

## **EXHIBIT C**

1 RICHARD G. ZIMMER, ESQ., State Bar No. 107263  
T. MARK SMITH, ESQ., State Bar No. 162370  
2 CLIFFORD & BROWN  
A Professional Corporation  
3 Attorneys at Law  
1430 Truxtun Avenue, Suite 900  
4 Bakersfield, CA 93301-5230  
(661) 322-6023  
5 (661) 322-3508 - Fax

6 Attorneys for BOLTHOUSE PROPERTIES, LLC  
and WM. BOLTHOUSE FARMS, INC.  
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9 SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

10 COORDINATION PROCEEDING,  
11 SPECIAL TITLE (Rule 1550 (b)),

12 ANTELOPE VALLEY GROUNDWATER  
13 CASES ,

14 INCLUDED ACTIONS:, LOS ANGELES  
15 COUNTY WATERWORKS DISTRICT NO.  
16 40 v. DIAMOND FARMING COMPANY, et  
al.,  
17 Los Angeles Superior Court Case No.  
18 BC325201,

19 LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40 v. DIAMOND FARMING  
20 COMPANY, et al. ,  
21 Kern County Superior Court Case No. S-1500-  
CV-254348,

22 DIAMOND FARMING COMPANY, and  
23 W.M. BOLTHOUSE FARMS, INC., v. CITY  
24 OF LANCASTER, et al.,  
Riverside Superior Court Case No. RIC  
25 344436 [c/w case no. RIC 344668 and 353840] ,  
26

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JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4408

CASE NO.: 1-05-CV-049053

NOTICE OF TAKING ORAL  
DEPOSITION OF EXPERT JOSEPH  
SCALMANINI AND FOR PRODUCTION  
OF DOCUMENTS

DATE: January 17, 2014  
TIME: 1:30 p.m.  
PLACE: Veritex Court Reporting  
555 Capitol Mall, Suite 280  
Sacramento, CA 95814

1 TO ALL PARTIES AND ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on January 17, 2014 at 1:30 p.m., BOLTHOUSE  
3 PROPERTIES, LLC and WM. BOLTHOUSE FARMS, INC, herein will take the deposition of  
4 expert JOSEPH SCALMANINI at the office of Veritex Court Reporting located at Veritex  
5 Court Reporting, 555 Capitol Mall, Suite 280, Sacramento, CA 94104, (916) 379-5553, before a  
6 Certified Shorthand Reporter and, if for any reason the taking of said deposition is not  
7 completed on said day, the taking of the deposition and production of documents will be  
8 continued from day to day, Sundays and holidays excepted, until completed.

9 FURTHER PLEASE TAKE NOTICE that the deponent set forth herein above is  
10 requested to produce at the time of the deposition the documents and things requested in the  
11 Deposition Subpoena herein attached to the deposition notice.

12 If an interpreter is required to translate testimony for the deponent, notice of the same,  
13 including the language and the dialect, must be given to this noticing party, in writing, within  
14 ten (10) calendar days prior to this deposition.

15 DATED: December 30, 2013

CLIFFORD & BROWN

16  
17  
18 By: 

RICHARD G. ZIMMER, ESQ.  
T. MARK SMITH, ESQ.  
Attorneys for BOLTHOUSE  
PROPERTIES, LLC and WM.  
BOLTHOUSE FARMS, INC.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): RICHARD G. ZIMMER, ESQ., SBN 107263 T. MARK SMITH, ESQ., 162370 CLIFFORD & BROWN 1430 Truxtun Avenue, Suite 900 Bakersfield, CA 93301 TELEPHONE NO.: (661) 322-6023 FAX NO. (Optional): (661) 322-3508 E-MAIL ADDRESS (Optional): Bolthouse Properties, LLC ATTORNEY FOR (Name): and Wm. Bolthouse Farms, Inc.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: LOS ANGELES - CENTRAL DISTRICT	
PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER LITIGATION	
DEFENDANT/RESPONDENT:	
<b>DEPOSITION SUBPOENA</b>	
<b>FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS</b>	
CASE NUMBER: JCCP 4408	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
 Joseph Scalmanini, 500 1st Street, Woodland, CA 95695 (530)661-0109

**1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:**

Date: 1/17/14 Time: 1:30 p.m. Address: 555 Capitol Mall, Suite 280  
 Sacramento, CA 95814

- ☐ As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
  - ☒ You are ordered to produce the documents and things described in item 3.
  - ☒ This deposition will be recorded stenographically ☐ through the instant visual display of testimony and by ☐ audiotape ☐ videotape.
  - ☐ This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
- The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
  - The documents and things to be produced and any testing or sampling being sought are described as follows:  
 [See Attachment A]
  - ☐ Continued on Attachment 3.
  - If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:  
☐ Continued on Attachment 4.
5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: December 30, 2013

  
 (SIGNATURE OF PERSON ISSUING SUBPOENA)

T. MARK SMITH

Bolthouse Properties, LLC and Wm. Bolthouse Farms, Inc.

