

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

Coordination Proceeding  
Special Title (Rule 1550(b))

**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. BC 325 201

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

Willis v. Los Angeles County Waterworks District  
No. 40  
Superior Court of California, County of Los  
Angeles, Case No. BC 364 553

Wood v. Los Angeles County Waterworks District  
No. 40  
Superior Court of California, County of Los  
Angeles, Case No. BC 391869

Judicial Council Coordination  
Proceeding No. 4408

For Court's Use Only:  
Santa Clara County Case No.  
1-05-CV-049053  
(for E-Posting/E-Service  
Purposes Only)

Date/Time: Tuesday, January 04, 2011

[9:00 a.m.]

Location: Los Angeles County Superior Court

111 North Hill Street  
Los Angeles, CA 90012

Present: Hon. Jack Komar, Judge

~~M. Godderz~~, Clerk [Rowena Walker]

*Antelope Valley Groundwater Cases (JCCP 4408)  
Los Angeles County Superior Court, Case No. BC 325 201  
Tuesday, January 04, 2011 [9:00 a.m.] / Hon. Jack Komar*

*F:\komar\antelope Valley\2011-01-04 MO re ADA Application for Scalmanini.doc*

**MINUTE ORDER RE: ADA APPLICATION FOR MR. JOSEPH SCALMANINI**

The written application of Los Angeles County Water Works District 40 and the City of Los Angeles concerning Joseph Scalmanini pursuant to California Rule of Court 1.100 and the Americans with Disabilities Act was filed late on January 3, 2011 and was received by the trial judge after 9 p.m. on that date. Medical support for the request was provided to the Court at the time of the hearing on January 4, 2011 at 9 a.m.

The Court concluded that even if Rule 1.100 and the ADA apply, the request is unreasonable, would severely prejudice the other parties to the proceeding in their ability to coherently cross examine all witnesses, would unreasonably alter the Court's ability to administer the trial proceedings in a manner that would be just to all parties, and would cause the trial to be extended unreasonably.

The Court concluded that the Mr. Scalmanini is a material and crucial witness for the applicants and that Mr. Scalmanini must therefore be accommodated so that his testimony may be presented. The Court ordered that a videotaped deposition be made of his direct testimony at the law offices of Best, Best and Krieger in the town of Walnut Creek, California with all counsel who wish to cross examine be present thereat for his examination pursuant to the Code of Civil Procedure. The Video Tape of the examination and cross examination will be played in open court during the continued trial in this case subject to individual objections to questions and testimony given.

Further trial proceedings are continued to January 31, 2011 at 9:00 a.m. in the Los Angeles County Superior Court in a courtroom to be determined.

**PARTIES/ATTORNEYS OF RECORD: AS STATED IN THE RECORD**

City of Lancaster	Douglas Evertz	
County of Los Angeles Waterworks District #40	Jeffrey Dunn	
Richard Wood	Daniel O'Leary Michael McLachlan	
Quartil Water District	Bradley Weeks	
City of Palmdale	Whitney McDonald	
Phelon Pinon Hills CSD	Francis Logan	
U.S. Borax	William Sloan	
Tejon Ranch Corp.	Robert Kuhs	
Antelope Valley Groundwater Agreement Association	Michael Fife	
Los Angeles Waterworks 40	Michael Moore	
Van Dam	Scott Kuney	

Antelope Valley Water Storage		
Rebecca Willis	Ralph Kalfayan	
Blum Trust	Sheldon Blum	
Palmdale Water District	Thomas Bunn	
United States	James Dubois R. Lee Leininger	
Diamond Farming, et al	Bob Joyce	
Bolthouse Farms	Richard Zimmer	