

April 2, 2013

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VIA EMAIL ONLY

Hon. Judge Jack Komar
Superior Court of California, County of Santa Clara
Old Courthouse, 191 N. First Street
San Jose, CA 95113

RE: Antelope Valley Groundwater Cases, JCCP 4408

Dear Judge Komar:

This correspondence is to request a meet and confer conference with the Court tomorrow morning at 9:00 a.m., April 3, 2013, regarding the noticed depositions of John Maritorena, Jane Healy, and Donna Wilson, all three of whom are members of the Antelope Valley Groundwater Agreement Association ("AGWA"). Counsel for Quartz Hill Water District Mr. Bradley Weeks originally noticed the deposition of Mr. Maritorena and Ms. Healy for April 2, 2013, and noticed the deposition of Donna Wilson for April 9, 2013. In light of remaining uncertainty as to issues surrounding the depositions of Mr. Maritorena, Ms. Healy and Ms. Wilson, as well as the rapidly approaching deadline for the end of depositions, AGWA requests that the Court provide guidance as to how it would like the depositions of Mr. Maritorena, Ms. Healy, and Ms. Wilson to proceed in light of their health and travel limitations summarized below. While AGWA has sought to resolve these scheduling issues informally, we have not received any response from Los Angeles County Waterworks District 40 ("County Waterworks") counsel.

1. Deposition of John Maritorena

After recurring complications from Leukemia and ongoing organ failure, Mr. Maritorena has been in intensive care in Cedars-Sinai Memorial Hospital since mid-March, and is presently unable to communicate. Pursuant to the Court's previous order, the parties engaged in a telephonic conference regarding deposition dates on March 25 and March 26th. Counsel for AGWA notified Mr. Weeks that Mr. Maritorena would be unavailable for deposition and trial testimony due to his illness. After multiple attempts via email to obtain the consent of Counsel for County Waterworks to an alternate proposal in lieu of deposition of Mr. Maritorena, AGWA has yet to receive responses from the County. A copy of the relevant email correspondence is attached hereto as Exhibit "A." Counsel for Quartz Hill Water District subsequently noticed the deposition of Mr. Maritorena in Los Angeles on April 9.

Due to Mr. Maritorena's poor health, AGWA proposes that the declaration signed by Mr. Maritorena in lieu of deposition testimony be received by other parties as evidence, objecting parties issue written criticisms of the declaration by April 15, 2013, and then AGWA will present a substitute witness to substantiate the information presented in the declaration and to respond to any written criticisms of Mr. Maritorena's declaration. The substitute witness would be subject to further examination at trial. Although AGWA submitted this proposal to counsel for purveyors, we have yet to hear if they agree to this proposal or not. We ask that the Court, under its unique and broad powers under Code of Civil Procedure section

2025.420(b), approve AGWA's proposal or alternatively, fashion an alternate deposition process to account for Mr. Maritoren's condition.

2. Deposition of Donna Wilson

Ms. Donna Wilson is the sole caretaker of her ill 91-year-old mother in law, and also works a full-time job from her home in the Palmdale/Lancaster area. In light of her time constraints and her inability to leave her mother in law alone for extended periods of time, Ms. Wilson is unable to attend her noticed deposition in Los Angeles. Ms. Wilson is a smaller pumper of groundwater on her family's property, and claims only 14.5 acre-feet of water. Presently, depositions of other AGWA members who are relatively smaller pumpers are underway at the offices of Charlton Weeks in Palmdale, as Mr. Weeks scheduled multiple depositions in Palmdale at the request of AGWA. There are four scheduled depositions today, four scheduled on Tuesday April 2, and only two scheduled for Thursday April 4. AGWA has proposed scheduling Ms. Wilson for April 4 in Palmdale to help alleviate the stress on travel to Los Angeles, but has received no response from County Waterworks Counsel.

3. Deposition of Jane Healy

Jane Healy has had multiple surgeries and is under doctor's orders not to travel more than 30 minutes at a time. Since Ms. Healy currently resides near Camarillo, California, depositions in either downtown Los Angeles or Palmdale pose travel issues for her in light of the 30-minute travel limitation. AGWA also seeks guidance as to how the deposition of Ms. Healy may go forward in light of her travel restrictions. Counsel for Quartz Hill Water District has since noticed the deposition of Ms. Healy in Los Angeles on April 9.

4. Sufficiency of Notices of Deposition

AGWA filed objections to all Notices of Deposition filed by Counsel for Quartz Hill Water District for AGWA members, because the Notices failed to specify which paragraphs of the deponents' signed declarations submitted in lieu of declarations are deficient. Since Mr. Weeks has been cooperative in scheduling some AGWA member depositions in Palmdale, AGWA has allowed those depositions to proceed. However, AGWA's objections to the other depositions noticed for downtown Los Angeles stand. The Amended Notices of Deposition filed in part to remedy this lack of specificity continue to only vaguely reference the insufficiency of the declarations. For example, the Amended Notice for Jane Healy states in full: "Paragraphs 1 thru 7; 33, 34, 36 thru 43. Topics will be all leasing activity, agricultural and to mining companies, meter, electrical and diesel use, if any, total acreage and irrigated acreage, crop type, and the calculation of applied water use for domestic and agricultural use, to the extent used, if any. Water use." In the face of such broad topics, AGWA is unable to tell exactly what portions of the declaration of Ms. Healy are problematic. Other Notices, such as the Notice of Deposition issued for John Javadi, still remain unamended and fail to specify particular paragraphs that the purveyors object to at all.

AGWA requests a conference with the Court as soon as possible to resolve these deposition issues, given the fact the deposition deadline is rapidly approaching and deposition schedule dates are filling up.



Michael T. Fife

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 April 2, 2013, I served the foregoing document described as:

Letter to Judge Komar Requesting Meet and Confer re: John Maritorea, Jane Healy, and Donna Wilson Depositions

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on April 2, 2013.

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 April 2, 2013.

**LINDA MINKY
TYPE OR PRINT NAME**


SIGNATURE