EXHIBIT "O"

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, CROSS-COMPLAINANTS, VS. LOS ANGELES COUNTY WATERWORKS, DISTRICT NO. 40, ET AL, CROSS-DEFENDANTS.	SANTA CLARA CASE NO. 1-05-CV-049053

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, FEBRUARY 17, 2011

APPEARANCES:

(SEE APPEARANCE PAGES)

GINGER WELKER, CSR #5585
OFFICIAL REPORTER

CASE NUMBER:	JCCP 4408
CASE NAME:	ANTELOPE VALLEY
LOS ANGELES, CALIFORNIA,	THURSDAY, FEBRUARY 17, 2011
DEPARTMENT NO. 316	HON. JACK KOMAR
REPORTER	GINGER WELKER, CSR #5585
TIME:	8:30 A.M.
APPEARANCES:	(SEE TITLE PAGE)

THE COURT: GOOD MORNING, EVERYONE. WE ARE ON THE RECORD. MR. LEININGER.

MR. LEININGER: YES, YOUR HONOR. GOOD MORNING, YOUR HONOR. I WANT TO BEGIN JUST BY APOLOGIZING FOR MY ABSENCE FOR THE LAST FEW DAYS. IT HAS BEEN EXTRAORDINARY EVENTS RECENTLY WITH REGARD TO OUR BUDGET AND OUR TRAVEL RESTRICTIONS. SOMETHING I HAVEN'T WITNESSED SINCE SHUT DOWN OF THE GOVERNMENT IN 1995 WHEN I WAS WORKING FOR THE JUSTICE DEPARTMENT. I APOLOGIZE FOR MY ABSENCE.

THE COURT: I UNDERSTAND THE PROBLEM. I WORKED IN THE DEPARTMENT OF JUSTICE. I WOULD LOVE TO SAY IT PROBABLY WON'T HAPPEN AGAIN, BUT I REALLY AM NOT ABLE TO PREDICT.

MR. LEININGER: AND, YOUR HONOR, I -- FOR TODAY'S TESTIMONY, I DO HAVE ONE WITNESS, DR. JUNE OBERDORFER. SHE HAS TESTIFIED IN THE TWO PREVIOUS PHASES OF TRIAL IN THIS CASE. TODAY SHE IS AVAILABLE TO TESTIFY AND HAS A BRIEF DIRECT TESTIMONY WHICH I BELIEVE WE SHOULD BE ABLE TO ACCOMPLISH WITHIN AN HOUR OR A LITTLE OVER AN HOUR

A NO, IT DOESN'T.

MR. LEININGER: I HAVE NO OTHER QUESTIONS.

THE COURT: ALL RIGHT. THANK YOU.

MR. LEININGER: YOUR HONOR, AT THIS TIME, I WOULD MOVE FOR ENTRIES OF EXHIBITS MARKED I-1 THROUGH 18 AND I-20 OF HER TESTIMONY.

THE COURT: NOW I UNDERSTAND THAT THERE ARE OBJECTIONS TO THE COURT ACCEPTING THE INFORMATION FOR THE TRUTH OF THE MATTERS. THAT OBJECTION HAS BEEN SUSTAINED. I'LL PERMIT THEM TO COME IN EXEMPLIFYING HER TESTIMONY WITH THE UNDERSTANDING THAT HEARSAY IS HEARSAY.

MR. JOYCE: WITH THAT, YOUR HONOR, I WILL WITHHOLD MY OBJECTION.

MR. BUNN: YOUR HONOR, A CLARIFICATION AS TO THE NUMBERS. COULD YOU GIVE THE NUMBERS AGAIN.

MR. LEININGER: YES, I'M SORRY. I SAID I-1 THROUGH 18, BUT EXHIBIT I-10 HAD BEEN REDACTED. SO IT IS 1 THROUGH 9, 11 THROUGH 18 AND I-20.

MR. BUNN: 20? DO YOU MEAN 21?

MR. LEININGER: I'M SORRY, 21. THANK YOU.

MR. ZIMMER: THE ONLY COMMENT I HAVE IS, YOUR HONOR, WITH SOME OF THOSE EXHIBITS AS WE RAISED AS THEY WERE BEING PRESENTED INVOLVED EXHIBITS THAT ARE CURRENTLY SUBJECT TO A MOTION TO STRIKE. I APPRECIATE THE FACT THAT THE COURT HAS IDENTIFIED DOWN ON THE RECORD THAT THESE EXHIBITS ARE NOT ADMITTED FOR ANY --

THE COURT: TO ESTABLISH THE DATA -- NOT ADMITTED

TO ESTABLISH THE DATA.

