

# **EXHIBIT “D”**

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 316

HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING )  
SPECIAL TITLE (RULE 1550B) )

ANTELOPE VALLEY GROUNDWATER CASES )

JUDICIAL COUNCIL  
COORDINATION  
NO. JCCP4408

PALMDALE WATER DISTRICT AND )  
QUARTZ HILL WATER DISTRICT, )

SANTA CLARA CASE NO.  
1-05-CV-049053

CROSS-COMPLAINANTS, )

VS. )

LOS ANGELES COUNTY WATERWORKS, )  
DISTRICT NO. 40, ET AL, )

CROSS-DEFENDANTS. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, FEBRUARY 14, 2011

APPEARANCES:

(SEE APPEARANCE PAGES)

GINGER WELKER, CSR #5585  
OFFICIAL REPORTER

1 CASE NUMBER: JCCP 4408  
2 CASE NAME: ANTELOPE VALLEY  
3 LOS ANGELES, CALIFORNIA, MONDAY, FEBRUARY 14, 2011  
4 DEPARTMENT NO. 316 HON. JACK KOMAR  
5 REPORTER GINGER WELKER, CSR #5585  
6 TIME: 1:30 P.M.  
7 APPEARANCES: (SEE TITLE PAGE)  
8

9 THE COURT: ALL RIGHT. GOOD AFTERNOON. THIS IS  
10 THE TIME THAT WE WERE GOING THE HEAR OBJECTIONS TO  
11 EVIDENCE AND EXHIBITS, I PRESUME, WITH REGARD TO  
12 MR. SCALMANINI'S TRIAL TESTIMONY.

13 WHO WANTS TO START ON THAT? MR. ZIMMER?

14 MR. ZIMMER: GOOD AFTERNOON, YOUR HONOR.

15 THE COURT: GOOD AFTERNOON. BEFORE YOU START, LET  
16 ME ASK, HAVE YOU CONFERRED AT ALL WITH COUNSEL ON YOUR  
17 SIDE OF THE CASE WITH THE OBJECTIONS SO WE DON'T HAVE  
18 REPETITION?

19 MR. ZIMMER: NO -- JUST KIDDING, YES, I HAVE.  
20

21 (LAUGHTER)  
22

23 MR. ZIMMER: I'M SURE THEY WILL HAVE A FEW  
24 COMMENTS.

25 THE COURT: NO DOUBT.

26 MR. ZIMMER: I HAVE THREE PARTS THAT I'LL BE  
27 DISCUSSING YOUR HONOR:

28 THE FIRST PART IS THE FACTUAL AND PROCEDURAL

1 THE COURT: JUST DESCRIBE THEM.

2 MR. ZIMMER: THE FIRST THING THAT IS INCLUDED IS  
3 PAGE 7 WHICH COMES OUT OF THE EXPERT DESIGNATION BY THE  
4 PURVEYORS. IT DISCUSSES WHAT MR. LEFFLER WILL GIVE  
5 TESTIMONY ON.

6 THE COURT: LET ME SEE THAT, MARTY.

7 MR. ZIMMER: THAT IS THE FIRST PAGE OF WHAT IS  
8 MARKED AS C3, PARAGRAPH 12. MR. LEFFLER WAS RETAINED  
9 FOR TESTIMONY REGARDING THE CHARACTERISTICS OF BEDROCK  
10 SURROUNDING ANTELOPE VALLEY AND POTENTIAL FLOWS OF  
11 GROUNDWATER THROUGH THOSE MATERIALS INTO THE BASIN.

12 MR. LEFFLER WILL ALSO OFFER REBUTTAL  
13 TESTIMONY REGARDING OTHER EXPERTS ANALYSIS REGARDING  
14 CHARACTERISTICS OF BEDROCK SURROUNDING ANTELOPE VALLEY  
15 AND POTENTIAL FLOWS OF GROUNDWATER THROUGH THOSE  
16 MATERIALS INTO BASIN.

