll go ahead and have him stay
24 here in Pasadena.

25 MR. ZIMMER: Why don't we take it up later in

1 the day /-PD see how you feel about it Mac Mac one of
2 the reasons I'm reluctant to do that Mr. Zimmer is
3 because I can't get a fair commitment out of you and
4 all of us have to make plans in terms of changing our
5 schedule tomorrow. So if this deposition is going to
6 go forward, I have to know that in fact Mr. Sheahan
7 is going to be made available because we are not
8 going to go past 4:30 tonight.

9 MR. ZIMMER: I'd be happy to check at break
10 and /TWORBG that out Mac Mac at a break we'll get a
11 commitment from you one way or the other. To the
12 extent he's not made available and we're not
13 completing here today.

14 MR. ZIMMER: Let's not /-RG about that since
15 it's not an issue yet.

16 MR. KUHS: She's trying to make a record Rich.
17 I think she's got a right to ask -- it's not that
18 complicated of a question if we don't get done today
19 can we finish tomorrow.

20 MR. ZIMMER: I understand that. I'm going to
21 check at a break and /#150E if aim able Mac Mac if we
22 can't finish tomorrow we can finish the next day. I
23 just need to get some sort of an agreement because I
24 did /TAO* too have other matters to prepare for.

25 MR. ZIMMER: It's not an issue right now.

1 We'll take it up at the break. If we can do it
 2 that's final. If we can't we'll put that on the
 3 record. We don't need to discuss putting that on the
 4 record when it's not even an issue yet. It may not
 5 even be a dispute. So why spend a lot of hot air
 6 discussing it Mac Mac and who's particular project
 7 are you sub-basin are you beginning with this
 8 morning? Tejon or Anaverde?
 9 MR. ZIMMER: Whichever one probably appears
 10 first in the report. +++ Tejon +++.
 11 MR. ZIMMER: Why don't we do this before we
 12 get started. Melissa maybe you can move over to this
 13 side and bring the dog over on this side it's kind of
 14 distracting to the bit sitting next to a /TKOEB
 15 opinion. Bring the dog over on this side. Mac Mac
 16 do you feel distracted Tom.
 17 THE WITNESS: I love dogs, and I'll be moving
 18 my chair, Ms. McKeith. Excuse me, Ms. McKeith. I'll
 19 be moving my chair back and forth to get up Mac Mac
 20 it's no problem many I going to move on the other
 21 side.
 22 THE WITNESS: If you can move to dog on the
 23 other side.
 24 THE REPORTER: May I be off the record at this
 25 point?

1 (Off-the-record discussion.) .
 2
 3 Trial examination +++.
 4 (At 9:28 A.M., off the record.)
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1 Pasadena, California; Monday, October 27, 2008.
 2 9:35 A.M. +++ trial testimony of
 3 Mr. Thomas Sheahan +++.
 4 THE VIDEOGRAPHER: The date is October 27,
 5 2008. The time is 940. We are taking the trial
 6 examination of Thomas Sheahan in the matter of the
 7 Antelope Valley groundwater cases, for the Superior
 8 Court of California, county of Santa Clara, case No.
 9 1-05-C.V.-049053. My name is /WHRAURPB Stan bow. I
 10 represent Hahn /AR /PWUB /SORBG which is located in
 11 Costa Mesa, California. This deposition is being
 12 taken at lag sent goes and crews LLP located in
 13 Pasadena, California. At this time could all
 14 parties, please, introduce themselves starting with
 15 the witness?
 16 THE WITNESS: My name is Tom Sheahan, N heard
 17 Thomas Sheahan. I'm a senior consultant high
 18 geologist with the firm of eight mechanic strategy
 19 matrix, Inc. My residence is 23909 via set go via in
 20 measure receipt take, California. My office address
 21 is in Corona, California.
 22 MR. ZIMMER: Richard similar on behalf of
 23 Bolthouse properties and Bolthouse farms. Lamb lamb
 24 John lamb be expert on behalf of Anaverde LLC.
 25 /HAOUPBG /HAOUPBG Kim for Anaverde LLC.

1 MR. KUHS: Robert Kuhs for Tejon Ranch corp.
 2 Nebraska Nebraska Jean Nebraska customer with aqua.
 3 MR. SLOAN: William cell phone for U.S. Borax.
 4 MR. DUNN: Jeffrey did you know for Rosamond
 5 community services district and Los Angeles County
 6 water works district No. 40. Rank rank only modeler
 7 for eight vehicle. Sink sink sup /PHA sink with
 8 Palmdale bunch bunch Thomas bunch representing
 9 Palmdale water district.
 10 MR. KALFAYAN: Ralph calendar /KWRAPB on
 11 behalf of the Willis class. Mac Mac medical on
 12 behalf of Anaverde LLC.
 13 THE VIDEOGRAPHER:
 14 ^DEPONENT
 15 having been first duly sworn, was examined and
 16 testified as follows:
 17
 18 EXAMINATION.
 19 MR. ZIMMER: The reporter has done everything
 20 you /TPHAOEUD to do?
 21 THE VIDEOGRAPHER: Uh-huh
 22 BY MR. ZIMMER:
 23 Q. Sir, would you, please, /STA*UFPL for
 24 the us and spell your last name?
 25 A. N Thomas Sheahan, last name

EXHIBIT C

WM. MATTHEW DITZHAZY
City Attorney
City of Palmdale

RICHARDS, WATSON & GERSHON
A Professional Corporation
JAMES L. MARKMAN (43536) (jmarkman@rwglaw.com)
STEVEN R. ORR (136615) (sorr@rwglaw.com)
WHITNEY G. MCDONALD (245587) (wmcdonald@rwglaw.com)
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
Telephone: (213) 626-8484
Facsimile: (213) 626-0078

