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October 31, 2008

2455-2

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Re: Antelope Valley Groundwater Litigation
Santa Clara County Superior Court Case No. 1-05-CV-049053
Judicial Council Coordination Proceeding No. 4408

Dear Mr. Kuhs and Ms. McKeith:

Pursuant to the Court's Order to meet and confer regarding the videotape of the deposition testimony of Tom Sheahan, please note the following. As we previously advised on the telephone, in Court and in writing, we intend to use the entire direct deposition testimony of Tom Sheahan in lieu of his live testimony at trial pursuant to *Code of Civil Procedure*, Section 2025.620(d). In our telephone conference with the Court regarding the Motion to Quash on October 31, 2008, the Court advised, unsurprisingly, that it does not want to hear the arguments between counsel regarding the deposition order, sufficiency, etc. Accordingly, we can have these discussions removed from the videotape. He also ordered that we meet and confer regarding objections to the videotape so that he can meaningfully deal with specific objections. I am willing to proceed in various ways as discussed below.

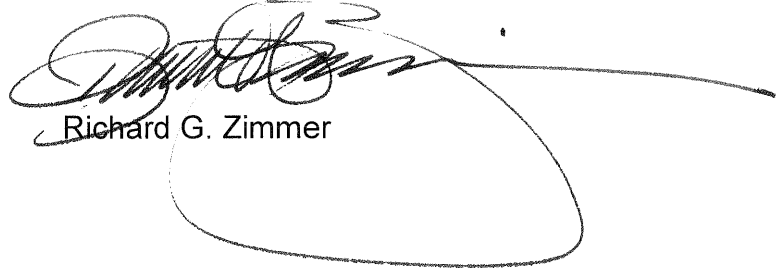
I am willing to have the videotape edited to remove all comments of counsel included in both the direct examination and cross-examinations. All parties can then review the transcript and determine whether there are any specific objections which a party will require the Court to rule upon. If so, these specific objections can be presented to the Court in a more concise format, allowing for easier review and ruling by the Court.

Robert G. Kuhs, Esq.
Malissa McKeith, Esq.
Antelope Valley Groundwater Litigation
October 31, 2008
Page 2

In order to get the ball moving on this, we will request an edited copy of the videotape removing all comments and objections by counsel. If there are objections that a party believes still need to be made, and about which the parties cannot agree, these can be addressed specifically to the Court to save time through a conference call.

I thank you for your prompt courtesy and attention to this matter. I look forward to your reply.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Richard G. Zimmer', is written over a large, empty oval shape. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard G. Zimmer

RGZ/nm

cc: Counsel and parties

BL/BOLTHOUSE/ANTELOPE/SANTA CLARA/KUHS & MCKEITH-01