17 THE NEXT DOCUMENT THE COURT WILL SEE IN THAT  
18 PACKAGE IS AN OBJECTION BY CHRIS SANDERS, THE LOS  
19 ANGELES COUNTY SANITATION ATTORNEY. AND ON PAGE 2 OF  
20 THAT DOCUMENT, LINES 3 THROUGH 9, MR. SANDERS OBJECTED  
21 TO THE DEPOSITION NOTICE OF MR. LEFFLER ON THE GROUND  
22 THAT IT CALLED FOR INFORMATION OUTSIDE THE SCOPE OF THE  
23 EXPERT DESIGNATIONS; THAT HE WAS DESIGNATED BY THE  
24 PUBLIC WATER SUPPLIERS FOR THE LIMITED PURPOSE OF  
25 PROVIDING EXPERT'S TESTIMONY AND REBUTTAL TESTIMONY  
26 REGARDING THE CHARACTERISTICS OF BEDROCK CONCERNING THE  
27 ANTELOPE VALLEY, ET CETERA.

28 THE NEXT DOCUMENT AFTER THAT IS --

1 THE COURT: HOLD ON JUST A MINUTE. THAT WAS  
2 PAGE 2, LINES --

3 MR. WEEKS: IF COUNSEL IS GOING TO OBJECT TO A  
4 PARTICULAR PAGE, LINE AND PAGE OF TESTIMONY, I'M  
5 PREPARED TO DEAL WITH THAT. I THOUGHT HE WAS GOING TO  
6 OBJECT TO SOME PORTION OF MR. SCALMANINI'S DEPOSITION ON  
7 SUBSIDENCE, AND NOW WE ARE TALKING ABOUT MR. LEFFLER.

8 THE COURT: ONE OBJECTION AT A TIME. SO LET'S  
9 HEAR WHAT HE HAS TO SAY. SO THE FIRST OBJECTION THAT  
10 YOU ARE MAKING HERE REGARDS TO MR. LEFFLER; IS THAT  
11 CORRECT.

12 MR. ZIMMER: THIS BEARS ON MR. SCALMANINI'S  
13 OPINIONS. WHAT I DID IS I SPENT SEVERAL HOURS LAST  
14 NIGHT GOING THROUGH AND TRYING TO SYNTHESIZE THE  
15 OBJECTIONS, AND THIS IS FOUNDATIONAL TO THE OBJECTIONS  
16 WHICH WILL FOLLOW. I HAVE GREATLY REDUCED THE NUMBER OF  
17 OBJECTIONS, FOR EXAMPLE, THAT I MADE AT TRIAL TO A  
18 CERTAIN NUMBER OF OBJECTIONS THAT BEAR ON THE ISSUES  
19 THAT WE ARE DISCUSSING NOW.

20 FOR EXAMPLE, MR. LEFFLER PROVIDED ALL THE  
21 RECYCLED WATER ANALYSIS. IT IS RECYCLED WATER ANALYSIS  
22 THAT THEY ARE NOW ATTEMPTING TO O USE THROUGH  
23 MR. SCALMANINI. SO THIS IS THE FOUNDATION FOR THAT  
24 OBJECTION.

25 THE COURT: ALL RIGHT. DO YOU HAVE A COPY OF THE  
26 DISCLOSURE FROM MR. SCALMANINI?

27 MR. ZIMMER: I DO, YOUR HONOR.

28 THE COURT: IT IS NOT INCLUDED IN THIS?

1 MR. ZIMMER: I CAN PROVIDE A COPY TO THE COURT. I  
2 DON'T HAVE AN EXTRA COPY RIGHT AT THE MOMENT, BUT I  
3 WOULD BE HAPPY TO PROVIDE THE ENTIRE --

4 THE COURT: IT WOULD BE HELPFUL FOR ME TO READ IT.

5 MR. ZIMMER: MARK THIS AS NEXT IN ORDER.

6 THE COURT: YES, HAND IT TO THE COURT. WHILE HE  
7 IS GONE -- YES, YOU MAY.

8 DO YOU WANT IT MARKED NEXT IN ORDER?

9 MR. ZIMMER: THAT WOULD FINE.

10 THE COURT: THE LAST ONE WAS.

11 MR. ZIMMER: C3 -- SO THIS WOULD BE C4.

12 THE COURT: MAKE THIS C4.

13

14 (BOLTHOUSE PROPERTIES EXHIBIT C4  
15 MARKED.)

