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Inc.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

* * *

COORDINATION PROCEEDING

SPECIAL TITLE (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

) CASE NO. 1-05-CV-049053
)

INCLUDED ACTIONS:

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

) NOTICE OF TAKING AND
) VIDEOTAPING OF CONTINUED
) DEPOSITION OF LOS ANGELES
) COUNTY WATERWORKS NO. 40'S
) EXPERT, JOSEPH SCALMANINI

) Phase 3 Trial Date:
) January 4, 2011
)

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40 v. DIAMOND
FARMING COMPANY, et al.,
Kern County Superior Court
Case No. S-1500-CV-254348

) DATE: December 13 & 14, 2010
) TIME: 10:00 A.M.

) LOCATION: Lagerlof, Senecal,
et al., LLP
301 North Lake Avenue
10th Floor
Pasadena, CA 91101
(626) 793-9400

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]

ROSAMOND COMMUNITY SERVICES
DISTRICT,

CROSS-COMPLAINANT,

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

2 **PLEASE TAKE NOTICE** that on the date, time and location listed
3 below, the continued deposition of the individual listed below
4 will be taken before a Certified Shorthand Reporter and, if for
5 any reason the taking of said continued deposition is not
6 completed on said day, the taking of the continued deposition will
7 be continued from day to day, Sundays and holidays excepted, until
8 completed.

9 The person whose continued deposition will be taken and the
10 date and time is as follows:

11 1. **JOSEPH SCALMANINI**

December 13 & 14, 2010
10:00 A.M.
Lagerlof, Senecal,
et al., LLP
301 North Lake Avenue
10th Floor
Pasadena, CA 91101
(626) 793-9400

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13
14
15 **FURTHER PLEASE TAKE NOTICE** that the deponent set forth herein
16 above is requested to produce at the time of the continued
17 deposition the following:

- 18 1. Deponent's entire file concerning the above-captioned
19 lawsuit.
- 20 2. Any and all writings prepared by or on behalf of said
21 deponent or anyone working at the direction of said
22 deponent which in any way pertains to the review,
analysis, opinions, conclusions, or beliefs of said
deponent with regard to the subject matter of this
litigation;
- 23 3. Any and all writings received and/or reviewed by said
24 deponent pertaining to the subject matter of this
25 litigation;
26

- 1 4. Any and all handwritten notes, field notes,
2 calculations or other writings prepared by or on behalf
3 of said deponent or by someone at the direction of said
deponent pertaining to the subject matter of this
litigation;
- 4 5. Any and all photographs, videotapes, scans,
5 micrographs, or other such recording reviewed,
6 received, analyzed, prepared by, considered, and/or
relied upon by said deponent which pertains to the
subject matter of this litigation;
- 7 6. Any and all books, articles, treatises, reports, or
8 other writings which in any way form the basis for any
opinion, conclusion or analysis of said deponent
relating to the subject matter of this litigation;
- 9 7. Any and all writings pertaining to the billing and
10 amount of time spent by said deponent or others under
the direction of said deponent in working on any matter
11 pertaining to the subject of this litigation. This
includes but is not limited to any and all timesheets
12 or billing statements.
- 13 8. Any and all reports, conclusions, opinions, and drafts
14 of the same prepared by deponent in connection with the
above-captioned lawsuit.
- 15 9. Any "engagement letter" or similar instructions
16 received by deponent in connection with the
above-captioned lawsuit.
- 17 10. The deponent's Curricula Vitae.
- 18 11. All documents, depositions, scientific, technical or
19 professional texts, journals, or any other "writings"
(as defined by California Evidence Code, Section 250)
20 including any documents prepared by any present or
former party to this action which the deponent read,
referred to, considered or relied upon in preparing to
21 testify in deposition or at trial, of this action.
- 22 12. All documents, depositions, scientific, technical or
23 professional texts, journals, or any other action in
which you provided testimony, either by deposition or
24 in trial, as a percipient and/or expert witness, which
you have read, referred to, considered or relied upon
in preparing to testify or in testifying, in deposition
25 or at trial, in this action.
26 \\\
- \\