Attorneys for Defendant, Cross-Complainant,
and Cross-Defendant CITY OF PALMDALE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

**ANTELOPE VALLEY GROUNDWATER
CASES**

Judicial Council Coordination
Proceeding No. 4408

**NOTICES OF DEPOSITION OF
EXPERT WITNESSES**

Phase 2 Trial: October 6, 2008
(Hon. Jack Komar)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that the City of Palmdale, City of Lancaster, Los Angeles County Waterworks District No. 40, Palmdale Water District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, North Edwards Water District, Desert Lakes Community Services District, Rosamond Community Services District, California Water Service Company (collectively "Public Water Suppliers") will take the following depositions of the following designated expert witnesses. Said depositions will commence on the date and time noticed, subject to alternate agreement, and will continue day-to-day, Sundays and holidays excluded, until completed. Said depositions will be recorded stenographically and by videotape. Said depositions will commence at 10:00

1 a.m., and will be taken at the offices of Best, Best & Krieger, located at 3500 Porsche
2 Way, 2nd Floor, Ontario, California, 91764.

- 3 1. Richard A. Rhone – September 8, 2008
- 4 2. John M. Lambie – September 10, 2008
- 5 3. Dr. Ram Arora – September 15, 2008
- 6 4. E. John List, PhD., P.E. – September 16, 2008
- 7 5. N. Thomas Sheahan – September 17, 2008

8 **PLEASE TAKE FURTHER NOTICE** that each deponent is requested to
9 produce for inspection and copying the following materials:

- 10 1. All reports and writings as described in Code of Civil Procedure Section
11 2034.210(c), prepared by each deponent, or on her behalf or at his direction, in
12 connection with the above-entitled action.
- 13 2. All documents provided to each deponent or his firm for whatever purpose,
14 related to the above-entitled action.
- 15 3. All documents upon which each deponent has relied or upon which he
16 expects to rely in forming any opinion which he expects to express at trial.
- 17 4. All correspondence, notes, memoranda, electronic mail, electronic data, and
18 reports which each deponent has prepared as part of his retention as an expert witness in
19 this matter, including, but not limited to, any drafts or supplements to any reports or
20 writings, any contract or engagement agreement, records of all time devoted to this
21 matter, copies of all invoices, statements, or other billings sent in this matter, and all
22 other physical material considered, referred to, relied on, or prepared in connection with
23 this case.
- 24 5. The deponent's curriculum vitae.
- 25 6. Copies of all published articles authored by deponent concerning the
26 characteristics of the Antelope Valley Basin and/or the existence or non-existence of sub-
27 basins within the Basin.
- 28

1 So as to permit the depositions to be completed in an expeditious manner, the
2 Public Water Suppliers request that the deponent produce his responsive materials at least
3 five business days in advance of the deposition at a location and in a manner to be agreed
4 by the parties.
5

6 Dated: August 22, 2008

LEMIEUX & O'NEILL
WAYNE K. LEMIEUX
W. KEITH LEMIEUX

BEST BEST & KRIEGER LLP
ERIC L. GARNER
JEFFREY V. DUNN
STEFANIE D. HEDLUND

LAGERLOF, SENEAL, GOSNEY & KRUSE,
LLP
THOMAS S. BUNN III

CALIFORNIA WATER SERVICE COMPANY
JOHN TOOTLE

LUCE, FORWARD, HAMILTON & SCRIPPS,
LLP
DOUGLAS J. EVERTZ

RICHARDS, WATSON & GERSHON
A Professional Corporation
JAMES L. MARKMAN
STEVEN R. ORR
WHITNEY G. MCDONALD

By: 

STEVEN R. ORR
Attorneys for Defendant, Cross-
Complainant, and Cross-Defendant
CITY OF PALMDALE

1 **PROOF OF SERVICE**

2 I, Kelley Herrington, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is Richards, Watson & Gershon, 355 South
Grand Avenue, 40th Floor, Los Angeles, California 90071. On August 22, 2008, I served the
5 within documents:

6 **NOTICES OF DEPOSITION OF EXPERT WITNESSES**

- 7 ☐ by causing facsimile transmission of the document(s) listed above from (213) 626-
8 0078 to the person(s) and facsimile number(s) set forth below on this date before
9 5:00 P.M. This transmission was reported as complete and without error. A copy
of the transmission report(s), which was properly issued by the transmitting
10 facsimile machine, is attached. Service by facsimile has been made pursuant to a
prior written agreement between the parties.
- 11 ☒ by posting the document(s) listed above to the Santa Clara County Superior Court
website in regard to the Antelope Valley Groundwater matter.
- 12 ☐ by placing the document(s) listed above in a sealed envelope and affixing a pre-
13 paid air bill, and causing the envelope to be delivered to an agent for delivery, or
deposited in a box or other facility regularly maintained by, in an envelope or
14 package designated by the express service carrier, with delivery fees paid or
provided for, addressed to the person(s) at the address(es) set forth below.
- 15 ☐ by personally delivering the document(s) listed above to the person(s) at the
address(es) set forth below.
- 16 ☐ by causing personal delivery by First Legal Support Services, 1511 West Beverly
17 Boulevard, Los Angeles, California 90026 of the document(s) listed above to the
person(s) at the address(es) set forth below.