16

17 THE CLERK: YOUR EXHIBITS WERE C?

18 MR. ZIMMER: MINE WERE C, AND I BELIEVE WE WERE AT  
19 THREE.

20 THE COURT: ALL RIGHT. GO AHEAD, MR. ZIMMER.

21 MR. ZIMMER: WHAT THE COURT WILL SEE NEXT IN THE  
22 PACKAGE IS SIMPLY ANOTHER OBJECTION BY MR. SANDERS WHEN  
23 THE DEPOSITION WAS RESET. BUT FOLLOWING THAT IS A  
24 DEPOSITION FROM BEST, BEST AND KRIEGER WITH BEST, BEST  
25 AND KRIEGER ON THE TOP LEFT CORNER.

26 THE COURT: ALL RIGHT.

27 MR. ZIMMER: ENTITLED "OBJECTIONS TO BOLTHOUSE  
28 NOTICE OF DEPOSITION OF EXPERT PETER LEFFLER." IF THE

1 COURT WILL TURN TO PAGE 2 OF THAT DOCUMENT, LINES 13  
2 THROUGH 17, I WON'T READ THE WHOLE SECTION THERE, BUT IT  
3 SAYS, "MR. LEFFLER HAS BEEN DESIGNATED BY THE PUBLIC  
4 WATER SUPPLIERS FOR A LIMITED PURPOSE OF PROVIDING  
5 EXPERT TESTIMONY AND REBUTTAL TESTIMONY REGARDING  
6 CHARACTERISTICS OF BEDROCK SURROUNDING THE ANTELOPE  
7 VALLEY AND POTENTIAL FLOWS OF GROUNDWATER THROUGH  
8 MATERIALS INTO THE BASIN."

9 WHAT FOLLOWS AFTER THAT IS SIMPLY ANOTHER  
10 OBJECTION BY LA COUNTY.

11 THE COURT: I'M NOT FINDING THAT IN THIS DOCUMENT.

12 MR. ZIMMER: SHOULD BE PAGE --

13 THE COURT: ARE YOU TALKING ABOUT PAGE 7 OF THE  
14 DISCLOSURES?

15 MR. ZIMMER: NO. THIS IS AN OBJECTION FILED BY  
16 BEST, BEST AND KRIEGER. IT HAS BEST, BEST AND KRIEGER  
17 LETTERHEAD UP HERE ON THE LEFT SIDE, AND IT IS ENTITLED  
18 "OBJECTIONS." IT SHOULD BE JUST AFTER MR. SANDERS'  
19 OBJECTIONS ON BEHALF OF LA COUNTY.

20 THE COURT: I SEE AN OBJECTION TO THE TAKING OF  
21 THE BOLTHOUSE --

22 MR. ZIMMER: BEST, BEST, KRIEGER, YOUR HONOR?

23 THE COURT: NO, IT IS ELLIS, SCHNEIDER AND --

24 MR. ZIMMER: NO, KEEP GOING DOWN. IT SHOULD BE  
25 THE NEXT ONE.

26 THE COURT: OKAY.

27 MR. ZIMMER: IF YOU LOOK ON PAGE 2 OF THAT  
28 DOCUMENT, 11 THROUGH 16 OR 17, THAT IS THE LANGUAGE THAT

1 I JUST READ.

2 THE CLERK: IF I MAY C3 WILL BE FINE FOR THAT.

3 THE COURT: C3. TELL ME AGAIN WHAT YOUR POSITION  
4 WITH REGARDS TO MR. LEFFLER?

5 MR. ZIMMER: OUR POSITION REGARDING MR. LEFFLER IS  
6 THAT MR. SCALMANINI IS ATTEMPTING TO GET INTO EVIDENCE  
7 INFORMATION ON RECYCLED WATER IN A VERY BROAD CONTEXT,  
8 MANY DIFFERENT ISSUES, AND ATTEMPTING TO GET THAT BEFORE  
9 THE COURT WHEN WE WERE DENIED THE ABILITY TO DEPOSE  
10 MR. LEFFLER ON THAT ISSUE AND I WILL GET TO THE  
11 DEPOSITION HERE I'VE GOT ATTACHED ON EXHIBIT C3 AS WELL.

