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File No. 26345.00010

January 14, 2014

**VIA POSTING TO THE COURT'S WEBSITE**

**All Parties**

Re: *Antelope Valley Groundwater Adjudication*  
Judicial Council Coordination Number 4408

Dear Counsel and all Unrepresented Parties:

I write to provide notice that on Wednesday, January 15, 2014 at 9:00 a.m., or as soon thereafter as the matter may be heard, Los Angeles County Waterworks District No. 40 ("District No. 40") will present an *ex parte* application: (1) to quash Bolthouse Properties LLC and Wm. Bolthouse Farm, Inc.'s ("Bolthouse") deposition notice of Joseph Scalmanini; and (2) for a protective order regarding the same. The application will be made because: Mr. Scalmanini was diagnosed with Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gherig's disease, and is unable to testify. Additionally, Bolthouse examined Mr. Scalmanini during the Phase III trial, he gave a lengthy deposition before the Phase 3 trial, Bolthouse's attempt to re-depose Mr. Scalmanini without leave of court violates the one deposition rule; Mr. Scalmanini is not designated as an expert for Phase V, and Bolthouse's attempt to depose him after discovery deadline is untimely.

The hearing of this application will occur telephonically via CourtCall only in Department 1 of the Santa Clara Superior Court, located at 161 North First Street, San Jose, California, or in such other location as the Court may designate. No court reporter will be present.

This *ex parte* application is made pursuant to California Rules of Court, rules 3.1200 *et seq.*, and Code of Civil Procedure sections 2025.410, and 2025.420. It is based on this notice, the attached memorandum of points and authorities, the concurrently filed Declaration of Jeffrey V. Dunn and exhibits thereto, the [Proposed] Order, the pleadings and papers on file herein, and on such further argument and material as the Court may consider at the hearing on this matter.

Please notify Wendy Y. Wang, counsel for District No. 40, via email ([wendy.wang@bbklaw.com](mailto:wendy.wang@bbklaw.com)), as to whether you intend to oppose the application.



**BEST BEST & KRIEGER**  
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All Counsel  
January 14, 2014  
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The application and the related papers electronically will be posted on the Court's website.

Sincerely,

  
Jeffrey V. Dunn  
of BEST BEST & KRIEGER LLP

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