18
19 I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

20 Executed on August 22, 2008.

21
22 
Kelley Herrington

1 THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING - WWW.SCEFILING.ORG
c/o Glotrans
2915 McClure Street
Oakland, CA94609
2 TEL: (510) 208-4775
FAX: (510) 465-7348
3 EMAIL: Info@Glotrans.com

4
5 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

6 Antelope Valley Groundwater Cases (JCCP 4408)) Antelope Valley Groundwater Cases (JCCP 4408)
7 Plaintiff,) Lead Case No.1-05-CV-049053
vs.) Hon. Jack Komar
8 Defendant.)
9 AND RELATED ACTIONS) PROOF OF SERVICE
Electronic Proof of Service

10 I am employed in the County of Alameda, State of California.

11 I am over the age of 18 and not a party to the within action; my business address is 2915 McClure
Street, Oakland, CA 94609.

12 The documents described on page 2 of this Electronic Proof of Service were submitted via the
worldwide web on Fri. August 22, 2008 at 3:26 PM PDT and served by electronic mail notification.

13 I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and
14 am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described
document's electronic service in the following manner:

15 The document was electronically filed on the Court's website, <http://www.scefilling.org>, on Fri. August 22,
2008 at 3:26 PM PDT

16 Upon approval of the document by the Court, an electronic mail message was transmitted to all parties
17 on the electronic service list maintained for this case. The message identified the document and provided
instructions for accessing the document on the worldwide web.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct. Executed on August 22, 2008 at Oakland, California.

19 Dated: August 22, 2008

For WWW.SCEFILING.ORG

20 Andy Jamieson
21
22
23

1 **THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA**
2 **ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG**

3 **Electronic Proof of Service**
4 **Page 2**

5 **Document(s) submitted by Steven Orr of Richards, Watson & Gershon on Fri. August 22, 2008 at 3:26 PM PDT**

6 1. Deposition/In Calif: Notices of Deposition of Expert Witnesses
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RICHARD G. ZIMMER - SBN 107263
T. MARK SMITH - SBN 162370
CLIFFORD & BROWN
A Professional Corporation
Attorneys at Law
Bank of America Building
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301-5230
(661) 322-6023

Attorneys for Bolthouse Properties, LLC and Wm. Bolthouse Farms,
Inc.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

* * *

COORDINATION PROCEEDING
SPECIAL TITLE (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

) CASE NO. 1-05-CV-049053
)

INCLUDED ACTIONS:

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40 v. DIAMOND
FARMING COMPANY, et al.,
Los Angeles Superior Court
Case No. BC325201

) **AMENDED POST-COUNSEL CONFERENCE**
) **CALL OF SEPTEMBER 5, 2008**
) **REGARDING NOTICE OF DEPOSITIONS**
) **OF EXPERTS**
)

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40 v. DIAMOND
FARMING COMPANY, et al.,
Kern County Superior Court
Case No. S-1500-CV-254348

) Phase 2 Trial Date: October 6,
) 2008
)

DIAMOND FARMING COMPANY, and
W.M. BOLTHOUSE FARMS, INC., v.
CITY OF LANCASTER, et al.,
Riverside Superior Court
Case No. RIC 344436 [c/w case
no. RIC 344668 and 353840]

ROSAMOND COMMUNITY SERVICES
DISTRICT,
CROSS-COMPLAINANT,

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on the dates, times and locations
3 listed below, the depositions of the individuals listed below will
4 be taken before a Certified Shorthand Reporter and, if for any
5 reason the taking of said depositions are not completed on said
6 day, the taking of the depositions will be continued from day to
7 day, Sundays and holidays excepted, until completed.

8 The persons whose depositions will be taken and the dates and
9 times are as follows:

- | | | |
|----|---|--|
| 10 | 1. RAM ARORA, PH.D. | SEPTEMBER 15, 2008
9:00 A.M.
Best, Best & Krieger
3500 Porsche Way,
Suite 200
Ontario, CA 91764
(909) 989-8584 |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | 2. PMK OF LOS ANGELES COUNTY
WATERWORKS, PALMDALE WATER
DISTRICT AND QUARTZ HILLS
WATER DISTRICT | SEPTEMBER 17, 2008
9:00 A.M.
Lewis, Brisbois, Bisgaard
& Smith, LLP
221 North Figueora
Street, Suite 1200
Los Angeles, CA 9001
(213) 250-1800 |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | 3. KENNETH UTLEY | SEPTEMBER 23, 2008
9:00 A.M.
Kronick, Moskowvitz,
Tiedemann & Girard
400 Capitol Mall,
27 th Floor
Sacramento, CA 95814
(916) 321-4500 |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | 4. JOSEPH SCALMANINI | September 24, 2008
9:00 A.M.
Kronick, Moskowvitz,
Tiedemann & Girard
400 Capitol Mall,
27 th Floor
Sacramento, CA 95814
(916) 321-4500 |
| 24 | | |
| 25 | | |
| 26 | | |

1	5.	RICHARD RHONE	SEPTEMBER 25, 2008
2			9:00 A.M.
3			Best, Best & Krieger
4			3500 Porsche Way,
5			Suite 200
6			Ontario, CA 91764
7			(909) 989-8584
8	6.	JOHN LIST	SEPTEMBER 26, 2008
9			9:00 A.M.
10			Best, Best & Krieger
11			3500 Porsche Way,
12			Suite 200
13			Ontario, CA 91764
14			(909) 989-8584
15	7.	JUNE OBERDORFER	SEPTEMBER 27, 2008
16			9:00 A.M.
17			Best, Best & Krieger
18			3500 Porsche Way,
19			Suite 200
20			Ontario, CA 91764
21			(909) 989-8584
22	8.	TIMOTHY DURBIN	SEPTEMBER 29, 2008
23			9:00 A.M.
24			Kronick, Moskowvitz,
25			Tiedemann & Girard
26			400 Capitol Mall,
			27 th Floor
			Sacramento, CA 95814
			(916) 321-4500
	9.	JOHN LAMBIE	September 30, 2008
			9:00 A.M.
			Kronick, Moskowvitz,
			Tiedemann & Girard
			400 Capitol Mall,
			27 th Floor
			Sacramento, CA 95814
			(916) 321-4500
	10.	DENNIS WILLIAMS	OCTOBER 1, 2008
			9:00 A.M.
			Best, Best & Krieger
			3500 Porsche Way,
			Suite 200
			Ontario, CA 91764
			(909) 989-8584

