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Attorneys for Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc.,

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

\* \* \*

COORDINATION PROCEEDING	)	Judicial Council Coordination Proceeding
SPECIAL TITLE (Rule 1550(b))	)	No. 4408
	)	
ANTELOPE VALLEY GROUNDWATER	)	CASE NO. 1-05-CV-409053
CASES	)	<i>Trial Date: 02/11/13</i>
	)	
INCLUDED ACTIONS:	)	
	)	
LOS ANGELES COUNTY	)	
WATERWORKS DISTRICT NO. 40 v.	)	
DIAMOND FARMING COMPANY, et al.,	)	<b>BOLTHOUSE PROPERTIES, LLC'S</b>
Los Angeles Superior Court Case No.	)	<b>AND WM. BOLTHOUSE FARMS,</b>
BC325201	)	<b>INC.'S WRITTEN EXCHANGE OF</b>
	)	<b>COURT ORDERED WITNESS</b>
LOS ANGELES COUNTY	)	<b>INFORMATION</b>
WATERWORKS DISTRICT NO. 40 v.	)	
DIAMOND FARMING COMPANY, et al.,	)	
Kern County Superior Court Case No. S-	)	
1500-CV-254348	)	
	)	
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]	)	
	)	
	)	

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1       **PLEASE TAKE NOTICE** that BOLTHOUSE PROPERTIES, LLC and WM.  
2 BOLTHOUSE FARMS, INC. make the following written exchange of Court ordered witness  
3 information pursuant to *Code of Civil Procedure* §2034.210.

4       BOLTHOUSE PROPERTIES, LLC and WM. BOLTHOUSE FARMS, INC.  
5 (hereinafter "BOLTHOUSE") do not currently intend to call any retained or non-retained  
6 experts. However, in light of the previous objections by BOLTHOUSE regarding the Phase 4  
7 Trial and the lack of clarity regarding Phase 4 issues, BOLTHOUSE objects to the designation  
8 in the absence of the opportunity to conduct meaningful investigation, to conduct written  
9 discovery and depositions, to consult with and retain expert witnesses and to file appropriate  
10 dispositive motions. Without waiving the objections, BOLTHOUSE may call witnesses,  
11 including, but not limited to the following:

- 12  
13       1.     Darin Filkins  
14             Wm. Bolthouse Farms, Inc.  
15             7200 East Brundage Lane  
16             Bakersfield, CA 93307

17             Mr. Filkins is available for deposition on the following dates: January 28 and  
18 29, 2013.

- 19       2.     Anthony Leggio  
20             Bolthouse Properties, Inc.  
21             2000 Oak Street, Suite 250  
22             Bakersfield, CA 93301

23             Mr. Leggio is available for deposition on the following dates: January 28 and  
24 29, 2013.

- 25       3.     Derek Yurosek  
26             Wm. Bolthouse Farms, Inc.  
27             7200 East Brundage Lane  
28             Bakersfield, CA 93307

            Mr. Yurosek is available for deposition on the following dates: January 28,  
2013 in the afternoon only and all day on January 29, 2013.

4.     BOLTHOUSE reserves the right to call additional witnesses once the Phase 4  
issues are confirmed and/or clarified, and once any and all of the witnesses and experts who

1 have been, or may subsequently be, designated by any other party.

2 5. BOLTHOUSE reserves the right pursuant to the *Code of Civil Procedure*, as  
3 well as any other constitutional, statutory and/or common law right it may have, to later call  
4 additional witnesses and expert witnesses who are not named, whose testimony is needed to aid  
5 in the defense of this action and/or to supplement, refute and/or rebut the contentions and  
6 testimony of any other party's experts or non-experts who may testify.  
7

8  
9 DATED: January 4, 2013

10  
11 CLIFFORD & BROWN

12  
13 By:

  
14 RICHARD G. ZIMMER, ESQ.

15 Attorneys for BOLTHOUSE PROPERTIES,  
16 LLC and 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 January 4, 2013, I served the foregoing document(s) entitled:

**BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS, INC.'S  
WRITTEN EXCHANGE OF COURT ORDERED WITNESS INFORMATION**

— 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 January 4, 2013, 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