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

ANTELOPE VALLEY GROUNDWATER
CASES

Judicial Council Coordination Proceeding
No. 4408

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;

CLASS ACTION

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

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;

REPLY TO SUPPLEMENTAL REPLY TO
OPPOSITION TO MOTION IN LIMINE
OF AGWA FOR ORDER EXCLUDING
EVIDENCE OF MODELING BY
DESIGNATED EXPERT DENNIS
WILLIAMS; DECLARATION OF
JEFFREY V. DUNN

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

1 The supplemental reply by AGWA is inconsistent with its supporting declaration.

2
3 Mr. Umstot states: “*I can run all five of the models. . . .*” (Ex. A to the Declaration of
4 Ryan C. Drake (“Drake Decl. [emphasis added].”) He received the electronic files on February 6,
5 2014 – an entire week after AGWA attorneys first state they received the files. (Drake Decl.,
6 paragraphs 5 and 6.) And on the same day he received the files, he was able to run all five of the
7 models in a single day – and obtained the same results as testified by Dr. Williams in his
8 deposition except for “*slightly different results at a few cells.*” (Ex. A to Drake Decl. [emphasis
9 added].).

10
11 Mr. Umstot states that when he runs all five of the models, he gets “*slightly different*
12 *results at a few cells. . . .*” (Ex. A to Drake Decl. [emphasis added].) As explained by Dr.
13 Williams, there are approximately 61,000 cells in the model. **Out of the approximately 61,000**
14 **cells in the model only a few differ in the model runs by Mr. Umstot and he admits he has**
15 **only “slightly different results” for just “a few cells.”**

16
17 Had Mr. Fife or Mr. Drake contacted legal counsel for Dr. Williams regarding Mr.
18 Umstot’s questions, they would have been reminded or learned of the following:

- 19
20 1. Dr. Williams testified in his deposition that there are many hundreds of calibration
21 runs and thus, there are no calibration run files kept. As Dr. Williams repeatedly
22 explained in his deposition there are no retained records or documentation on the
23 numerous calibration runs.
- 24
25 2. The USGS output files are in a separate file apparently not found by Mr. Umstot.
26 Even though Mr. Umstot states he was able to run the MODFLOW model with the
27 USGS inputs and Mr. Umstot achieves only “slightly different results at a few” of
28 the approximately 61,000 cells, Public Water Suppliers can provide a separate

copy of the USGS output files. And because model input determines the model output, **Mr. Umstot will get the same results he has already obtained by already running the model with the USGS model input files.**

Common sense should prevail here. Mr. Umstot states he received all “five MUDFLOW models.” He states that he was able to run each of the five models. He states that he reached the same conclusions as Dr. Williams. But landowner parties want to exclude Dr. Williams from testifying – not because he didn’t provide his opinions or their basis – but because landowner parties do not like the results. And that now includes what their own expert has concluded.

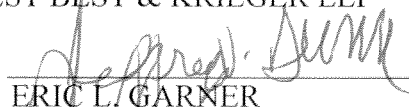
And no one has asked for Dr. Williams to be deposed regarding the electronic files.¹ Stated simply, this is an effort on the part of AGWA and its landowner party allies to create an inaccurate and misleading argument to improperly exclude Dr. Williams’ testimony.

Dr. Williams provided his opinions and their basis during approximately seven hours of deposition. He provided his entire written file and voluminous records on a computer disc. He provided electronic model files a mere 3 business days after his deposition. He was made available for further deposition – no one has asked to take his deposition again. Instead, there is yet another coordinated landowner party attack against a Public Water Supplier expert witness. The AGWA motion in limine should be denied.

Dated: February 7, 2014

BEST BEST & KRIEGER LLP

By


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DISTRICT NO. 40

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¹ Only three attorneys asked for the files: Mr. McLachlan, Mr. Fife and Mr. Miliband.

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 February 7, 2014, I served the within document(s):

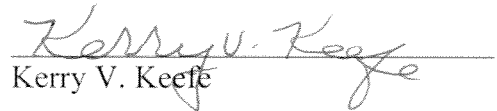
REPLY TO SUPPLEMENTAL REPLY TO OPPOSITION TO MOTION IN LIMINE OF AGWA FOR ORDER EXCLUDING EVIDENCE OF MODELING BY DESIGNATED EXPERT DENNIS WILLIAMS; DECLARATION OF JEFFREY V. DUNN

- ☒ 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 February 7, 2014, at Irvine, California.


Kerry V. Keefe