11. TOM SHEAHAN

OCTOBER 1, 2008
1:30 P.M.
Best, Best & Krieger
3500 Porsche Way,
Suite 200
Ontario, CA 91764
(909) 989-8584

12. JASON SUN

OCTOBER 2, 2008
9:00 A.M.
Best, Best & Krieger
3500 Porsche Way,
Suite 200
Ontario, CA 91764
(909) 989-8584

FURTHER PLEASE TAKE NOTICE that each deponent set forth herein above is requested to produce at the time of the deposition the following:

1. Deponent's entire file concerning the above-captioned lawsuit.
2. Any and all writings prepared by or on behalf of said deponent or anyone working at the direction of said deponent which in any way pertains to the review, analysis, opinions, conclusions, or beliefs of said deponent with regard to the subject matter of this litigation;
3. Any and all writings received and/or reviewed by said deponent pertaining to the subject matter of this litigation;
4. Any and all handwritten notes, field notes, calculations or other writings prepared by or on behalf of said deponent or by someone at the direction of said deponent pertaining to the subject matter of this litigation;
5. Any and all photographs, videotapes, scans, micrographs, or other such recording reviewed, received, analyzed, prepared by, considered, and/or relied upon by said deponent which pertains to the subject matter of this litigation;

\\

\\

6. Any and all books, articles, treatises, reports, or other writings which in any way form the basis for any opinion, conclusion or analysis of said deponent relating to the subject matter of this litigation;
7. Any and all writings pertaining to the billing and amount of time spent by said deponent or others under the direction of said deponent in working on any matter pertaining to the subject of this litigation. This includes but is not limited to any and all timesheets or billing statements.
8. Any and all reports, conclusions, opinions, and drafts of the same prepared by deponent in connection with the above-captioned lawsuit.
9. Any "engagement letter" or similar instructions received by deponent in connection with the above-captioned lawsuit.
10. Your Curricula Vitae.
11. All documents, depositions, scientific, technical or professional texts, journals, or any other "writings" (as defined by California Evidence Code, Section 250) including any documents prepared by any present or former party to this action which the deponent read, referred to, considered or relied upon in preparing to testify in deposition or at trial, of this action.
12. All documents, depositions, scientific, technical or professional texts, journals, or any other action in which you provided testimony, either by deposition or in trial, as a percipient and/or expert witness, which you have read, referred to, considered or relied upon in preparing to testify or in testifying, in deposition or at trial, in this action.
13. All documents, correspondence, depositions, deposition summaries, memoranda, or any other "writing" (as defined by California Evidence Code, Section 250), prepared by you or sent and/or received from plaintiff's counsel which retained you concerning the subject matter of the issues in this case, or concerning any of the matters referred to in any of the aforementioned categories of this list of documents to be produced at deposition.
14. A list of all cases by name, venue, and date in which you have testified at deposition and at trial.

1 Expert witness fees will be tendered at the time of the
2 commencement of the deposition pursuant to CCP §2034.430, et seq.
3

4 DATED: September 8, 2008

5 CLIFFORD & BROWN

6
7 By: 

RICHARD G. ZIMMER, ESQ.

T. MARK SMITH, ESQ.

Attorneys for

BOLTHOSUE PROPERTIES, LLC and

WM. BOLTHOUSE FARMS, INC.

THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING - WWW.SCEFILING.ORG

c/o Glotrans
2915 McClure Street
Oakland, CA 94609
TEL: (510) 208-4775
FAX: (510) 465-7348
EMAIL: Info@Glotrans.com

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

Antelope Valley Groundwater Cases (JCCP 4408)

Plaintiff,

vs.

Defendant.

AND RELATED ACTIONS

Antelope Valley Groundwater Cases (JCCP 4408)

Lead Case No. 1-05-CV-049053

Hon. Jack Komar

PROOF OF SERVICE
Electronic Proof of Service

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the worldwide web on Tue. September 9, 2008 at 10:30 AM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.scefilling.org>, on Tue. September 9, 2008 at 10:30 AM PDT

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties on the electronic service list maintained for this case. The message identified the document and provided instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 9, 2008 at Oakland, California.

Dated: September 9, 2008

For WWW.SCEFILING.ORG

Andy Jamieson

1 THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
2 ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG

3 Electronic Proof of Service
4 Page 2

5 Document(s) submitted by Richard G. Zimmer of Clifford & Brown on Tue. September 9, 2008 at 10:30 AM PDT

6 1. Deposition/In Calif: Amended Post-Counsel Conference Call of September 5, 2008 regarding Notice of Depositions of
7 Experts
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EXHIBIT D

STEPHEN T. CLIFFORD
JAMES E. BROWN
ROBERT D. HARDING
ARNOLD ANCHORDOQUY
PATRICK J. OSBORN
MICHAEL L. O'DELL
GROVER H. WALDON
JOHN R. SZEWCZYK
STEPHEN H. BOYLE+
JAMES B. WIENS
RICHARD G. ZIMMER
CHARLES D. MELTON
T. MARK SMITH

