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8 Attorneys for Defendant and Cross-Complainant,
9 Palmdale Water District
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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
15

16 Coordination Proceeding
17 Special Title (Rule 1550 (b))

Judicial Council Coordination
Proceeding No. 4408

18 **ANTELOPE VALLEY GROUNDWATER**
19 **CASES**

[Assigned to The Honorable Jack Komar, Judge
Santa Clara County Superior Court, Dept. 17]

Santa Clara Court Case No. 1-05-CV-049053

**PUBLIC WATER SUPPLIERS' OPPOSITION
TO BOLTHOUSE'S MOTION IN LIMINE
NO. 1**

Date: February 10, 2014
Time: 9:00 a.m.
Dept: Old Dept. 1, Los Angeles

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21 Bolthouse has made a motion in limine to prevent experts from testifying to the hearsay opinions
22 of other experts. It identifies no specific testimony it seeks to exclude, nor even particular experts to
23 which its motion applies. It offers no reason the court should make such a vague ruling by way of
24 motion in limine, as opposed to the normal procedure of ruling on objections to evidence as they are
25 made. In fact, the way that Bolthouse phrased its motion, the court will have to rule on objections as
26 they are made in any event. The motion in limine is therefore unnecessary and should be denied.

27 An expert's opinion may be based on evidence "*whether or not admissible...* if it is the kind of
28 information experts reasonably rely upon in forming an opinion on the subject matter involved." (Evid.

1 Code §801(b) (emphasis added). Therefore, experts are permitted to state they have reviewed,
2 considered and relied upon inadmissible hearsay evidence as the basis for their opinion. However, the
3 hearsay evidence itself remains inadmissible. (*People v. Coleman* (1985) 38 Cal. 3d 69, 92.)

4 These principles are well known to the court. In order to apply them, the court must hear and
5 decide objections to particular testimony as it is offered. The court is perfectly capable of doing so. In
6 fact, as the motion candidly admits, each time this objection was made in the Phase 3 trial, it was
7 overruled.

8 The motion should therefore be denied.

9 Dated: January 31, 2014

Lagerlof, Senecal, Gosney & Kruse LLP

11 By: /s/
12 Thomas S. Bunn III
13 Attorneys for Palmdale Water District
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