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Exempt from filing fee
Government Code § 6103

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ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES COUNTY
WATER WORKS DISTRICT NO. 40

[See Next Page for Additional Counsel]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

**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 353 840, RIC 344 436, RIC 344 668.

Judicial Council Coordination
Proceeding No. 4408

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

**AMENDED EXPERT WITNESS
DECLARATION OF DOUGLAS J.
EVERTZ ON BEHALF OF LOS
ANGELES COUNTY WATER WORKS
DISTRICT NO. 40, ROSAMOND
COMMUNITY SERVICES DISTRICT,
CITY OF LANCASTER, PALMDALE
WATER DISTRICT, QUARTZ HILL
WATER DISTRICT, CALIFORNIA
WATER SERVICE COMPANY AND
LITTLE ROCK CREEK IRRIGATION
DISTRICT, et al.**

Trial Date: October 6, 2008

1 [Additional counsel - as follows]

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21 LITTLE ROCK CREEK IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT
And Cross-Defendants, NORTH EDWARDS WATER DISTRICT and DESERT LAKES
22 COMMUNITY SERVICES DISTRICT, LLANO DEL-RIO WATER CO., LLANO MUTUAL
WATER CO., BIG ROCK MUTUAL WATER CO., and LITTLE BALDY WATER CO.

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1 Designation of the Designating Parties is deficient because (1) the Expert Designation does not
2 “disclose what opinions the experts will offer at trial,” and (2) “none of the experts produced a
3 written report summarizing the anticipated opinions at trial.” (Motion of Limine, p. 3, lines 10-12.)

4 In my opinion, the motion is not well taken because (1) the expert declaration complies with Code
5 of Civil Procedure section 2034.260, (2) no written reports were prepared by Mr. Scalmanini,
6 Mr. Utley or Mr. Williams and thus none are required to be produced, and (3) on September 3, 2008,
7 Mr. Scalmanini met with, among others, Tejon Ranch’s expert witnesses, Richard Rhone (in
8 person) and John List (by telephone) to discuss certain issues regarding “subbasins.”

9 6. On September 5, 2008, I spoke with Robert Kuhs and advised him that while I believe
10 the August 15, 2008 Expert Designation of the Designating Parties is sufficient, the Designating
11 Parties are prepared to supplement the expert witness declaration. I then asked Mr. Kuhs what
12 precisely he thought was missing from the Expert Designation and/or what additional information he
13 wanted to be included. I then asked Mr. Kuhs to take his motion in limine off calendar. While
14 Mr. Kuhs did indicate that filing a supplemental declaration might be a “step in the right direction,” he
15 refused to provide any indication as to what further information he thought might be useful in the
16 declaration, and indicated he was not inclined to take his motion off calendar.

17 7. In an effort to resolve any outstanding dispute between the Designating Parties and
18 Tejon Ranch, the Designating Parties now offer the following supplemental declaration, which
19 includes only the previously designated experts and which identifies in greater detail the substance of
20 the anticipated testimony of the experts:

21 (a) Joseph Scalmanini. Mr. Scalmanini is a registered civil engineer and the President
22 of Luhdorff and Scalmanini Consulting Engineers. A true and correct copy of
23 Mr. Scalmanini’s resume was attached to the August 15, 2008 designation as
24 Exhibit “A” and incorporated herein by reference. Mr. Scalmanini’s anticipated
25 testimony will address the following substantive areas:

26 (1) The Antelope Valley, including its physical setting and its area of
27 adjudication (Antelope Valley Area of Adjudication, or “AVAA”).
28

1 (2) The general geology of the area and the occurrence of groundwater in the
2 AVAA, including his opinions regarding the nature of geologic formations and
3 aquifer materials, and the effects of geologic features on the occurrence and
4 movement of groundwater, and on the physical effects of groundwater
5 extraction.

6 (3) His opinion there are no separate groundwater basins (hydrogeologically
7 separate subdivisions) within the AVAA and that while it may ultimately be
8 appropriate or necessary to subdivide the AVAA for development and
9 implementation of a physical solution, it is premature to identify subdivisions
10 for that purpose until the objectives of the physical solution are identified.

11 (4) Mr. Scalmanini may also be called to offer testimony to rebut the testimony of
12 other experts.