OF COUNSEL
ANTHONY L. LEGGIO

+ LLM TAXATION

CLIFFORD • BROWN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

BANK OF AMERICA BUILDING

1430 TRUXTUN AVENUE, SUITE 900

BAKERSFIELD, CALIFORNIA 93301-5230

TELEPHONE NO. (661) 322-6023 • FACSIMILE NO. (661) 322-3508

JEREMY J. SCHROEDER
WINIFRED THOMSON HOSS
SHELLY S. MAURER
DANIEL T. CLIFFORD
CHRISTOPHER J. HAGAN
BRENDA A. ENDERLE
VICTORIA M. TRICHELL
RYAN A. LEGGIO
NICHOLAS J. STREET
TIMOTHY M. OSBORN
MARC E. DENISON

KATHY R. SMITH
OFFICE ADMINISTRATOR

www.clifford-brownlaw.com

September 30, 2008

2455-2

Via E-filing Only

Jim Markman, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101

Re: Antelope Valley Groundwater Litigation

Dear Mr. Markman:

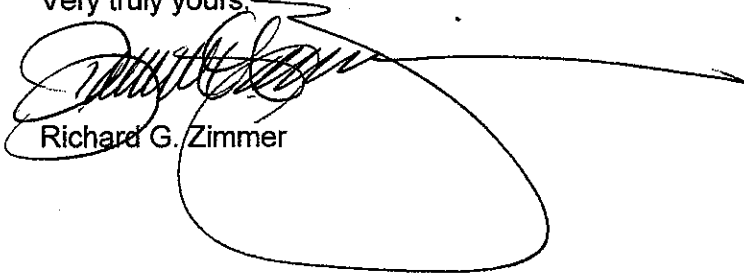
As we discussed previously, and advised the Court, our intention is to call our expert, Tom Sheahan, if necessary, to review the opinions of other experts and to give expert testimony in opposition to opinions of other experts. Depending upon the testimony which actually occurs at trial, this may or may not be necessary. Based on the fact that the trial will not be completed during the first week, you reasonably suggested that we agree to take off the deposition of Mr. Sheahan for Wednesday, but to agree that he can be deposed thoroughly by all parties if we chose to call him as a witness at the Phase 2 Trial. This correspondence is also to advise the parties that Mr. Sheahan has been trying to recover from strep throat.

This correspondence is to confirm our agreement to proceed as set forth above. Accordingly, it is our understanding you will not proceed with his deposition. Other parties have agreed to proceed in this manner as well. I discussed this issue with the various attorneys attending the depositions of June Oberdorfer and John Lambie. It is my understanding all parties agreed to proceed as set forth above, with the exception of Bill Kuhs of Tejon Ranchcorp, who said he would "not agree to anything." However, he did say that he will not take Mr. Sheahan's deposition tomorrow. Also, the attorney for Anaverde advises she is still considering how to proceed. If any party insists that Mr. Sheahan's deposition go forward as scheduled on Wednesday, this correspondence is to request an immediate response accordingly and to confirm that such party will be conducting the deposition.

Jim Markman, Esq.
Richards, Watson & Gershon
Re: Antelope Valley Groundwater Litigation
September 30, 2008
Page 2

Thank you for your prompt courtesy and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard G. Zimmer", is written over a large, empty oval shape. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard G. Zimmer

RGZ/nm

cc: Counsel and Parties

BL/ANTELOPE VALLEY/SANTA CLARA/MARKMAN-01

EXHIBIT E

LEWIS BRISBOIS BISGAARD & SMITH LLP

ATTORNEYS AT LAW

221 NORTH FIGUEROA STREET, SUITE 1200, LOS ANGELES, CA 90012
PHONE: 213.250.1800 | FAX: 213.250.7900 | WEBSITE: www.lbbsslaw.com

KIMBERLY A. HUANGFU
DIRECT DIAL: 213.580.3907
E-MAIL: huangfu@lbbsslaw.com

September 30, 2008

FILE NO.
27175-02

POSTED VIA COURT WEBSITE

To All Counsel

Re: *Antelope Valley Groundwater Litigation*
Santa Clara County Superior Court Case No. 1-05-CV-049053
Judicial Council Coordination Proceeding 4408

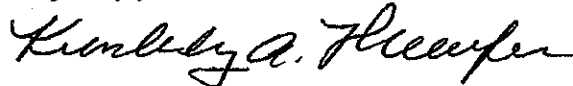
Dear Counsel:

The deposition notices for Thomas Sheahan and Dennis Williams have conflicting times. Currently, both depositions are scheduled for tomorrow, October 1, 2008 at 9 a.m.

It has been proposed that Sheahan be taken off calendar and made available before he is a rebuttal witness, if at all, at trial. We have no objection to that stipulation.

In return for this agreement, we would request that Williams' deposition be continued to Thursday, October 2, 2008 at 10:00 a.m., to accommodate the filing of briefs tomorrow and other conflicts of counsel. If he is solely a rebuttal witness, we would request that a similar stipulation as to Mr. Sheahan be entered and that his deposition be continued.

Very truly yours,



Kimberly A. Huangfu
LEWIS BRISBOIS BISGAARD & SMITH LLP

KAH:me

ATLANTA | CHICAGO | FORT LAUDERDALE | LAFAYETTE | LAS VEGAS | LOS ANGELES | NEW ORLEANS | NEW YORK
ORANGE COUNTY | PHOENIX | SACRAMENTO | SAN BERNARDINO | SAN DIEGO | SAN FRANCISCO | TAMPA | TUCSON

THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING - WWW.SCEFILING.ORG

c/o Glotrans
2915 McClure Street
Oakland, CA 94609
TEL: (510) 208-4775
FAX: (510) 465-7348
EMAIL: Info@Glotrans.com

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

Antelope Valley Groundwater Cases (JCCP 4408)

Plaintiff,

vs.

Defendant.