12 THE COURT: WELL, WHAT I'M LOOKING AT HERE ON  
13 ELEVEN, TWO, SIXTEEN (SIC) SAYS -- AN ATTEMPT TO DOUBLE  
14 SET MR. LEFFLER, AND THAT WAS THE OBJECTION.

15 MR. ZIMMER: THE OBJECTION FROM BEST, BEST, AND  
16 KRIEGER?

17 THE COURT: YES.

18 MR. ZIMMER: IT MUST BE ON THE WRONG LINE. LET'S  
19 SEE.

20 THE COURT: LINE 15 TELLS YOU WHETHER HE WAS  
21 DESIGNATED AS ... BEDROCK AND FLOWS THROUGH THE  
22 BEDROCK.

23 MR. ZIMMER: RIGHT, BUT ON THE ACTUAL OBJECTION --

24 THE COURT: GROUNDWATER, I SHOULD SAY.

25 MR. ZIMMER: THE OBJECTION THAT LOS ANGELES COUNTY  
26 FILED THROUGH BEST, BEST, AND KRIEGER ON PAGE 2 OF THE  
27 OBJECTION, LINES 13 THROUGH 17, THEY OBJECT ESSENTIALLY  
28 ON THE SAME GROUNDS THAT LA COUNTY SANITATION OBJECTED.



1 AND THAT WAS THEY HAVE BEEN DESIGNATED FOR THE SOLE  
2 PURPOSE OF PROVIDING TESTIMONY ON BEDROCK INFILTRATION  
3 AND REBUTTAL ON BEDROCK INFILTRATION.

4 THE COURT: DID YOU TAKE MR. LEFFLER'S DEPOSITION?

5 MR. ZIMMER: NO, WE WEREN'T ALLOWED TO TAKE HIS  
6 DEPOSITION ON RECYCLED WATER.

7 THE COURT: WAS THERE AN ORDER THAT NOT BE TAKEN?

8 MR. ZIMMER: A STIPULATION.

9 THE COURT: WELL --

10 MR. ZIMMER: WE TOOK HIS DEPOSITION ON BEDROCK  
11 INFILTRATION. WE BY STIPULATION DID NOT TAKE HIS  
12 DEPOSITION ON RECYCLED WATER BECAUSE OF THE OBJECTION  
13 AND BECAUSE OF THE STIPULATION OF COUNSEL THAT THERE  
14 WOULD BE NO TESTIMONY ABOUT RECYCLED WATER.

15 THE COURT: THAT WAS AN AGREED TO STIPULATION?

16 MR. ZIMMER: YES. I'M GETTING DOWN TO THAT. I  
17 WAS JUST KIND OF GIVING YOUR HONOR THE HISTORY.

18 THE COURT: ALL RIGHT. GO AHEAD.

19 MR. ZIMMER: ALSO, CONTAINED IN THAT PACKAGE IS A  
20 JANUARY 14TH DOWN A WAYS -- IT IS PROBABLY FROM THE  
21 BOTTOM IS -- EIGHT SHEETS FROM THE BOTTOM IS AN EMAIL  
22 BETWEEN MR. SANDERS AND MYSELF DISCUSSING THIS ISSUE.  
23 AND IN THE LAST DOCUMENT, PROBABLY MOST IMPORTANT IN  
24 THAT PACKAGE IS FOUR PAGES UP FROM THE BOTTOM --  
25 ACTUALLY SIX PAGES FROM THE BOTTOM IS THE EMAIL.

