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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.,	)	BOLTHOUSE PROPERTIES, LLC'S
Los Angeles Superior Court Case No.	)	AND WM. BOLTHOUSE FARMS,
BC325201	)	INC.'S SUPPLEMENTAL PERCIPIENT
	)	AND EXPERT WITNESS
LOS ANGELES COUNTY	)	DESIGNATIONS
WATERWORKS DISTRICT NO. 40 v.)	
DIAMOND FARMING COMPANY, et al.,	)	[C.C.P. §§ 2034.210, 2034.260(c)]
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 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that BOLTHOUSE PROPERTIES, LLC and WM.
3 BOLTHOUSE FARMS, INC. ("BOLTHOUSE") hereby file this Supplemental Expert
4 Designation pursuant to Court Order based upon the provisions of *Code of Civil Procedure* §§
5 2034.210 and 2034.620(c) and based upon the clarification by the court in the conference call
6 on January 11, 2013, that the matters at issue for the Phase 4 trial regarding landowner
7 pumping include: the average amount of groundwater pumped by a party over the last 10 years,
8 the location of such use and the use made of such water. BOLTHOUSE reserves all objections
9 previously made to depositions, percipient witness and expert depositions and incorporates the
10 same herein by reference as if set forth fully herein. BOLTHOUSE reserves the right to provide
11 broad testimony of both a percipient or expert nature at trial and whether or not appropriate
12 questions are asked at deposition and reserves the right to provide additional percipient or
13 expert testimony if the issues are amended, altered or interpreted differently. Finally, many of
14 the expert designations sound like percipient witness designations. In an abundance of caution
15 given the uncertainty of issues and what the Court will consider expert testimony,
16 BOLTHOUSE supplementally designates the witnesses it previously identified as percipient
17 witnesses, as expert witnesses, to the extent their testimony requires expert opinions.

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EXPERTS

1. Darren Filkins
Wm. Bolthouse Farms, Inc.
7200 East Brundage Lane
Bakersfield, CA 93307
2. Derek Yurosek
Wm. Bolthouse Farms, Inc.
7200 East Brundage Lane
Bakersfield, CA 93307

DATED: January 11, 2013

CLIFFORD & BROWN

By:


RICHARD G. ZIMMER, ESQ.
Attorneys for BOLTHOUSE PROPERTIES,
LLC and WM. BOLTHOUSE FARMS, INC.

[illegible]

I, RICHARD G. ZIMMER, declare:

1. I am an attorney at law duly licensed to practice in the courts of the State of Virginia, and am a partner in the law firm of Clifford & Brown. The matters stated herein are upon personal knowledge and information and belief. As to matters based upon information and belief, I believe them to be true.

2. The following information is provided pursuant to the Court's Order based upon provisions of *Code of Civil Procedure* §§ 2031.210 and 2034.260(c).

3. **Darren Filkins:**

a. Darren Filkins is employed in the farming business by Wm. Bolthouse Inc. and is knowledgeable in many aspects of farming operations which may possibly sue in the next phase of trial depending upon the scope of the next phase of trial.

b. Depending upon the exact scope of the next phase of trial, Mr. Filkins is d to give potential expert opinions regarding any and all aspects of farming operations properties owned by Bolthouse Properties, LLC and/or Wm. Bolthouse Farms, Inc., g, but not limited to water usage, farming practices, rotation of crops, wells and well d pumping equipment, and agricultural crops, related to the clarified issues of the amount of groundwater pumped by a party over the last 10 years, the location of such the use made of such water and/or related to any other issue which may arise and be to in the Phase 4 Trial or for purposes of rebuttal testimony and or impeachment.

c. Mr. Filkins has agreed to testify as a witness for the Phase 4 Trial.

d. Given the short time frame within which depositions have been scheduled, Mr. Filkins will make all efforts to be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning opinions he may provide at trial. Further, it is possible that he will provide additional opinions which are not readily apparent from the short deposition schedule or which are not inquired of by opposing counsel and/or may become relevant as trial progresses.

1 e. Given that Mr. Filkins is not a professional expert witness, he has no set
2 hourly rate for his time. However, a reasonable hourly rate to compensate him for lost time
3 will be negotiated with the deposing party.

4 4. **Derek Yurosek:**

5 a. Derek Yurosek is employed in the farming industry and is
6 knowledgeable in many aspects of farming operations which may possibly be at issue in the
7 next phase of trial depending upon the clarification of the scope of the next phase of trial. He
8 was previously employed by Wm. Bolthouse Farms, Inc.

9 b Depending upon the exact scope of the next phase of trial, Mr. Yurosek
10 is expected to give potential expert opinions regarding any and all aspects of farming
11 operations on properties owned by Bolthouse Properties, LLC and/or Wm. Bolthouse Farms,
12 Inc., including, but not limited to water usage, farming practices, rotation of crops, wells and
13 well tests and pumping equipment, and agricultural crops, related to the clarified issues of the
14 average amount of groundwater pumped by a party over the last 10 years, the location of such
15 use and the use made of such water and/or related to any other issue which may arise and be
16 relevant to in the Phase 4 Trial or for purposes of rebuttal testimony and or impeachment.

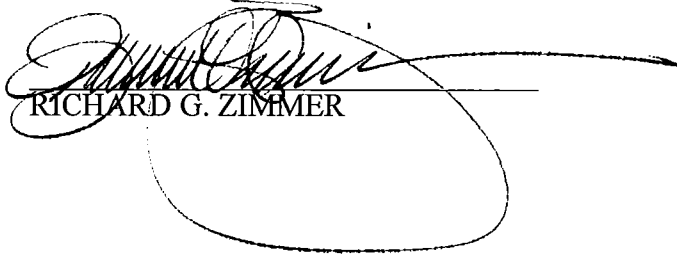
17 c. Mr. Yurosek has agreed to testify as a witness for the Phase 4 Trial.

18 d. Given the short time frame within which depositions have been
19 scheduled, Mr. Yurosek will make all efforts to be sufficiently familiar with the pending action
20 in order to submit to a meaningful oral deposition concerning opinions he may provide at trial.
21 However, it is possible that he will provide additional opinions which are not readily apparent
22 given the short deposition schedule or which are not inquired of by opposing counsel and/or
23 which may become relevant as trial progresses.

24 e. Given that Mr. Yurosek is not a professional expert witness, he has no
25 set hourly rate for his time. However, a reasonable hourly rate to compensate him for lost time
26 will be negotiated with the deposing party.

27 I declare under penalty of perjury that the foregoing is true and correct, and if called as
28 a witness, I could and would competently testify to the matters set forth herein.

Executed this 11th day of January, 2013, at Bakersfield, California.


RICHARD G. ZIMMER

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 11, 2013, I served the foregoing document(s) entitled:

**BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS, INC.'S
SUPPLEMENTAL EXPERT WITNESS DESIGNATIONS**

— 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 January 11, 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

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