13 (b) Kenneth Utley. Mr. Utley is a Registered Geologist and Certified Engineering
14 Geologist, and Senior Geologist with Luhdorff and Scalmanini, Consulting Engineers.
15 A true and correct copy of Mr. Utley's resume was attached to the August 15, 2008
16 designation as Exhibit "B". Mr. Utley's anticipated testimony, which was relied upon
17 in part by Mr. Scalmanini in formulating his ultimate opinions, will address the
18 following substantive areas:

19 (1) The general geology of the area and the occurrence of groundwater in the
20 AVAA, including his opinions regarding the nature of geologic formations and
21 aquifer materials, and the effects of geologic features on the occurrence and
22 movement of groundwater, all of which is introductory to and supportive of the
23 ultimate opinion of Mr. Scalmanini.

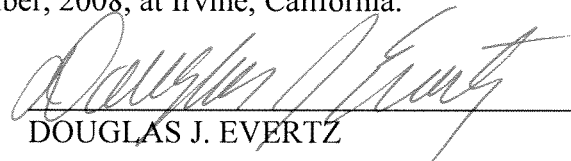
24 (c) Dr. Dennis Williams. Dr. Williams is a registered geologist and California certified
25 hydro geologist with experience in groundwater development and management.
26 Dr. Williams may be called to render rebuttal testimony and opinions concerning the
27 work of other experts on the characteristics, structure, hydrologic conditions of
28 the groundwater underlying the geographic area, including rebuttal testimony to refute

1 opinions of other experts on the use of hydrogeological modeling to establish
2 "subbasins" in the AVAA. He has agreed to testify and will be sufficiently familiar
3 with the pending action to submit to a meaningful oral deposition concerning his
4 specific testimony, after the work of other experts engaged by the public purveyors is
5 completed. Additional information regarding Dr. Williams was attached to the
6 August 15, 2008 designation as Exhibit "C."

7 8. The above experts have agreed to testify at trial. They will be sufficiently familiar
8 with the pending action to submit to meaningful depositions concerning their expert opinions and the
9 basis thereof. Mr. Scalmanini charges \$460 per hour for deposition and trial testimony. Mr. Utley
10 charges \$284 per hour for deposition and trial testimony. Mr. Williams charges \$500 per hour for
11 deposition and trial testimony.

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

14 Executed this 18th day of September, 2008, at Irvine, California.

15 
16 DOUGLAS J. EVERTZ

1 **PROOF OF SERVICE**

2 **ANTELOPE VALLEY GROUNDWATER CASES**

Judicial Council Coordination, Proceeding No. 4408

3 Santa Clara Case No. 1-05-CV 049053

4 Assigned to the Honorable Jack Komar

5 Los Angeles County Superior Court, Central, Dept. 1

6 I am a resident of the State of California, over 18 years of age and not a party to this action. I
7 am employed in the County of Orange, State of California. My business address is 2050 Main Street,
Suite 600, Irvine, California 92614. On September 18, 2008, I served the within document(s):

8 **AMENDED EXPERT WITNESS DECLARATION OF DOUGLAS J. EVERTZ**
9 **ON BEHALF OF LOS ANGELES COUNTY WATER WORKS DISTRICT NO. 40,**
10 **ROSAMOND COMMUNITY SERVICES DISTRICT, CITY OF LANCASTER,**
11 **PALMDALE WATER DISTRICT, QUARTZ HILL WATER DISTRICT,**
12 **CALIFORNIA WATER SERVICE COMPANY AND LITTLEROCK CREEK**
13 **IRRIGATION DISTRICT, et al.**

11 ☒ by posting the document(s) listed above to the website <http://www.scefiling.org>, a
12 dedicated link to the Antelope Valley Groundwater Cases; Santa Clara Case
13 No. 1-05-CV 049053, Assigned to the Honorable Jack Komar, said document(s) is
electronically served/distributed therewith.

14 ☐ By transmitting via e-mail the document(s) listed above to the e-mail address(es) and/or
15 fax number(s) set forth below on this date.

16 ☐ by placing the document(s) listed above in a sealed Overnite Express envelope/package for
overnight delivery at Irvine, California addressed as set forth below.

17 ☐ by causing personal delivery by Nationwide Legal of the document(s) listed above, to the
18 person(s) at the address(es) set forth below.

19
20 I am readily familiar with Luce, Forward, Hamilton & Scripps LLP's practice for collecting and
21 processing correspondence for mailing. Under that practice it would be deposited with the U.S.
22 Postal Service on the same day that the correspondence is placed for collection and mailing, it is
deposited in the ordinary course of business with the United States Postal Service, in a sealed
envelope with postage fully prepaid.

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

25 Executed on September 18, 2008, at Irvine, California.

26 
27 LORIN MORENO
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