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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

17 **ANTELOPE VALLEY**  
18 **GROUNDWATER CASES**

19 Included Actions:

20 Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co., Superior  
Court of California, County of Los  
21 Angeles, Case No. BC 325201;

22 Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co., Superior  
23 Court of California, County of Kern, Case  
No. S-1500-CV-254-348;

24 Wm. Bolthouse Farms, Inc. v. City of  
25 Lancaster, Diamond Farming Co. v. City of  
Lancaster, Diamond Farming Co. v.  
26 Palmdale Water Dist., Superior Court of  
California, County of Riverside, Case Nos.  
27 RIC 353 840, RIC 344 436, RIC 344 668

**EXEMPT FROM FILING FEES  
UNDER GOVERNMENT CODE  
SECTION 6103**

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053  
Assigned to The Honorable Jack Komar

**PUBLIC WATER SUPPLIERS'  
OPPOSITION TO BOLTHOUSE  
PROPERTIES, LLC'S AND WM.  
BOLTHOUSE FARMS, INC.'S MOTION  
IN LIMINE NO. 1**



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OPPOSITION

Los Angeles County Waterworks District No. 40 opposes Bolthouse Properties, LLC's and Wm. Bolthouse Farms, Inc.'s Motion in Limine to prevent experts from testifying to hearsay opinions of other experts ("Motion"). The Motion is without merit and should be denied.

The Motion relies entirely on *Whitfield v. Roth* (1974) 10 Cal.3d 874. Bolthouse's reliance on this case is misplaced. In *Whitfield*, the court held that an expert doctor could not testify to hearsay of other doctors that were not present in the court and had not been qualified as experts. *Id.* at 894-895. Here, the testimony of Ms. Oberdorfer is based on the review of other designated experts' report (which is permissible as discussed below). Furthermore, the experts have been deposed and are going to be called as witnesses in the trial. Thus, the *Whitfield* case is not applicable.

Evidence code section 801(b) specially allows an expert to base opinion testimony on any reliable material, including inadmissible material such as hearsay. Cases have held that reports by other experts based on their personal observations, tests and examinations are the type of information that may be relied on. (See generally *People v. Bordelon* (2008) 162 CA4th 1311, 1324; *Christiansen v. Hollings* (1941) 44 CA2d 332, 347; *Hammond Lumber Co. v. County of Los Angeles* (1930) 104 CA 235, 247.)

Here, there is no risk of prejudice since all of the experts that conducted the work and developed the report, have been deposed and are designated as expert witnesses. Thus, they will be subject to cross-examination or if they are not called, portions of their deposition testimony may be read into the record or submitted to the court.

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1 The Motion should be denied.

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3 Dated: December 29, 2010

BEST BEST & KRIEGER LLP

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5 By Stefanie Hedlund  
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**PROOF OF SERVICE**

I, Stefanie D. Hedlund, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 400 Capitol Mall, Suite 1650, Sacramento, California 95814. On December 29, 2010, I served the within document(s):

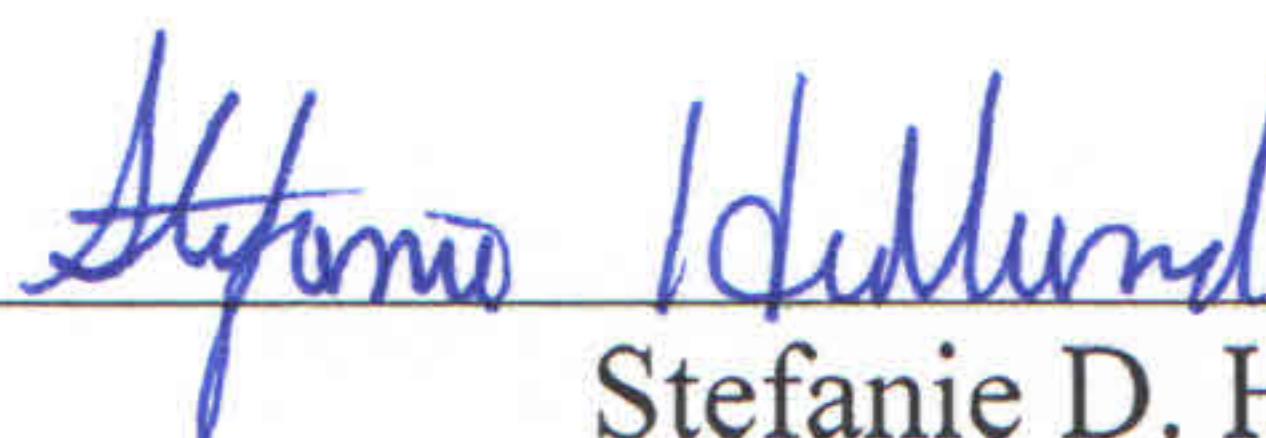
**PUBLIC WATER SUPPLIERS' OPPOSITION TO BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS, INC.'S MOTION IN LIMINE NO. 1**

- ☒ by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- ☐ by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 29, 2010, at Truckee, California.

  
Stefanie D. Hedlund