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Attorneys for Cross-Defendants, Bolthouse Properties, LLC and Wm.  
Bolthouse Farms, Inc.,

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

\* \* \*

COORDINATION PROCEEDING	)	Judicial Council Coordination
SPECIAL TITLE (Rule 1550(b))	)	Proceeding No. 4408
	)	
<b>ANTELOPE VALLEY GROUNDWATER</b>	)	CASE NO. 1-05-CV-409053
<b>CASES</b>	)	
	)	
INCLUDED ACTIONS:	)	
	)	
LOS ANGELES COUNTY WATERWORKS	)	
DISTRICT NO. 40 v. DIAMOND	)	
FARMING COMPANY, et al.,	)	<b>BOLTHOUSE PROPERTIES, LLC'S AND</b>
Los Angeles Superior Court	)	<b>WM. BOLTHOUSE FARMS, INC.'S</b>
Case No. BC325201	)	<b>RESPONSE TO APPLICATION OF</b>
	)	<b>TEJON RANCHCORP FOR EXPERT</b>
LOS ANGELES COUNTY WATERWORKS	)	<b>WITNESS SCHEDULING ORDER AND</b>
DISTRICT NO. 40 v. DIAMOND	)	<b>ORDER THEREON</b>
FARMING COMPANY, et al.,	)	
Kern County Superior Court	)	
Case No. S-1500-CV-254348	)	PHASE 2 TRIAL DATE: October 6, 2008
	)	
DIAMOND FARMING COMPANY, and	)	
W.M. BOLTHOUSE FARMS, INC., v.	)	
CITY OF LANCASTER, et al.,	)	
Riverside Superior Court	)	
Case No. RIC 344436 [c/w case	)	
no. RIC 344668 and 353840]	)	



1 would present expert testimony first which would probably take  
2 fill the first week of trial starting on the 6<sup>th</sup>.

3 We also advised Mr. Kuhs that it was our intent to have  
4 Mr. Sheahan testify after Los Angeles County, Tejon and other sub  
5 basin expert proponents testify, if at all, and that he would be  
6 available to do so in the second half of November assuming there  
7 was not time during the first week of trial.

8 We did not agree to start the further Phase 2 Trial on  
9 October 16<sup>th</sup>, nor did we agree to produce Mr. Sheahan before  
10 Tejon's experts testify. As noted above, there may be no need to  
11 incur the cost of doing so. We remain willing to schedule the  
12 continued Phase 2 Trial for the end of November should any  
13 further expert testimony need to be presented by Mr. Sheahan or  
14 otherwise.

### 15 CONCLUSION

16 BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS, INC.  
17 cannot present expert testimony during the last two weeks of  
18 October. BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS,  
19 INC. can present expert testimony during the week of the October  
20 6<sup>th</sup> assuming other party experts claiming the existence of sub  
21 basins complete their testimony first. If Bolthouse expert  
22 testimony cannot be completed by October 10<sup>th</sup>, and if we believe  
23 his testimony is necessary based on the evidence presented by sub  
24 basin proponents, we could have him testify sometime during the  
25 last two weeks of November.

1 If the Court is inclined to proceed as set forth above, we  
2 have no objection to doing so. If not, we suggest a trial  
3 scheduling conference be held with the Court to clarify how we  
4 will proceed.

5  
6 DATED: August 27, 2008

Respectfully submitted,

7 CLIFFORD & BROWN

8  
9 By: 

RICHARD G. ZIMMER, ESQ.

T. MARK SMITH, ESQ.

Attorneys for plaintiff/defendant,  
W. M. BOLTHOUSE FARMS, INC.

**PROOF OF SERVICE (C.C.P. §1013a, 2015.5)**  
***Antelope Valley Groundwater Cases***  
***Judicial Counsel Coordination Proceeding No. 4408***  
***Santa Clara County Superior Court Case No. 1-05-CV-049053***

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On August 27, 2008, I served the foregoing document(s) entitled:

**BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS, INC.'S  
RESPONSE TO APPLICATION OF TEJON RANCHCORP FOR EXPERT WITNESS  
SCHEDULING ORDER AND ORDER THEREON**

— by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

— by placing \_ the original, \_ a true copy thereof, enclosed in a sealed enveloped addressed as follows:

**X BY SANTA CLARA SUPERIOR COURT E-FILED IN COMPLEX LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.**

Executed on August 27, 2008, at Bakersfield, California.

X (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 that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

  
\_\_\_\_\_  
NANETTE MAXEY  
2455-2