

EXHIBIT “A”

The Landowners seek to strike the following testimony from Mr. Scalmanini:

Mr. Zimmer:

| Testimony | Reason | Reason Why it Should not be Struck |
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| <p>Testimony related to USGS reports</p> <p>Page 1308, Line 21 thru 1340, Line 1</p> <p>Page 1345, Line 14 thru 1358, Line 2</p> | <p>“Same ground I’ve articulated earlier”</p> <p>Presumably expert can’t state details of other expert inadmissible hearsay and beyond scope of cross</p> <p>Page 103, Line 26</p> | <p>The testimony regards admissible hearsay.</p> <p>With no jury, no concern a limiting instruction will not be adequate</p> <p>Cross inquired about the same documents, so not beyond scope</p> |
| <p>Testimony regarding a Probability of Error table that Mr. Scalmanini used in a class he thought in 1981</p> <p>Page 1360 Line 10 thru Page 1369, Line 5</p> | <p>Beyond the scope of cross</p> <p>Beyond the scope of expert’s opinion</p> <p>Page 105, Lines 14-16</p> | <p>This table was created by Joyce Peters and used in a class thought by Mr. Scalmanini. The table was used in other reports. Mr. Joyce took this table from those reports, out of context, and Mr. Scalmanini was extensively cross examined by Mr. Joyce on this table.</p> <p>Since Mr. Scalmanini was cross-examined on this table, showing the court the origination of the table is not beyond the scope of cross-examination.</p> |
| <p>Testimony regarding a Probability of Error table that Mr. Scalmanini used in a class he thought in 1981</p> <p>Page 1371, Line 8 thru Page 1378, Line 6</p> | <p>Beyond the scope of cross</p> <p>Irrelevant</p> <p>Page 105, Line 26-27</p> | <p>Since this table is used in creating a water budget, it is not beyond the scope of Mr. Scalmanini’s opinions.</p> |
| <p>Testimony related to a Department of Water Resources report</p> <p>Page 1378, Line 6 thru 1380, Line 16</p> | <p>None stated</p> | <p>The DWR used a similar analysis as is used in this case</p> |

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| Page 1381, Line 12 thru Page 1385, Line 14 | Reading sections No time for cross- examination Mr. Weeks did not question on direct Beyond the scope | These are not objections. The Landowners cross-examined for nearly two weeks There is no rule prohibiting re-direct examination by a party who did not ask questions on direct Mr. Scalmanini was cross-examined on all of these subjects. |
| Testimony related to USGS reports Page 1390, Line 20 thru line 23 | USGS is hearsay | Since the USGS was prepared by a public employee, it is admissible hearsay. Mr. Scalmanini may rely o this report. |

Mr. Joyce:

| Testimony | Reason | Reason Why it Should not be Struck |
|---|---------------|---|
| Testimony regarding a Probability of Error table that Mr. Scalmanini used in a class he thought in 1981 Page 1358, Line 3 thru 1389, Line 16 | Hearsay | This table was created by Joyce Peters and used in a class thought by Mr. Scalmanini. The table was used in other reports. Mr. Joyce took this table from those reports, out of context, and Mr. Scalmanini was extensively cross examined by Mr. Joyce on this table. Since Mr. Scalmanini was cross-examined on this table, showing the court the origination of the table is not beyond the scope of cross- examination. Since this table is used in creating a water budget, it is not beyond the scope of Mr. Scalmanini's opinions. |

Mr. Kuhs:

| Testimony | Reason | Reason Why it Should not be Struck |
|--|--|---|
| Page 1339, Line 12 thru 1241, Line 17 | Improper use of document Hearsay Irrelevant | The testimony regards admissible hearsay. With no jury, no concern a limiting instruction will not be adequate Subsidence at Edwards Air Force Base is relevant to show over pumping and an undesirable effect |
| Unspecified pages Testimony regarding “Undesirable effects of Subsidence” | | This is not a proper objection |

Exhibits

| <u>Exhibits</u> | <u>Landowner Objection</u> | <u>Reason Objection is should be Overruled</u> |
|---|-------------------------------------|---|
| 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 78, 79 | Legal Concept | <p>“Overdraft” and “Safe Yield” are the hydro geologic terms and these definitions show how the terms are used by a hydrogeologist.</p> <p>These exhibits define the terms as used by Mr. Scalmanini.</p> |
| 17 | Unclear, but probably no Foundation | This is demonstrative of the consequences of subsidence |
| 18, 19 | Unclear, but probably no Foundation | <p>This is demonstrative of the consequences of subsidence</p> <p>Mr. Scalmanini testified this was a fissure at Edwards Air Force Base and USGS reports also reflect the location</p> |
| 22, 24, 25, 26, 28 | New Opinion | <p>Mr. Scalmanini testified that there was subsidence in the basin.</p> <p>Mr. Scalmanini specifically mentioned the USGS extensometer studies</p> |
| 52, 53, 54, 55, 56 | No Foundation | <p>Mr. Scalmanini provided sufficient evidence through his testimony to prove the document is what it purports to be.</p> <p>There is no genuine dispute that this is a true copy of the document</p> |
| 62, 63, 64, 68, 73 | Hearsay | These exhibits are the opinions of Mr. Scalmanini and are not based upon the opinions of other experts |
| 74, 75, 76, 77 | Hearsay | The court hear the details of inadmissible hearsay because there is no jury |
| 101 | Hearsay | Mr. Scalmanini can rely on the opinions of Mr. Leffler Portions quoted in cross-examination, Evidence Code section 356 |
| 104, 105, 106, 107, 108 | Hearsay | <p>Portions quoted in cross-examination</p> <p>Record prepared by a public employee</p> |