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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES – CENTRAL DISTRICT

ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:

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

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

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

RICHARD WOOD, on behalf of himself and
all other similarly situated v. A.V. Materials,
Inc., et al., Superior Court of California,
County of Los Angeles, Case No. BC509546.

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103

Judicial Council Coordination Proceeding
No. 4408

CLASS ACTION

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

DECLARATION OF JEFFREY V. DUNN
IN SUPPORT OF LOS ANGELES
COUNTY WATERWORKS DISTRICT NO.
40'S *EX PARTE* APPLICATION FOR
MOTION TO QUASH DEPOSITION
NOTICE OF JOSEPH SCALMANINI AND
MOTION FOR PROTECTIVE ORDER

*[Filed concurrently with Ex Parte Application
and [Proposed] Order]*

Date: January 15, 2014

Time: 9:00 a.m.

Dept.: Department 1 (via CourtCall only)

Trial Date: February 10, 2014 (Phase V)

I, Jeffrey V. Dunn, declare:

2. I am an attorney licensed to practice law in the State of California. I am a partner of Best, Best & Krieger LLP, attorneys of record for Los Angeles County Waterworks District No. 40 (“District No. 40”).

4. In compliance with California Rules of Court, Rule 3.1203, I caused to be posted a letter to the court's designated website for this coordinated proceeding at 9:53 a.m., on January 14, 2014 notifying all parties of this *ex parte* application, the location and time, the specific relief to be requested, and asking whether any party or counsel would oppose the application. Attached as **Exhibit A** is a true and correct copy of the referenced letter and proof of service.

6. On December 30, 2013, Bolthouse served a notice of deposition of Joseph Scalmanini, setting it for January 17, 2014. A true and correct copy of Bolthouse's notice is attached as **Exhibit C**.

7. Bolthouse deposed Mr. Scalmanini in the Phase III trial over eleven sessions in January of 2011.

8. On January 7, 2014, Bolthouse sent correspondence acknowledging that Mr. Scalmanini is not a designated expert for Phase V. A true and correct copy of Bolthouse's correspondence is attached as **Exhibit D**.

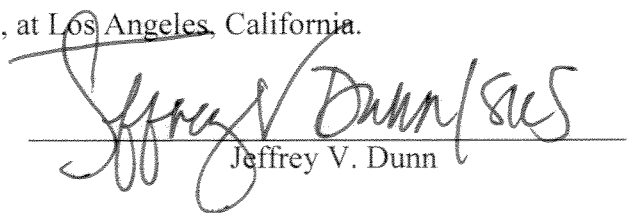
9. On January 13, 2014, Bolthouse served additional correspondence referencing Mr. Scalmanini's disability. A true and correct copy of Bolthouse's correspondence is attached as **Exhibit E**.

10. Attached as **Exhibit F** is a true and correct copy of the Court's Order re Application and Request Under California Rule of Court 1.100 and the Americans with Disabilities Act by the Public water Suppliers and the City of Los Angeles Department of Water and Power, dated January 13, 2011. Mr. Scalmanini was diagnosed with Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's disease in the Fall of 2010. Since that time, his physical condition has continued to deteriorate, and he is unable to testify.

11. Mr. Scalmanini's Phase III trial testimony was videotaped. Bolthouse and other public and private landowner parties are attempting to re-litigate the State Water Project water return flow contribution to the Basin's safe yield.

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

Executed this 14th day of January, 2014, at Los Angeles, California.


Jeffrey V. Dunn

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