26 THE COURT: YEAH, I'M LOOKING. THE FINAL DOCUMENT  
27 ATTACHED FOUR PAGES UP FROM THE BOTTOM IS PAGE 29 OF THE  
28 BEGINNING OF THE DEPOSITION OF MR. LEFFLER. AND ON

1 AND COULDN'T PUT ON EVIDENCE OF SPECIFIC PUMPING.

2 THE COURT TOLD ALL PARTIES THAT I WILL NOT  
3 BE ACCEPTING SPECIFIC PUMPING BY ANY PARTY TO BE PUMPING  
4 AS TO THAT PARTY. WHAT I'M DOING IN THIS PHASE WILL BE  
5 SAFE YIELD, OVERDRAFT, WHETHER THE COURT NEEDS TO  
6 EXERCISE EQUITABLE JURISDICTION. THOSE ARE THE FINDINGS  
7 THAT WE ARE MAKING, AND EVERYTHING ELSE WILL BE SIMPLY  
8 HEARSAY THAT THE EXPERT RELIED UPON TO FORM HIS OPINION  
9 IF IT IS PROPERLY USED IN THAT MANNER.

10 THE COURT: WELL, ISN'T THAT A PROPER BASES FOR AN  
11 EXPERT TO OPINE?

12 MR. ZIMMER: WELL, THE INQUIRY IN MY MIND IS: IS  
13 IT THE TYPE OF HEARSAY THAT AN EXPERT WOULD NORMALLY  
14 RELY ON? FOR EXAMPLE, IF I CITED MR. JOYCE ON  
15 SUBSIDENCE, THAT PROBABLY WOULDN'T BE A PROPER BASIS FOR  
16 SUBSIDENCE. NO OFFENSE, MR. JOYCE.

17 THE COURT: I SUPPOSE THAT DEPENDS ON WHAT HE IS  
18 SUBSIDING. THAT AS IT MAY.

19

20 (LAUGHTER)

21

22 MR. ZIMMER: THE SECOND ISSUE IS HOW IT IS BEING  
23 USED. TYPICALLY, IT IS NOT -- IT CANNOT BE ADMITTED FOR  
24 THE TRUTH OF THE MATTER; IT IS BEING ADMITTED SOLELY TO  
25 THE EXTENT THAT THE COURT DOES ADMIT IT IF IT IS THE  
26 KIND OF HEARSAY THAT THE EXPERT WOULD NORMALLY RELY ON.

27 THE DETAILS ON IT AS I READ FROM THE ONE  
28 CASE, THE CONTINENTAL CASE, I BELIEVE IT WAS, THE

1 DETAILS OF IT ARE RELEVANT. SO WE HAVE A NUMBER OF  
2 THESE EXHIBITS THAT HAVE ALL MANNER OF SUPPOSED PUMPING,  
3 AGRICULTURAL PUMPING, THOSE ACTUAL NUMBERS WERE NOT  
4 VERIFIED BY MR. SCALMANINI IN ANY WAY.

5 NOW, HE MAY BE RELYING ON THAT AND MAYBE  
6 SOMETHING AN EXPERT NORMALLY RELIES ON; BUT TRULY FROM A  
7 FINANCIAL STANDPOINT, HE DIDN'T VERIFY ANY OF THOSE  
8 NUMBERS. SO THE POTENTIAL PROBLEM IN ADMITTING SOME OF  
9 THESE EXHIBITS AS IT SUGGESTS THAT THAT IS ACTUAL DATA  
10 AS OPPOSED TO SOMETHING THAT THE EXPERT MERELY RELIED  
11 ON. TO THE EXTENT THAT IT IS SOMETHING THAT THE EXPERT  
12 MERELY RELIED ON, THE DETAILS OF IT, AS THE CONTINENTAL  
13 CASE POINTED OUT ARE INADMISSIBLE.

14 THE COURT: I THINK YOU ARE OVERREADING THE  
15 CONTINENTAL CASE.

16 MR. ZIMMER: THE SECOND ASPECT OF THIS IS  
17 IMPORTANT, AND I'LL GET INTO IT IN A MINUTE WITH SOME OF  
18 THESE OTHER EXHIBITS IS THE ISSUE OF RECYCLED WATER.  
19 AND I'LL POINT TO A FEW EXHIBITS WHERE WE HAVE GOT THE  
20 RECYCLED WATER.