MR. ZIMMER: THANK YOU, YOUR HONOR.

THE COURT: AND LET ME JUST OBSERVE. IRRESPECTIVE OF WHAT THE COURT'S RULING ON THE MOTION TO STRIKE EXHIBITS MIGHT BE, THAT IS -- HER TESTIMONY IS INDEPENDENT OF THE ISSUES THAT YOU RAISED IN YOUR MOTION TO STRIKE IN TERMS OF PREPARATION BECAUSE CERTAINLY SOMETHING THAT SHE HAS LOOKED AT AND CONSIDERED, AND SHE HAS OPINED ABOUT THAT.

AND SO BEAR THAT IN MIND WHEN YOU ARE MAKING YOUR RENEWED ARGUMENTS AS I'M SURE YOU WILL ON THE 14TH.

MR. ZIMMER: MY COMMENT WAS TO THE EXTENT THAT IT INCORPORATES DATA THAT IS ULTIMATELY SHOWN TO BE INCORRECT OR FALSE. IT IS --

THE COURT: THAT WAS NOT THE BASIS FOR THE MOTION TO STRIKE. THE MOTION TO STRIKE WAS PREDICATED UPON NONDISCLOSURE AND RELATED TYPES OF OBJECTIONS IF I REMEMBER CORRECTLY.

MR. ZIMMER: THAT IS TRUE, BUT I THINK WHAT THE COURT SAID WAS THAT YOU WOULD TAKE A LOOK AT IT AGAIN TO SEE IF THE CONTOUR LINES ACTUALLY MATCHED UP WITH THE DATA. SO WHAT I'M SAYING HERE IS TO THE EXTEND THAT THE CONTOUR LINES DON'T MATCH UP WITH THE DATA, NOT ONLY IS THERE A BASIS FOR STRIKING THE EXHIBITS WHICH WOULD HAVE THIS EXPERT RELYING ON SOMETHING WHICH IS NOT IN EVIDENCE AND NOT PROPERLY -- NOT A PROPER ...

THE COURT: WELL, SHE IS NOT BASING HER OPINION WHAT IS IN EVIDENCE. SHE IS BASING HER OPINION ON WHAT

HER OBSERVATIONS WERE. IT IS A TOTALLY DIFFERENT BASIS.

SO THEY ARE ADMITTED WITH THE LIMITATIONS THAT I HAVE EXPRESSED IN THIS -- AS PART OF HER TESTIMONY. WHETHER THEY ARE ALSO GOING TO BE ADMITTED WITH REGARD TO -- OR STRICKEN WITH REGARD THE OTHER WITNESS'S TESTIMONY IS A TOTALLY DIFFERENT ISSUE. SO -- BUT YOUR COMMENTS ARE NOTED.

MR. ZIMMER: THANK YOU.

THE COURT: THEY ARE ADMITTED AS I INDICATED.

(EDWARDS AIR FORCE BASE EXHIBITS 1-9, 11-18, AND 21 RECEIVED IN EVIDENCE WITH THE COURT'S STATED LIMITATIONS.)

THE COURT: YOU MAY STEP DOWN, DOCTOR. THANK YOU VERY MUCH FOR COMING.

MR. JOYCE: YOUR HONOR?

THE COURT: YES.

MR. JOYCE: BOTH MR. KUHS AND I HAD AN ISSUE THAT WE THOUGHT MAYBE IT WOULD BE APPROPRIATE TO CLEAR UP WITH THE COURT NOW SO THAT WE CAN PLAN WHAT WE ARE GOING TO BE DOING FOR THE NEXT FEW WEEKS. AS THE COURT WILL RECALL, THERE HAS BEEN A LOT OF DISCUSSION ABOUT THE SCOPE OF WHAT ISSUES WE WERE GOING TO ENTERTAIN IN THIS PHASE OF THE TRIAL. AND, SPECIFICALLY, AS IT PERTAINS TO THE EFFECTS OF PUMPING IN ONE AREA VERSUS ANOTHER AREA.

I THINK WE ALL HAD A LITTLE BIT OF A PREVIEW