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January 22, 2009

2455-2

Via E-filing Only

To All Counsel

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

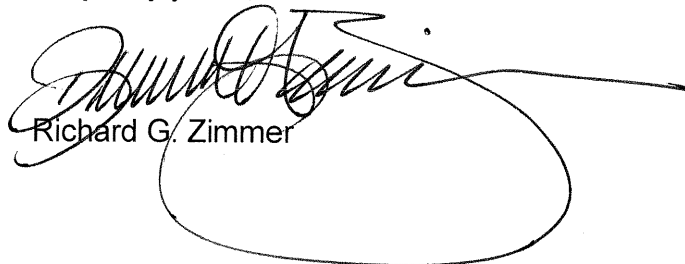
Dear Counsel:

This correspondence is in reference to Mr. Joyce's January 21, 2009 correspondence. I agree with Mr. Joyce's observations and suggested approach regarding outstanding discovery and request that the parties to whom Bolthouse discovery was served be in a position to advise whether they will respond appropriately to the outstanding discovery.

I have no objection to discussing broader discovery issues at the beginning of the meeting in order to allow counsel who are uninterested in the discussion regarding specific currently outstanding discovery disputes to leave. However, we do need to determine whether the parties to whom we have served discovery intend to properly respond. If not, we will proceed with the meet and confer conference with Judge Komar regarding the specific outstanding discovery disputes set for February 4, 2009.

Thank you for your courtesy and attention to this matter.

Very truly yours,



Richard G. Zimmer

RGZ/nm

ioc: T. Mark Smith, Esq.

BL/ANTELOPE VALLEY/SANTA MARIA/ALL COUNSEL-13