| 1 2 | THOMAS S. BUNN III (SBN 89502) JENNY S. KIM (SBN 285581) LAGERLOF, SENECAL, GOSNEY & KRUSE, 301 North Lake Avenue, 10 TH Floor | | EXEMPT FROM FILING FEES UNDER GOVERNMENT CODE SECTION 6103 |
|--------|--|-----------------------|---|
| 3 | 301 North Lake Avenue, 10 ¹¹¹ Floor Pasadena, California 91101-5123 Telephone: (626) 793-9400 | | |
| 4 | Fax: (626) 793-5900 | | |
| 5 | Attorneys for PALMDALE WATER DISTRICT | | |
| 6 7 | | | |
| 8 | SUPERIOR COURT OF TH | E STATE (| OF CALIFORNIA |
| 9 | COUNTY OF LOS ANGELES – CENTRAL DISTRICT | | |
| 10 | | | |
| 11 | Coordination Proceeding Special Title [Rule 1550 (b)] | | Council Coordination |
| 12 | ANTELOPE VALLEY GROUNDWATER | [Assigned | d to The Honorable Jack Komar, |
| 13 | CASES | Judge Sa Dept. 17] | nta Clara County Superior Court, |
| 14 | | Santa Cla | ra Court Case No. 1-05-CV-049053 |
| 15 | | | |
| 16 | | OBJE | IDALE WATER DISTRICT'S CTION TO BOLTHOUSE |
| 17 | | PROP BOLT | ERTIES, LLC AND WM. 'HOUSE FARMS, INC.'S |
| 18 | | EXPE | CE OF ORAL DEPOSITION OF RT MARK WILDERMUTH AND PRODUCTION OF DOCUMENTS |
| 19 | | FOR | RODUCTION OF DOCUMENTS |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | PALMDALE WATER DISTRICT hereby | y sets forth | its objection to the Notice of Taking |
| 24 | Oral Deposition of Expert Mark Wildermuth and | for Produc | ction of Documents propounded by |
| 25 | BOLTHOUSE PROPERTIES, LLC and WM. BO | OLTHOUS | E FARMS, INC. ("Bolthouse"). For |
| 26 | the reasons stated herein, Mr. Wildermuth will no | ot be made | available for deposition as noticed. |
| 27 | | | |
| 28 | PALMDALE WATER DISTRICT'S OBJECTION TO BOLT | THOUSE DD4 | ODEDTIES II CAND WM DOI THOUSE |
| | FARMS, INC.'S NOTICE OF ORAL DEPOSITION OF EXP OF DOCUMENTS | | |

| | OBJECTION TO DEPOSITION | | | | |
|---|--|--|--|--|--|
| | California Code of Civil Procedure section 2025.610, subdivision (a), provides that | | | | |
| | "[o]nce any party has taken the deposition of any natural personneither 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. | | | | | |
| Mark Wildermuth testified as an expert witness during Phase 3 of this trial and was | | | | | |
| deposed extensively on an array of matters. Bolthouse was served with the deposition notice. | | | | | |
| Moreover, Mr. Wildermuth did no work relating to return flows, and has not been designated as | | | | | |
| an expert during Phase 5. Therefore, as Bolthouse has not obtained leave of court for Mr. | | | | | |
| Wildermuth to be deposed again, he will not be made available for deposition as noticed. | | | | | |
| | | | | | |
| | Dated: January 7, 2014 LAGERLOF, SENECAL, GOSNEY & KRUSE LLP | | | | |
| | By /s/ THOMAS S. BUNN III Attorneys for Palmdale Water District | | | | |
| | G:\PALMDALE\Antelope Valley Groundwater\Discovery\Phase 5 Discovery\Bolthouse\Objection to Depo Notice of Wildermuth.doc | | | | |
| 1 | 2 | | | | |