- 1 13. All documents, correspondence, depositions, deposition
2 summaries, memoranda, or any other "writing" (as
3 defined by California Evidence Code, Section 250),
4 prepared by you or sent and/or received from deponent
5 or counsel or any other attorney concerning the subject
6 matter of the issues in this case, or concerning any of
7 the matters referred to in any of the aforementioned
8 categories of this list of documents to be produced at
9 deposition.
- 10 14. A list of all cases by name, venue, and date in which
11 you have testified at deposition and at trial related
12 to safe yield and/or overdraft, perennial yield,
13 sustainable yield or similar issues.
- 14 15. All models run, conducted, tested, considered or
15 reviewed by the deponent, including, but not limited
16 to, working electronic copy of the model code, hard-
17 copy of all documentation supporting the operation of
18 the model, all input data electronic files in formats
19 useable to the model and suitable for human review, all
20 data used in model calibration in electronic form, the
21 results of all calibration/verification runs of the
22 model in electronic and hard-copy form, and all output
23 from the model in electronic and hard-copy form.
- 24 16. Any and all storage change models run, conducted,
25 tested, considered or reviewed by the deponent
26 referenced in Summary Expert Report, p. IV-14,
including, but not limited to, working electronic copy
of the model code, hard-copy of all documentation
supporting the operation of the model, all input data
electronic files in formats useable to the model and
suitable for human review, all data used in model
calibration in electronic form, the results of all
calibration/verification runs of the model in
electronic and hard-copy form, and all output from the
model in electronic and hard-copy form.
17. Any and all aquitard-drainage models run, conducted,
tested, considered or reviewed by the deponent
referenced in Summary Expert Report, p. IV-22,
including, but not limited to, working electronic copy
of the model code, hard-copy of all documentation
supporting the operation of the model, all input data
electronic files in formats useable to the model and
suitable for human review, all data used in model
calibration in electronic form, the results of all
calibration/verification runs of the model in
electronic and hard-copy form, and all output from the
model in electronic and hard-copy form.

- 1 18. Any and all GIS model development to estimate the
2 volume of water derived from sediment in the AVAA, run,
3 conducted, tested, considered or reviewed by the
4 deponent referenced in Summary Expert Report, p. IV-23,
5 including, but not limited to, working electronic copy
6 of the model code, hard-copy of all documentation
7 supporting the operation of the model, all input data
8 electronic files in formats useable to the model and
9 suitable for human review, all data used in model
10 calibration in electronic form, the results of all
11 calibration/verification runs of the model in
12 electronic and hard-copy form, and all output from the
13 model in electronic and hard-copy form.
- 14 19. Any and all precipitation-yield model described in
15 Section 4.1 and Appendix C, run, conducted, tested,
16 considered or reviewed by the deponent referenced in
17 Summary Expert Report, p. IV-37, including, but not
18 limited to, working electronic copy of the model code,
19 hard-copy of all documentation supporting the operation
20 of the model, all input data electronic files in
21 formats useable to the model and suitable for human
22 review, all data used in model calibration in
23 electronic form, the results of all
24 calibration/verification runs of the model in
25 electronic and hard-copy form, and all output from the
26 model in electronic and hard-copy form.
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- 25 \\\
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- 1 21. Any and all digital elevation models (DEM), run,
2 conducted, tested, considered or reviewed by the
3 deponent referenced in Appendix C, p. 3, including, but
4 not limited to, working electronic copy of the model
5 code, hard-copy of all documentation supporting the
6 operation of the model, all input data electronic files
7 in formats useable to the model and suitable for human
8 review, all data used in model calibration in
9 electronic form, the results of all
10 calibration/verification runs of the model in
11 electronic and hard-copy form, and all output from the
12 model in electronic and hard-copy form.
- 13 22. Any and all PRISM models run, conducted, tested,
14 considered or reviewed by the deponent referenced in
15 Appendix C, p. 9, including, but not limited to,
16 working electronic copy of the model code, hard-copy of
17 all documentation supporting the operation of the
18 model, all input data electronic files in formats
19 useable to the model and suitable for human review, all
20 data used in model calibration in electronic form, the
21 results of all calibration/verification runs of the
22 model in electronic and hard-copy form, and all output
23 from the model in electronic and hard-copy form.
- 24 23. Any and all runoff model described in Section 3.3 run,
25 conducted, tested, considered or reviewed by the
26 deponent referenced in Appendix C, p. 21, including,
but not limited to, working electronic copy of the
model code, hard-copy of all documentation supporting
the operation of the model, all input data electronic
files in formats useable to the model and suitable for
human review, all data used in model calibration in
electronic form, the results of all
calibration/verification runs of the model in
electronic and hard-copy form, and all output from the
model in electronic and hard-copy form.
- 27 24. Any and all watershed models run, conducted, tested,
28 considered or reviewed by the deponent referenced in
29 Appendix C, p. 25, including, but not limited to,
30 working electronic copy of the model code, hard-copy of
31 all documentation supporting the operation of the
32 model, all input data electronic files in formats
33 useable to the model and suitable for human review, all
34 data used in model calibration in electronic form, the
35 results of all calibration/verification runs of the
36 model in electronic and hard-copy form, and all output
37 from the model in electronic and hard-copy form.

