

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
STEFANIE D. HEDLUND, Bar No. 239787
3 5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614
4 TELEPHONE: (949) 263-2600
TELECOPIER: (949) 260-0972
5 Attorneys for Cross-Complainants
ROSAMOND COMMUNITY SERVICES
6 DISTRICT and LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

7 OFFICE OF COUNTY COUNSEL
8 COUNTY OF LOS ANGELES
RAYMOND G. FORTNER, JR., Bar No. 42230
9 COUNTY COUNSEL
FREDERICK W. PFAEFFLE, Bar No. 145742
10 PRINCIPAL DEPUTY COUNTY COUNSEL
500 WEST TEMPLE STREET
11 LOS ANGELES, CALIFORNIA 90012
TELEPHONE: (213) 974-1901
12 TELECOPIER: (213) 458-4020
Attorneys for Cross-Complainant LOS ANGELES
13 COUNTY WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT
16

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

19 Included Actions:
Los Angeles County Waterworks District
20 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

Judicial Council Coordination No. 4408

PUBLIC WATER SUPPLIERS'
OBJECTION TO BOLTHOUSE
PROPERTIES AND WM. BOLTHOUSE
FARMS NOTICE OF TAKING
DEPOSITION OF JOSEPH C.
SCALMANINI AND REQUEST FOR
PRODUCTION OF DOCUMENTS AT
TIME OF DEPOSITION

OBJECTIONS TO NOTICE OF DEPOSITION

The Public Water Suppliers' hereby object to the Notice of Taking Deposition of Joseph C. Scalmanini and Request For Production of Documents At Time of Deposition propounded by Bolthouse Properties and Wm. Bolthouse Farms, Inc. (collectively, "Bolthouse").


The Public Water Suppliers' object on the fact that the basis for the deposition is moot. The reason that Bolthouse noticed a deposition and a request for the production of documents is based on the "Declaration of Joseph C. Scalmanini in Support of Public Water Suppliers' Statement of Support for a Modified Class as Proposed by Rebecca Lee Willis." (Notice of Deposition at p. 2.) The Court stated at the August 20, 2007, hearing that the only purpose the Declaration would be used for was certifying a pumpers class and that since the Court would not consider a pumpers class at this time the Declaration of Mr. Scalmanini was "a moot question." (August 20, 2007 Transcript at 17:9-12.) Furthermore, the Court stated that the Declaration of Mr. Scalmanini would not be considered for any other purpose other than to certify a pumpers class. (August 20, 2007, transcript at 17:2-6.) Therefore, there is no purpose in taking Mr. Scalmanini deposition on the basis of his Declaration.

Furthermore, the Public Water Suppliers' object to the request for production of documents. Discovery is no longer necessary or timely regarding matters before the Court at this time. The Public Water Suppliers would imagine that the appropriate timing of such discovery will be discussed as future status conference hearings.

Dated: August ~~29~~, 2007

BEST BEST & KRIEGER LLP

By


ERIC L. GARNER
JEFFREY V. DUNN
STEFANIE D. HEDLUND
Attorneys for Cross-Complainants
ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT
NO. 40

PROOF OF SERVICE

I, Kerry V. Keefe, 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, 5 Park Plaza, Suite 1500, Irvine, California 92614. On August 29, 2007, I served the within document(s):

PUBLIC WATER SUPPLIERS' OBJECTION TO BOLTHOUSE PROPERTIES AND WM. BOLTHOUSE FARMS NOTICE OF TAKING DEPOSITION OF JOSEPH C. SCALMANINI AND REQUEST FOR PRODUCTION OF DOCUMENTS AT TIME OF DEPOSITION



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.

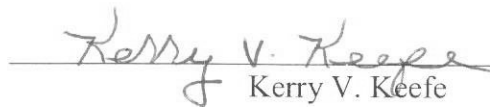


I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

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 August 29, 2007, at Irvine, California.


Kerry V. Keefe