21 SO IT IS MY UNDERSTANDING AS TO ANY OF THESE  
22 EXHIBITS WHETHER THE COURT INTRODUCES THEM OR NOT TO THE  
23 EXTENT THEY HAVE ANY PUMPING DATA ON THEM, IT'S NOT  
24 OFFERED FOR THE TRUTH OF THE MATTER, BUT MERELY AS SOME  
25 INDICATION OF WHAT THE EXPERT WAS RELYING ON.

26 THE COURT: TO SHOW THE BASIS OF THE EXPERT'S  
27 ESTIMATE OF PUMPING AND RECHARGE.

28 MR. ZIMMER: ON A GROSS BASIS?

1 THE COURT: YES.

2 MR. ZIMMER: IN THAT CASE, YOUR HONOR, I WOULD  
3 MOVE TO EXHIBIT 68 WHICH IS, I THINK, OUR FIRST  
4 INDICATION OF THIS THREE-CYCLE WATER ISSUE. IF YOU LOOK  
5 AT ABOUT TWO-THIRDS ACROSS THE PAGE GOING FROM LEFT TO  
6 RIGHT, TOP COLUMN, WE HAVE "WRP'S RECYCLED WATER  
7 FOLLOWED BY TOTAL SURFACE AND RECYCLED WATER."

8 ONCE, AGAIN, WE WERE PROHIBITED FROM  
9 DISCUSSING ANY RECYCLED WATER ISSUES WITH THE EXPERT WHO  
10 DID THAT ANALYSIS. AND ALL OF THESE NUMBERS ARE  
11 IMPROPERLY -- AN IMPROPER ATTEMPT TO ADMIT THOSE THROUGH  
12 THIS EXPERT, AND IT NEED TO BE CLEAR THAT WE WERE NOT  
13 GIVEN AN OPPORTUNITY TO CHALLENGE ANY OF THOSE NUMBERS.

14 EXHIBIT 71, AND WE HAVE TALKED ABOUT THAT  
15 ENOUGH. LIKEWISE, ON RECYCLED WATER, EXHIBIT 74,  
16 THERE'S ANOTHER DEPICTION OF RECYCLED WATER. NONE OF  
17 THIS WAS MR. SCALMANINI'S ANALYSIS. WE WERE PRECLUDED  
18 FROM EXAMINING MR. LEFFLER ON ANY OF THESE ISSUES WITH  
19 REGARD TO RECYCLED WATER. IT WAS ALL BASED ON HIS  
20 EXAMINATION. THE SAME WOULD BE TRUE FOR EXHIBIT 75  
21 WHICH DEALS WITH HISTORICAL RECYCLED WATER.

22 76 ALSO INCORPORATES RECYCLED WATER.  
23 EXHIBIT 77 INCORPORATES RECYCLED WATER.

24 DID THE COURT GET THE LAST ONE, EXHIBIT 77?

25 THE COURT: YES.

26 MR. ZIMMER: MOVING ON TO EXHIBIT 78, THE COURT  
27 STATED PREVIOUSLY THAT THE COURT IS GOING TO DETERMINE  
28 PROPER DEFINITIONS FOR SAFE YIELD. THE COURT WILL NOTE

1 FROM THE CROSS-EXAMINATION OF MR. SCALMANINI THAT HE  
2 DIDN'T DO A SAFE YIELD ANALYSIS INVOLVING THE MAXIMUM  
3 AMOUNT OF WATER WITHDRAWN FROM A GROUNDWATER BASIN.

4 HERE IN EXHIBIT 78, THERE IS AN ATTEMPT TO  
5 SPLIT OUT NATIVE SUSTAINABLE YIELD, SOMETHING CALLED  
6 NATIVE SUSTAINABLE YIELD, WHICH SAN FERNANDO DOESN'T  
7 DISCUSS AT ALL.