AND RELATED ACTIONS

Antelope Valley Groundwater Cases (JCCP 4408)

Lead Case No.1-05-CV-049053

Hon. Jack Komar

PROOF OF SERVICE
Electronic Proof of Service

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the worldwide web on Tue. September 30, 2008 at 3:33 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.scefiling.org>, on Tue. September 30, 2008 at 3:33 PM PDT

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties on the electronic service list maintained for this case. The message identified the document and provided instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 30, 2008 at Oakland, California.

Dated: September 30, 2008

For WWW.SCEFILING.ORG

Andy Jamieson

1 THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
2 ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG

3 Electronic Proof of Service
4 Page 2

5 Document(s) submitted by Kimberly Huangfu of Lewis Brisbois Bisgaard & Smith LLP on Tue. September 30, 2008 at
6 3:33 PM PDT

7 1. Letter: Letter to All Counsel re 10-1-08 deposition
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EXHIBIT F

1 RICHARD G. ZIMMER - SBN 107263
2 T. MARK SMITH - SBN 162370
3 CLIFFORD & BROWN
4 A Professional Corporation
5 Attorneys at Law
6 Bank of America Building
7 1430 Truxtun Avenue, Suite 900
8 Bakersfield, CA 93301-5230
9 Tel (661) 322-6023
10 Fax (661) 322-6508
11
12 Attorneys for Bolthouse Properties, LLC
13
14

15 SUPERIOR COURT OF CALIFORNIA

16 COUNTY OF SANTA CLARA

17 * * *

18 COORDINATION PROCEEDING) Judicial Council Coordination
19 SPECIAL TITLE (Rule 1550(b))) Proceeding No. 4408
20)
21 ANTELOPE VALLEY GROUNDWATER) CASE NO. 1-05-CV-409053
22 CASES)
23)
24 INCLUDED ACTIONS:)
25)
26 LOS ANGELES COUNTY WATERWORKS) BOLTHOUSE PROPERTIES, LLC'S AND
DISTRICT NO. 40 v. DIAMOND) WM. BOLTHOUSE FARMS, INC.'S
FARMING COMPANY, et al.,) AMENDED WITNESS AND EXHIBIT
Los Angeles Superior Court) LIST
Case No. BC325201)
27)
28 LOS ANGELES COUNTY WATERWORKS)
29 DISTRICT NO. 40 v. DIAMOND)
30 FARMING COMPANY, et al.,) DATE: OCTOBER 6, 2008
31 Kern County Superior Court) TIME: 9:00 A.M.
32 Case No. S-1500-CV-254348) DEPT. 1
33)
34 DIAMOND FARMING COMPANY, and)
35 W.M. BOLTHOUSE FARMS, INC., v.)
36 CITY OF LANCASTER, et al.,)
37 Riverside Superior Court)
38 Case No. RIC 344436 [c/w case)
39 no. RIC 344668 and 353840])
40)
41)
42)
43)
44)
45)
46)

1 BOLTHOUSE PROPERTIES, LLC and WM. BOLTHOUSE FARMS, INC.
2 hereby amend their Witness List and Exhibit List to the Court in
3 connection with the Phase 2 Trial, which is currently scheduled
4 to commence on October 6, 2008, as follows:

5 WITNESS LIST

6 1. Tom Sheahan. Mr. Sheahan is an expert qualified to
7 give expert testimony regarding Phase 2 issues. He is expected
8 to testify to rebut expert testimony of other witnesses that
9 certain portions of the Antelope Valley Area of Adjudication
10 should be separated as separate sub-basins. His testimony is
11 expected to last approximately three (3) hours.

12 EXHIBIT LIST

13 1. Figure 3.3 Groundwater Levels and Groundwater-Flow
14 Directions in 1996 attached to the Antelope Valley Groundwater
15 Basin Sub-Basin Analysis prepared by Timothy Durbin.

16 DATED: October 3, 2008 CLIFFORD & BROWN
17

18 By: 

19 RICHARD G. ZIMMER, ESQ.
20 T. MARK SMITH, ESQ.
21 Attorneys for
22 BOLTHOUSE PROPERTIES, LLC AND
23 WM. BOLTHOUSE FARMS, INC.
24
25
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On October 3, 2008, I served the foregoing document(s) entitled:

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THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING - WWW.SCEFILING.ORG

c/o Glotrans
2915 McClure Street
Oakland, CA94609
TEL: (510) 208-4775
FAX: (510) 465-7348
EMAIL: Info@Glotrans.com

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

Antelope Valley Groundwater Cases (JCCP 4408)

Plaintiff,

vs.

Defendant.

AND RELATED ACTIONS

Antelope Valley Groundwater Cases (JCCP 4408)

Lead Case No.1-05-CV-049053

Hon. Jack Komar

PROOF OF SERVICE
Electronic Proof of Service

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the worldwide web on Fri. October 3, 2008 at 2:26 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.sceffiling.org>, on Fri. October 3, 2008 at 2:26 PM PDT

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties on the electronic service list maintained for this case. The message identified the document and provided instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 3, 2008 at Oakland, California.

