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COUNTY WATERWORKS DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

**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 325201;

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, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

RELATED CASE TO JUDICIAL
COUNCIL COORDINATION
PROCEEDING NO. 4408

**~~[PROPOSED]~~ ORDER RE
APPLICATION AND REQUEST
UNDER CALIFORNIA RULE OF
COURT 1.100 AND THE AMERICANS
WITH DISABILITIES ACT BY THE
PUBLIC WATER SUPPLIERS AND
THE CITY OF LOS ANGELES,
DEPARTMENT OF WATER AND
POWER**

1 **ORDER**

2 Having read and considered the Application and Request under California Rule of Court
3 1.100 and the Americans with Disabilities Act by the Public Water Suppliers and the City of Los
4 Angeles, Department of Water and Power, and having heard oral argument on January 4, 2011,
5 the Court hereby orders as follows:

6 The Court denies the requested modification of court processes as being unreasonable for
7 the reasons stated on the record at the time of the hearing on the request. The requested
8 accommodation would materially alter the ability of the court to control the proceedings, would
9 alter the normal processes of the court, would severely prejudice the other parties to the
10 litigation, would unduly lengthen court time for this proceeding, and would preclude a continuous
11 and coherent presentation of other expert witness testimony.

12 The Court orders that Joseph Scalmanini's direct and cross examination testimony be
13 preserved by a videotaped deposition as an unavailable witness pursuant to the procedure set forth
14 in Code of Civil Procedure Section 2035 and the California Rules of Court and that it thereafter
15 be presented at trial.

16 The videotape schedule is as follows: Monday through Thursday each week beginning
17 January 10, 2011. The videotape deposition schedule will be start at 10:30 a.m. until 12:00 p.m.
18 and resume from 1:30 p.m. until 3:00 p.m. each day.

19 Counsel may telephonically contact the court during the deposition by way of a
20 conference call for evidentiary rulings upon notice to all counsel appearing at the deposition.

21 IT IS SO ORDERED.

22 **JAN 13 2011**

23 Dated: _____

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25 HON. JACK KOMAR

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