8 AND ON EXHIBIT 79 THERE IS A NATIVE AND  
9 SUPPLEMENTAL SUSTAINABLE YIELD. THESE ARE NOT SAFE  
10 YIELD -- IS NOT A SAFE YIELD ANALYSIS. AND I MAKE THE  
11 SAME COMMENTS ON A PREVIOUSLY -- MISCONSTRUES WHAT THE  
12 LAW IS ON SAFE YIELD.

13 IN TERMS OF -- THERE ARE NUMEROUS OTHER  
14 EXHIBITS THAT FOLLOW THAT -- THAT HAVE IN MY VIEW THE  
15 SAME PROBLEM. THE PROBLEM FROM THE PRACTITIONER'S  
16 STANDPOINT IS THAT LATER ON REVIEW IF SOMEONE WERE TO  
17 REVIEW IN COURT THINKS THAT SOMEHOW THIS WAS SAFE YIELD  
18 OR SOMEHOW RELIED UPON BY THE COURT AS, QUOTE, SAFE  
19 YIELD, THEN THERE'S GOING TO BE A SIGNIFICANT PROBLEM IN  
20 TERMS OF WHAT THE ACTUAL DEFINITION WAS.

21 BUT I THANK THE COURT FOR CLARIFYING THAT  
22 YOU ARE GOING TO DETERMINE SAFE YIELD; AND THAT THERE  
23 WILL BE A DETERMINATION OF THAT AS OPPOSED TO THE  
24 POTENTIAL PROBLEMS WE HAVE HERE IN TERMS OF DEFINITIONS.

25 I THINK THOSE, YOUR HONOR, GENERALLY, ARE MY  
26 COMMENTS ON THOSE TOPICS. I -- MAYBE SOME OTHER  
27 COMMENTS BY OTHER COUNSEL, BUT THAT GENERALLY SPEAKING  
28 IS WHAT I HAD TO SAY. THANK YOU.

1 THE COURT: THANK YOU. IN THE NEXT THREE MINUTES,  
2 DOES ANYBODY WANT TO TELL ME WHAT THEY WANT TO TELL ME?

3 MR. ZIMMER: OH, YOUR HONOR, EXHIBIT 104 IS A  
4 COMPLETE COPY OF THE REPORT, OBVIOUSLY, ALL SORT OF  
5 HEARSAY IN THAT.

6 EXHIBIT 105, THE SAME THING, IT IS COMPLETE  
7 REPORT.

8 the reporter: DID YOU SAY "INCOMPLETE"?

9 MR. ZIMMER: A COMPLETE REPORT. EXHIBIT -- I  
10 THINK THAT WAS IT. MR. JOYCE IS ADDING THAT 106 AND 107  
11 AND 108 ARE LIKEWISE COMPLETE REPORTS CONTAINING  
12 OBJECTIONABLE HEARSAY.

13 THE COURT: THANK YOU.

14 MR. ROBERT KUHS: YOUR HONOR, ROBERT KUHS FOR  
15 TEJON RANCH CORP. JUST SO THE RECORD IS CLEAR, WE WOULD  
16 OBJECT TO EXHIBITS 62, 63, 64, 68, 73, 75, 76, 77.

17 AS MR. ZIMMER INDICATED ALL OF THOSE  
18 EXHIBITS HAVE INFORMATION RELATING TO INDIVIDUALIZED  
19 PUMPING AND INDIVIDUALIZED SERVICE DELIVERIES AND  
20 INDIVIDUAL CALCULATIONS OF RECYCLED WATER.

21 UNDER THE CONTINENTAL CASE, I THINK IT IS  
22 CLEAR THAT THE DETAILS DON'T COME IN; BUT IF THEY COME  
23 IN, I WOULD ASK THE COURT TO MAKE IT CLEAR THAT THEY ARE  
24 COMING IN NOT FOR THE TRUTH OF THE MATTER ASSERTED.

25 THE COURT: THEY ARE SO FAR COMING IN AS THE BASIS  
26 FOR MR. SCALMANINI'S OPINION. HE HAS AN OPINION. AND  
27 THE VALIDITY OF HIS OPINION DETERMINES THE WEIGHT OF THE  
28 EVIDENCE THAT UPON WHICH HE BASIS IT. THAT IS SOMETHING