

EXHIBIT B

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

15 **ANTELOPE VALLEY**
16 **GROUNDWATER CASES**

17 Included Actions:
Los Angeles County Waterworks District
18 No. 40 v. Diamond Farming Co., Superior
Court of California, County of Los
19 Angeles, Case No. BC 325201;

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

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

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

**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

OBJECTION TO NOTICE OF DEPOSITION
OF JOSEPH SCALMANINI AND FOR
PRODUCTION OF DOCUMENTS

Date: January 17, 2014
Time: 1:30 p.m.

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Pursuant to Code of Civil Procedure section 2025.410, Los Angeles County Waterworks District No. 40 ("District No. 40") hereby objects to Bolthouse Properties LLC and Wm. Bolthouse Farm, Inc.'s ("Bolthouse") Notice of deposition of Joseph Scalmanini and Request for Production of Documents ("Deposition Notice") in its entirety on the following grounds:

1. Mr. Scalmanini is in poor health and cannot testify. He testified as an expert witness during Phase 3 of this trial, which was videotaped, on an array of matters. Bolthouse was aware of Mr. Scalmanini's health condition and participated during his testimony.

2. California Code of Civil Procedure section 2025.610, subdivision (a), provides that "[o]nce any party has taken the deposition of any natural person...neither the party who gave, nor any other party who has been served with a deposition notice pursuant to Section 2025.240 may take a subsequent deposition of that deponent." However, for good cause shown, the court may grant leave to allow a subsequent deposition. (CCP § 2025.610(b).) Thus, absent a court order based on a showing of good cause by the party that desires to take a subsequent deposition of a witness who has been previously deposed, that witness cannot be deposed again. Bolthouse noticed and took Mr. Scalmanini's deposition during Phase 3. As Bolthouse has not obtained leave of court for Mr. Scalmanini to be deposed again, he will not be made available for deposition.

Dated: January 10, 2014

BEST BEST & KRIEGER LLP

By



ERIC L. GARNER
JEFFREY V. DUNN
WENDY WANG

Attorneys for Cross-Complainant
LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

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1 **PROOF OF SERVICE**

2 I, Sandra K. Sandoval, declare:

3 I am a resident of the State of California and over the age of eighteen years, and not a
4 party to the within action; my business address is Best Best & Krieger LLP, 300 South Grand
5 Avenue, 25th Floor, Los Angeles, CA 90071. On January 10, 2014, I served the within
6 document(s):

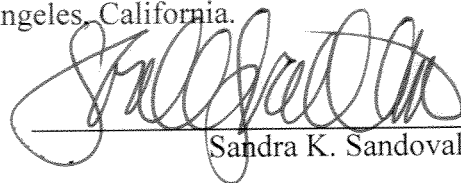
7 **LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S**
8 **OBJECTION TO NOTICE OF DEPOSITION OF JOSEPH SCALMANINI**
9 **AND FOR PRODUCTION OF DOCUMENTS**

- 10 ☒ by posting the document(s) listed above to the Santa Clara County Superior Court
11 website in regard to the Antelope Valley Groundwater matter.
12 ☐ by placing the document(s) listed above in a sealed envelope with postage thereon
13 fully prepaid, in the United States mail at Irvine, California addressed as set forth
14 below.
15 ☐ by causing personal delivery by ASAP Corporate Services of the document(s)
16 listed above to the person(s) at the address(es) set forth below.
17 ☐ by personally delivering the document(s) listed above to the person(s) at the
18 address(es) set forth below.

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

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

26 Executed on January 10, 2014, at Los Angeles, California.

27 
28 Sandra K. Sandoval