- 1 25. Any and all water-yield models run, conducted, tested,
2 considered or reviewed by the deponent referenced in
3 Appendix C, p. 26, including, but not limited to,
4 working electronic copy of the model code, hard-copy of
5 all documentation supporting the operation of the
6 model, all input data electronic files in formats
7 useable to the model and suitable for human review, all
8 data used in model calibration in electronic form, the
9 results of all calibration/verification runs of the
10 model in electronic and hard-copy form, and all output
11 from the model in electronic and hard-copy form.
- 12 26. Any and all runoff models run, conducted, tested,
13 considered or reviewed by the deponent referenced in
14 Appendix C, p. 27, including, but not limited to,
15 working electronic copy of the model code, hard-copy of
16 all documentation supporting the operation of the
17 model, all input data electronic files in formats
18 useable to the model and suitable for human review, all
19 data used in model calibration in electronic form, the
20 results of all calibration/verification runs of the
21 model in electronic and hard-copy form, and all output
22 from the model in electronic and hard-copy form.
- 23 27. Any and all groundwater models (Section C.3.3.5) run,
24 conducted, tested, considered or reviewed by the
25 deponent referenced in Appendix C, p. 28, including,
26 but not limited to, working electronic copy of the
model code, hard-copy of all documentation supporting
the operation of the model, all input data electronic
files in formats useable to the model and suitable for
human review, all data used in model calibration in
electronic form, the results of all
calibration/verification runs of the model in
electronic and hard-copy form, and all output from the
model in electronic and hard-copy form.
28. Any and all groundwater models run, conducted, tested,
considered or reviewed by the deponent referenced in
Appendix C, p. 32, including, but not limited to,
working electronic copy of the model code, hard-copy of
all documentation supporting the operation of the
model, all input data electronic files in formats
useable to the model and suitable for human review, all
data used in model calibration in electronic form, the
results of all calibration/verification runs of the
model in electronic and hard-copy form, and all output
from the model in electronic and hard-copy form.

