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6 Attorneys for Cross-Defendants
ESOLAR, INC.; RED DAWN SUNTOWER, LLC;
7 **SIERRA SUNTOWER, LLC;**
8 **TUMBLEWEED SUNTOWER, LLC**

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 ANTELOPE VALLEY
12 GROUNDWATER CASES

13 INCLUDED ACTIONS:

14 LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40 v.
15 DIAMOND FARMING COMPANY, et
al., Los Angeles Superior Court Case No.
16 BC325201;

17 LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40 v.
18 DIAMOND FARMING COMPANY, et
al., Kern County Superior Court Case
19 No. S-1500-CV-254-348;

20 DIAMOND FARMING COMPANY,
and W.M. BOLTHOUSE FARMS, INC.,
21 v. CITY OF LANCASTER, et al.,
Riverside Superior Court Case No. RIC
22 344436 [c/w case no. RIC 344668 and
355840]

Judicial Council Coordination No. 4408
Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**CROSS-DEFENDANTS ESOLAR, INC., RED
DAWN SUNTOWER, LLC, SIERRA
SUNTOWER, LLC, TUMBLEWEED
SUNTOWER, LLC'S DISCLOSURE OF
WITNESSES AND EXHIBITS REGARDING
PROVE-UP TRIAL RE: [PROPOSED]
STIPULATED JUDGMENT AND PHYSICAL
SOLUTION**

DATE: August 3, 2015
TIME: 10:00 a.m.
DEPT: TBA

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that in accordance with Court's Second Case Management
3 Order dated March 27, 2015, Cross Defendants eSolar, Inc.; Red Dawn Suntower, LLC; Sierra
4 Suntower, LLC; and Tumbleweed Suntower, LLC (collectively "eSolar Parties") hereby disclose
5 the following witnesses and exhibits regarding the prove-up of the [Proposed] Stipulated
6 Judgment and Physical Solution trial, commencing August 3, 2015, as follows:

7 Witnesses:

- 8 1. Michael Bass – Reasonable and beneficial use, property ownership;
- 9 2. Dennis Williams – Recommendation of the [Proposed] Judgment & Physical
10 Solution (non-retained joint expert with other settling parties);
- 11 3. Robert G. Beeby – Reasonable and beneficial use of water by Stipulating Parties
12 (non-retained joint expert with other settling parties);
- 13 4. David Peterson – Reasonable and beneficial use of water by Stipulating Parties
14 (non-retained joint expert with other settling parties);
- 15 5. Robert Wagner [*Charles W. Binder*] – Recommendation of the [Proposed]
16 Judgment & Physical Solution (non-retained joint expert with other settling parties).

17 The above list does not include any witnesses to be called for rebuttal and impeachment,
18 if any. In addition to the witnesses listed above, eSolar Parties reserve the right to supplement
19 or add to this list of witnesses, if necessary.

20 Exhibits:

- 21 1. **4-ESOLAR-1** eSolar, Inc.'s Declarations in Lieu of Deposition;
- 22 2. **4-ESOLAR-2** Response to December 12, 2012 Discovery Order for
23 Phase 4 Trial;
- 24 3. **4-ESOLAR-3** Amended Statement of Claim of Water Rights;
- 25 4. **4-ESOLAR-4** Stipulation Concerning Land Ownership and Prior
26 Groundwater Production;
- 27 5. **4-ESOLAR-5** Stipulation Concerning Land Ownership and Prior
28 Groundwater Production;

6. **4-ESOLAR-6** Stipulation Concerning Land Ownership and Prior Groundwater Production.

In addition to the exhibits listed above, eSolar Parties reserve the right to supplement or add to this list of exhibits, if necessary.

DATED: April 27, 2015

EDWARD J. CASEY
ANDREW BRADY
ALSTON & BIRD LLP

Andrew Brady
Attorneys for Cross-Defendants
**ESOLAR, INC.; RED DAWN SUNTOWER,
LLC; SIERRA SUNTOWER, LLC;
TUMBLEWEED SUNTOWER, LLC**

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PROOF OF SERVICE

I, Yolanda S. Ramos, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071.

On April 27, 2015, I served the document(s) described as **CROSS-DEFENDANTS ESOLAR, INC., RED DAWN SUNTOWER, LLC, SIERRA SUNTOWER, LLC, TUMBLEWEED SUNTOWER, LLC'S DISCLOSURE OF WITNESSES AND EXHIBITS REGARDING PROVE-UP TRIAL RE: [PROPOSED] STIPULATED JUDGMENT AND PHYSICAL SOLUTION** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

☐ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.

☒ BY ELECTRONIC MAIL: By posting the document listed above to the Santa Clara Superior Court website: www.scefiling.org regarding the ANTELOPE VALLEY GROUNDWATER matter.

☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

☐ BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.

☒ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 27, 2015, at Los Angeles, California.


YOLANDA S. RAMOS