Dated: October 3, 2008

For WWW.SCEFILING.ORG

Andy Jamieson

**THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG**

**Electronic Proof of Service
Page 2**

Document(s) submitted by Richard G. Zimmer of Clifford & Brown on Fri. October 3, 2008 at 2:26 PM PDT

1. Amended Pleading: Bolthouse Properties, LLC's and Wm. Bolthouse Farms, Inc.'s Amended Witness and Exhibit List

EXHIBIT G

LEWIS BRISBOIS BISGAARD & SMITH LLP

ATTORNEYS AT LAW

221 NORTH FIGUEROA STREET, SUITE 1200, LOS ANGELES, CA 90012
PHONE: 213.250.1800 | FAX: 213.250.7900 | WEBSITE: www.lbbslaw.com

KIMBERLY A. HUANGFU
DIRECT DIAL: 213.580.3907
E-MAIL: huangfu@lbbslaw.com

October 3, 2008

FILE NO.
27175-02

POSTED VIA COURT WEBSITE

Richard G. Zimmer
Clifford & Brown
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 933011

Re: *Antelope Valley Groundwater Litigation*
Santa Clara County Superior Court Case No. 1-05-CV-049053
Judicial Council Coordination Proceeding 4408
Bolthouse Properties' Amended Witness and Exhibit List

Dear Mr. Zimmer:

In your letter of September 30, 2008, you reiterated the agreement of the parties relating to Mr. Sheahan's deposition. At the time, we agreed to take Mr. Sheahan's deposition off calendar for Wednesday, October 1, 2008. Specifically, we agreed if you choose to call Mr. Sheahan as a rebuttal witness at the Phase 2 trial, you agreed that he could be deposed thoroughly by all parties prior to his trial testimony.

Today, Bolthouse Properties, LLC posted an Amended Witness and Exhibit List. In light of your intention to call Mr. Sheahan as a rebuttal witness, I suggest we calendar a date for the week of October 14, 2008, with the understanding that the Court is dark that week. Please advise of a mutually convenient time and date that you and Mr. Sheahan are available, and we would be more than happy to notice a deposition.

Very truly yours,

/s/

Kimberly A. Huangfu
LEWIS BRISBOIS BISGAARD & SMITH LLP

KAH:me

ATLANTA | CHICAGO | FORT LAUDERDALE | LAFAYETTE | LAS VEGAS | LOS ANGELES | NEW ORLEANS | NEW YORK
ORANGE COUNTY | PHOENIX | SACRAMENTO | SAN BERNARDINO | SAN DIEGO | SAN FRANCISCO | TAMPA | TUCSON

1 THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING - WWW.SCEFILING.ORG
c/o Glotrans
2915 McClure Street
Oakland, CA94609
2 TEL: (510) 208-4775
FAX: (510) 465-7348
3 EMAIL: Info@Glotrans.com

4
5 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

6 Antelope Valley Groundwater Cases (JCCP 4408))
Antelope Valley Groundwater Cases (JCCP 4408)
7 Plaintiff,)
vs.)
Lead Case No.1-05-CV-049053
8 Defendant.)
Hon. Jack Komar
9 AND RELATED ACTIONS)
PROOF OF SERVICE
Electronic Proof of Service

10 I am employed in the County of Alameda, State of California.

11 I am over the age of 18 and not a party to the within action; my business address is 2915 McClure
Street, Oakland, CA 94609.

12 The documents described on page 2 of this Electronic Proof of Service were submitted via the
worldwide web on Fri. October 3, 2008 at 4:42 PM PDT and served by electronic mail notification.

13 I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and
14 am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described
document's electronic service in the following manner:

15 The document was electronically filed on the Court's website, <http://www.scefilling.org>, on Fri. October 3,
2008 at 4:42 PM PDT

16 Upon approval of the document by the Court, an electronic mail message was transmitted to all parties
17 on the electronic service list maintained for this case. The message identified the document and provided
instructions for accessing the document on the worldwide web.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct. Executed on October 3, 2008 at Oakland, California.

19 Dated: October 3, 2008

For WWW.SCEFILING.ORG

20 Andy Jamieson

1 THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
2 ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG

3 Electronic Proof of Service
4 Page 2

5 Document(s) submitted by Kimberly Huangfu of Lewis Brisbois Bisgaard & Smith LLP on Fri. October 3, 2008 at 4:42
6 PM PDT

7 1. Letter: Letter to Richard Zimmer re Bolthouse Properties' Amended Witness and Exhibit List
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EXHIBIT H

Attorney or Party without Attorney: MALISSA HATHAWAY MCKEITH, Bar #112917 LEWIS BRISBOIS BISGAARD & SMITH LLP 221 NORTH FIGUEROA STREET SUITE 1200 LOS ANGELES, CA 90012 Telephone No: 213-250-1800 FAX No: 213-250-7900				<i>For Court Use Only</i>	
Attorney for: Defendant		Ref. No. or File No.:			
Insert name of Court, and Judicial District and Branch Court: SANTA CLARA COUNTY SUPERIOR COURT					
Plaintiff: ANTELOPE VALLEY GROUNDWATER CASES Defendant:					
PROOF OF SERVICE CIVIL SUBPOENA FOR		Hearing Date: Mon, Nov. 03, 2008	Time: 9:00AM	Dept/Div: 1	Case Number: 1-05-CV-049053

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the CIVIL SUBPOENA FOR PERSONAL APPEARANCE AT TRIAL OR HEARING
3. a. Party served: N. THOMAS SHEAHAN
4. Address where the party was served: 23909 VIA SEGOVIA
MURRIETA, CA 92562
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Wed., Oct. 22, 2008 (2) at: 7:40PM
 - b. I received this subpoena for service on: Tuesday, October 21, 2008
6. Witness fees were not demanded or paid.
7. Person Who Served Papers:

- a. Brad Blankenship
 - b. FIRST LEGAL INVESTIGATIONS
301 Civic Center Drive West
SANTA ANA, CA 92702
 - c. (714) 550-1375

Recoverable Cost Per CCP 1033.5(a)(4)(B)

 - d. The Fee for Service was:
 - e. I am: (3) registered California process server
 - (i) Independent Contractor
 - (ii) Registration No.: 4052
 - (iii) County: Los Angeles

