

**MICHAEL T. FIFE (State Bar No. 203025)**  
**BRADLEY J. HERREMA (State Bar No. 228976)**  
**BROWNSTEIN HYATT FARBER SCHRECK, LLP**  
**21 East Carrillo Street**  
**Santa Barbara, California 93101**  
**Telephone No: (805) 963-7000**  
**Facsimile No: (805) 965-4333**

**Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, Inc., Edgar C. Ritter Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Trust, Hines Family Trust, Malloy Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E. Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig, Paul S. & Sharon R. Kindig, Jose Maritorea Living Trust, Richard H. Miner, Jeffrey L. & Nancee J. Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Beverly Tobias, Leo L. Simi, White Fence Farms Mutual Water Co. No. 3., William R. Barnes & Eldora M. Barnes Family Trust of 1989, Healy Enterprises, Inc., John and Adrienne Reca, Sahara Nursery, Sal and Connie L. Cardile, Gene T. Bahlman, **collectively known as the Antelope Valley Ground Water Agreement Association ("AGWA")**

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

**ANTELOPE VALLEY**  
**GROUNDWATER CASES**

Judicial Council Coordination Proceeding  
No. 4408

**Included Actions:**

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

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-254-348Wm. 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 No. RIC 353 840,  
RIC 344 436, RIC 344 668

**DECLARATION OF MICHAEL T. FIFE IN  
SUPPORT OF EX PARTE APPLICATION  
FOR RELIEF FROM EXPERT  
DISCLOSURE DEADLINE**

**Date: June 18, 2008**  
**Time: 8:15 a.m.**  
**Department: 17**

1 I, Michael T. Fife, declare as follows:

2 1. I am an attorney licensed to practice law before the courts of the State of California. I  
3 am employed by the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for the  
4 Antelope Valley Groundwater Agreement Association (AGWA) in the above-entitled matter. I have  
5 personal knowledge of the following, and, if called as a witness, I would and could testify  
6 competently to the following:

7 2. To date, AGWA has not engaged in any discovery, as a result of the Court's stay on  
8 discovery. Such discovery would be fruitless anyway because, to my knowledge, the purveyors  
9 have not yet responded to any of the discovery propounded on them by other landowners regarding  
10 overdraft conditions as such relates to their claim of prescription.

11 3. Thus far, AGWA has waited to retain an expert consultant for analysis of the matters  
12 at issue in the Phase 2 trial, because it does not know what claims will be made by the purveyors  
13 and because it did not want to expend its limited resources if such hiring were to prove unnecessary.

14 4. I have participated in previous groundwater basin adjudications within California,  
15 including the Santa Maria Groundwater Adjudication. In my experience working with experts in the  
16 groundwater field, most experts are not generalists, but rather specialize in a particular area.

17 5. Until AGWA is aware of the purveyors' claims regarding their allegations of  
18 prescription, and the methods they intend to use to prove those claims, AGWA cannot know which  
19 type of specialist expert it must retain. For example, AGWA does not know whether the purveyors  
20 intend to utilize a groundwater model. If this is the case, AGWA will need to retain an expert with  
21 experience with groundwater models. AGWA is similarly unaware of the purveyors' claims as to  
22 the amount of water used by irrigated agriculture. If AGWA disagrees with these claims, it will  
23 need to retain an expert with experience in crop water requirements.

24 6. For these reasons, without the benefit of the purveyors' responses to the discovery  
25 thus far propounded and that to be propounded in the future, the only expert disclosure that AGWA  
26 could offer would be that the expert will critique whatever elements of the purveyor claims with  
27 which AGWA disagrees, if any.

28 DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF EX PARTE APPLICATION

1 could offer would be that its expert will critique whatever elements of the purveyor claims with  
2 which AGWA disagrees, if any.

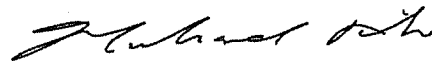
3 7. In my experience, individual landowners cannot afford to defend their rights in a  
4 lawsuit such as this without forming groups in order to share costs. AGWA is one such group, but  
5 its size has been constrained by the purveyors' failure to name and serve the remaining landowners.  
6 In addition, the possible formation of the small pumpers class may impact the number of people that  
7 may wish to join AGWA, or the formation of other groups which will be aligned with AGWA, in  
8 order to hire experts.

9 8. AGWA will not know what level of expert involvement its members will be able to  
10 afford until the process of bringing landowners into the case has been completed. For example,  
11 AGWA cannot know whether the experts it will offer at trial will have only the resources to conduct  
12 a simple peer review of the purveyor's claims, or will have the resources and time to conduct some  
13 level of independent analysis of basin conditions, including possible original modeling work.

14 9. If AGWA were given a 60-day extension to the court's June 27 expert witness  
15 disclosure deadline, it would have an opportunity to conduct discovery to find out which elements of  
16 the purveyors claims it will require experts to respond to, and the certification process for the small  
17 pumpers class may be certified at the scheduled August 11 hearing, informing AGWA as to the level  
18 of financial resources it can employ in hiring an expert. Such an extension would still allow the  
19 purveyors over a month to depose any expert AGWA may retain.

20 I declare under a penalty of perjury under the laws of the State of California that the  
21 forgoing is true and correct, and that this declaration is executed this 6th day of June, 2008 at Santa  
22 Barbara, California.

23  
24 Dated: June 16, 2008



25 MICHAEL T. FIFE  
26  
27

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA,  
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On June 16, 2008, I served the foregoing document described as:

**DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF EX PARTE APPLICATION  
FOR RELIEF FROM EXPERT DISCLOSURE DEADLINE**

on the interested parties in this action.

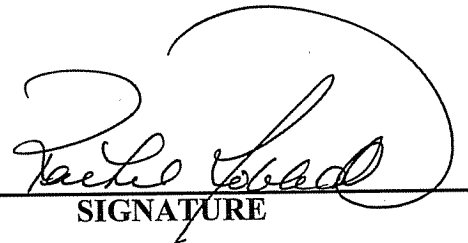
By posting it on the website at 1:00 p.m./a.m. on June 16, 2008. This posting was reported as complete and without error.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed in Santa Barbara, California, on June 16, 2008.



TYPE OR PRINT NAME



SIGNATURE

DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF EX PARTE APPLICATION