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- 1 29. Any and all FEMFLOW3D models run, conducted, tested,
2 considered or reviewed by the deponent referenced in
3 Appendix C, p. 33, including, but not limited to,
4 working electronic copy of the model code, hard-copy of
5 all documentation supporting the operation of the
6 model, all input data electronic files in formats
7 useable to the model and suitable for human review, all
8 data used in model calibration in electronic form, the
9 results of all calibration/verification runs of the
10 model in electronic and hard-copy form, and all output
11 from the model in electronic and hard-copy form.
- 12 30. Any and all groundwater models (Durbin 1978) run,
13 conducted, tested, considered or reviewed by the
14 deponent referenced in Appendix C, p. 35, including,
15 but not limited to, working electronic copy of the
16 model code, hard-copy of all documentation supporting
17 the operation of the model, all input data electronic
18 files in formats useable to the model and suitable for
19 human review, all data used in model calibration in
20 electronic form, the results of all
21 calibration/verification runs of the model in
22 electronic and hard-copy form, and all output from the
23 model in electronic and hard-copy form.
- 24 31. Any and all groundwater models (Leighton & Phillips
25 2003) run, conducted, tested, considered or reviewed by
26 the deponent referenced in Appendix C, p. 35,
including, but not limited to, working electronic copy
of the model code, hard-copy of all documentation
supporting the operation of the model, all input data
electronic files in formats useable to the model and
suitable for human review, all data used in model
calibration in electronic form, the results of all
calibration/verification runs of the model in
electronic and hard-copy form, and all output from the
model in electronic and hard-copy form.
32. Any and all storage change models run, conducted,
tested, considered or reviewed by the deponent
referenced in Appendix E, p. 6, including, but not
limited to, working electronic copy of the model code,
hard-copy of all documentation supporting the operation
of the model, all input data electronic files in
formats useable to the model and suitable for human
review, all data used in model calibration in
electronic form, the results of all
calibration/verification runs of the model in
electronic and hard-copy form, and all output from the
model in electronic and hard-copy form.

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- 1 33. Any and all aquitard-drainage change models run,
2 conducted, tested, considered or reviewed by the
3 deponent referenced in Appendix E, p. 10, including,
4 but not limited to, working electronic copy of the
5 model code, hard-copy of all documentation supporting
6 the operation of the model, all input data electronic
7 files in formats useable to the model and suitable for
8 human review, all data used in model calibration in
9 electronic form, the results of all
10 calibration/verification runs of the model in
11 electronic and hard-copy form, and all output from the
12 model in electronic and hard-copy form.
- 13 34. Any and all GIS models developed to estimate the volume
14 of water driven from sediment in the Antelope Valley,
15 run, conducted, tested, considered or reviewed by the
16 deponent referenced in Appendix E, p. 11, including,
17 but not limited to, working electronic copy of the
18 model code, hard-copy of all documentation supporting
19 the operation of the model, all input data electronic
20 files in formats useable to the model and suitable for
21 human review, all data used in model calibration in
22 electronic form, the results of all
23 calibration/verification runs of the model in
24 electronic and hard-copy form, and all output from the
25 model in electronic and hard-copy form.
- 26 35. Any and all HYDRUS2 models run, conducted, tested,
considered or reviewed by the deponent referenced in
Appendix E, p. 15, including, but not limited to,
working electronic copy of the model code, hard-copy of
all documentation supporting the operation of the
model, all input data electronic files in formats
useable to the model and suitable for human review, all
data used in model calibration in electronic form, the
results of all calibration/verification runs of the
model in electronic and hard-copy form, and all output
from the model in electronic and hard-copy form.
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1 Expert witness fees will be paid by the party presenting the
2 expert witness for continued deposition.

3
4 DATED: December 1, 2010

CLIFFORD & BROWN

5
6 By:


7 RICHARD G. ZIMMER, ESQ.
8 T. MARK SMITH, ESQ.
9 Attorneys for
10 BOLTHOSUE PROPERTIES, LLC and
11 WM. BOLTHOUSE FARMS, INC.
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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 December 1, 2010, I served the foregoing document(s) entitled:

NOTICE OF TAKING AND VIDEOTAPING OF CONTINUED DEPOSITION OF LOS ANGELES COUNTY WATERWORKS NO. 40'S EXPERT, JOSEPH SCALMANINI

— 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-FILEING IN COMPLEX LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.

Executed on December 1, 2010, 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