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

Date: Thu, Oct. 23, 2008

Attorney or Party without Attorney: MALISSA HATHAWAY MCKEITH, Bar #112917 LEWIS BRISBOIS BISGAARD & SMITH LLP 221 NORTH FIGUEROA STREET SUITE 1200 LOS ANGELES, CA 90012 Telephone No: 213-250-1800 FAX: No: 213-250-7900				<i>For Court Use Only</i>	
Ref. No or File No.:					
Insert name of Court, and Judicial District and Branch Court: SANTA CLARA COUNTY SUPERIOR COURT					
Plaintiff: ANTELOPE VALLEY GROUNDWATER CASES Defendant:					
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date: Mon, Nov. 03, 2008	Time: 9:00am	Dept/Div: 1	Case Number: 1-05-CV-049053

1. I, Brad Blankenship, and any employee or independent contractors retained by FIRST LEGAL INVESTIGATIONS are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant N. THOMAS SHEAHAN as follows:

2. **Documents:** CIVIL SUBPOENA FOR PERSONAL APPEARANCE AT TRIAL OR HEARING.

Day	Date	Time	Location	Results
Wed	10/22/08	7:00am	Home	SURVEILLANCE BEGAN AT 7:00 AM. NO CARS VISIBLE. HOME SITS ON SMALL CUL DE SAC JUST OFFICE VIA SEGOVIA. Attempt made by: Brad Blankenship. Attempt at: 23909 VIA SEGOVIA MURRIETA CA. 92562.
Wed	10/22/08	4:00pm	Home	IN THE AFTERNOON AT APPROXIMATELY AT 4:00 PM, CONTACT DEVELOPED CONFIRMS SUBJECT JUST RETIRED AND IS HOME MOST DAYS. 6 PM WOMAN EXITED GARAGE IN SUV, AND ANOTHER VEHICLE INSIDE PLATE "GEOLWYR". STATE BAR SHOWS SUBJECT IS ATTORNEY ALTHOUGH INACTIVE STATUS SINCE 01/01/1999. CONTACT CONFIRMS THAT IS SUBJECT'S VEHICLE INSIDE OF GARAGE. Attempt made by: Brad Blankenship. Attempt at: 23909 VIA SEGOVIA MURRIETA CA. 92562.
Wed	10/22/08	6:44pm	Home	ABOUT 6:44 PM WIFE CAME HOME, DISAPPEARED INTO GARAGE THAT CLOSED RIGHT AFTER HER. TRASH BARRELS STILL OUT FRONT EMPTIED BY TRASH COLLECTORS. Attempt made by: Brad Blankenship. Attempt at: 23909 VIA SEGOVIA MURRIETA CA. 92562.

Attorney or Party without Attorney: MALISSA HATHAWAY MCKEITH, Bar #112917 LEWIS BRISBOIS BISGAARD & SMITH LLP 221 NORTH FIGUEROA STREET SUITE 1200 LOS ANGELES, CA 90012				For Court Use Only	
Telephone No: 213-250-1800 FAX: No: 213-250-7900		Ref. No or File No.:			
Insert name of Court, and Judicial District and Branch Court: SANTA CLARA COUNTY SUPERIOR COURT					
Plaintiff: ANTELOPE VALLEY GROUNDWATER CASES Defendant:					
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date: Mon, Nov. 03, 2008	Time: 9:00am	Dept/Div: 1	Case Number: 1-05-CV-049053

CIVIL SUBPOENA FOR

Day	Date	Time	Location
Wed	10/22/08	7:40pm	Home

Results

SURVEILLANCE ENDED AT 7:40 PM. FINALLY AT 7:40 PM RUNG BELL, OBSERVED MALE THAT CAME OUT OF FRONT DOOR, WALKS TOWARDS LOCKED GATE WHERE SERVER WAS STANDING AND GOT WITHIN 15 FEET AWAY AS SERVER EXPLAINED THAT MALISSA MCKEITH NEEDED HIM AS AN EXPERT WITNESS CONCERNING A CASE, AND THAT HE HAD A SUBPOENA FOR HIM (MR. SHEAHAN). THE WITNESS STOPPED IN HIS TRACKS, AND TURNED AROUND AND WALKED BACK TOWARDS THE HOUSE, AND SAID "TALK TO THE WOMAN" OR WORDS TO THAT EFFECT I (BRAD) TOOK TO MEAN HIS WIFE WHO WAS STANDING BACK AT THE FRONT DOOR, AS THE WITNESS WALKED PAST HER AND INTO THE HOME. THE SERVER ANNOUNCED SERVICE AND STATED HE (SERVER) WOULD LEAVE THE SUBPOENA ATTACHED TO THE LOCKED GATE, AND THE SERVER DID SO. THE WOMAN DISAPPEARED INTO THE HOME AS SOON AS THE WITNESS WALKED IN. Attempt made by: Brad Blankenship. Attempt at: 23909 VIA SEGOVIA MURRIETA CA. 92562.

Wed	10/22/08	7:40pm	Home
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Personal Service on: N. THOMAS SHEAHAN Home - 23909 VIA SEGOVIA MURRIETA, CA. 92562 by Serving: party in item 3.a.. Served by: Brad Blankenship

3. Person Executing

a. Brad Blankenship

b. FIRST LEGAL INVESTIGATIONS

301 Civic Center Drive West
 SANTA ANA, CA 92702

c. (714) 550-1375

Recoverable Costs Per CCP 1033.5(a)(4)(B)

d.. The Fee for service was:

e. I am: (3) registered California process server

(i) Independent Contractor

(ii) Registration No.: 4052

(iii) County: Los Angeles

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

Page Number 2

† Date: Thu, Oct. 23, 2008

AFFIDAVIT OF REASONABLE DILIGENCE

(Brad Blankenship) 318444.lewbr.169907