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(TITLE)

Page 1 of 2

ATTACHMENT TO DEPOSITION SUBPOENA #3

1. Deponent's entire file concerning the above-captioned lawsuit.
2. Any and all writings prepared by or on behalf of said deponent or anyone working at the direction of said deponent which in any way pertains to the review, analysis, opinions, conclusions, or beliefs of said deponent with regard to the subject matter of this litigation;
3. Any and all writings received and/or reviewed by said deponent pertaining to the subject matter of this litigation;
4. Any and all handwritten notes, field notes, calculations or other writings prepared by or on behalf of said deponent or by someone at the direction of said deponent pertaining to the subject matter of this litigation;
5. Any and all photographs, videotapes, scans, micrographs, or other such recording reviewed, received, analyzed, prepared by, considered, and/or relied upon by said deponent which pertains to the subject matter of this litigation;
6. Any and all books, articles, treatises, reports, or other writings which in any way form the basis for any opinion, conclusion or analysis of said deponent relating to the subject matter of this litigation;
7. Any and all writings pertaining to the billing and amount of time spent by said deponent or others under the direction of said deponent in working on any matter pertaining to the subject of this litigation. This includes but is not limited to any and all timesheets or billing statements.
8. Any and all reports, conclusions, opinions, and drafts of the same prepared by deponent in connection with the above-captioned lawsuit.
9. Any "engagement letter" or similar instructions received by deponent in connection with the above-captioned lawsuit.
10. The deponent's Curricula Vitae.
11. All documents, depositions, scientific, technical or professional texts, journals, or any other "writings" (as defined by California *Evidence Code, Section 250*) including any documents prepared by any present or former party to this action which the deponent read, referred to, considered or relied upon in preparing to testify in deposition or at trial, of this action.
12. All documents, depositions, scientific, technical or professional texts, journals, or any other action in which you provided testimony, either by deposition or in trial, as a percipient and/or expert witness, which you have read, referred to, considered or relied upon in preparing to testify or in testifying, in deposition or at trial, in this action.
13. All documents, correspondence, depositions, deposition summaries, memoranda, or any other "writing" (as defined by California *Evidence Code, Section 250*), prepared by you or sent and/or received from deponent or counsel or any other attorney concerning the subject matter of the

issues in this case, or concerning any of the matters referred to in any of the aforementioned categories of this list of documents to be produced at deposition.

14. A list of all cases by name, venue, and date in which you have testified at deposition and at trial related to safe yield and/or overdraft, perennial yield, sustainable yield or similar issues .
15. All models run, conducted, tested, considered or reviewed by the deponent, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
16. Any and all storage change models run, conducted, tested, considered or reviewed by the deponent referenced in Summary Expert Report, p. IV-14, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
17. Any and all aquitard-drainage models run, conducted, tested, considered or reviewed by the deponent referenced in Summary Expert Report, p. IV-22, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
18. Any and all GIS model development to estimate the volume of water derived from sediment in the AVAA, run, conducted, tested, considered or reviewed by the deponent referenced in Summary Expert Report, p. IV-23, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
19. Any and all precipitation-yield model described in Section 4.1 and Appendix C, run, conducted, tested, considered or reviewed by the deponent referenced in Summary Expert Report, p. IV-37, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.

20. Any and all precipitation-yield model described in Section 4.1 and Appendix C, run, conducted, tested, considered or reviewed by the deponent referenced in Summary Expert Report, p. IV-38, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
21. Any and all digital elevation models (DEM), run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 3, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
22. Any and all PRISM models run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 9, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
23. Any and all runoff model described in Section 3.3 run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 21, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
24. Any and all watershed models run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 25, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
25. Any and all water-yield models run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 26, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.

26. Any and all runoff models run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 27, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
27. Any and all groundwater models (Section C.3.3.5) run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 28, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
28. Any and all groundwater models run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 32, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
29. Any and all FEMFLOW3D models run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 33, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
30. Any and all groundwater models (Durbin 1978) run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 35, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
31. Any and all groundwater models (Leighton & Phillips 2003) run, conducted, tested, considered or reviewed by the deponent referenced in Appendix C, p. 35, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.

32. Any and all storage change models run, conducted, tested, considered or reviewed by the deponent referenced in Appendix E, p. 6, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
33. Any and all aquitard-drainage change models run, conducted, tested, considered or reviewed by the deponent referenced in Appendix E, p. 10, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
34. Any and all GIS models developed to estimate the volume of water driven from sediment in the Antelope Valley, run, conducted, tested, considered or reviewed by the deponent referenced in Appendix E, p. 11, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.
35. Any and all HYDRUS2 models run, conducted, tested, considered or reviewed by the deponent referenced in Appendix E, p. 15, including, but not limited to, working electronic copy of the model code, hard-copy of all documentation supporting the operation of the model, all input data electronic files in formats useable to the model and suitable for human review, all data used in model calibration in electronic form, the results of all calibration/verification runs of the model in electronic and hard-copy form, and all output from the model in electronic and hard-copy form.

**PROOF OF SERVICE (C.C.P. §1013a, 2015.5)**  
***Antelope Valley Groundwater Cases***  
***Judicial Counsel Coordination Proceeding No. 4408***  
***Santa Clara County Superior Court Case No. 1-05-CV-049053***

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Suite 900, Bakersfield, CA 93301.

On December 30, 2013, I served the foregoing document(s) entitled:

**NOTICE OF TAKING ORAL DEPOSITION OF EXPERT JOSEPH SCALMANINI AND FOR PRODUCTION OF DOCUMENTS**

by placing the document listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Matter. All parties listed on the Santa Clara Superior Court in regard to the Antelope Valley Groundwater Matter are hereby incorporated within by this reference.

**X BY SANTA CLARA SUPERIOR COURT E-FILED IN COMPLEX LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.**

Executed on December 30, 2013, at Bakersfield, California.

**X** (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

**—** (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made:

  
\_\_\_\_\_  
SUE HAYS  
{2455-2}