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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES
10

11 Coordination Proceeding
12 Special Title (Rule 3.550)

13 **ANTELOPE VALLEY
14 GROUNDWATER CASES**

15 Included Actions:

16 **Los Angeles County Waterworks District No. 40 v.
17 Diamond Farming Co.**
18 Los Angeles County Superior Court
19 Case No. BC 325 201

20 **Los Angeles County Waterworks District No. 40 v.
21 Diamond Farming Co.**
22 Kern County Superior Court
23 Case No. S-1500-CV-254-348

24 **Wm. Bolthouse Farms, Inc. v. City of Lancaster
25 Diamond Farming Co. v. City of Lancaster
26 Diamond Farming Co. v. Palmdale Water District**
27 Riverside County Superior Court
28 Case Nos. RIC 353 840, RIC 344 436, RIC 344 668
(Consolidated Actions)

JUDICIAL COUNCIL
COORDINATION PROCEEDING NO.
4408

Los Angeles County Superior Court
Lead Case No. BC 325 201

For e-service purposes only:
Santa Clara County Superior Court
Case No. 1-05-CV-049053

**WITNESS DESIGNATION FOR
PHASE 4 TRIAL; DECLARATION OF
WILLIAM M. SLOAN**

Trial Date: February 11, 2013
Time: 9:00 a.m.
Location: Department 1
Los Angeles County
Superior Court

Judge: Honorable Jack Komar

1 U.S. Borax ("Borax") submits this witness designation in response to the order dated
2 December 12, 2012, and reserves all rights to further object, supplement, modify, amend, and seek
3 any and all other forms of relief from the ordered deadlines related to this filing. Pursuant to sections
4 2034.210(b) and 2034.260 of the California Code of Civil Procedure, U.S. Borax, Inc. ("Borax")
5 hereby designates the following person whose expert opinion it intends to offer at the Phase 4 trial:

- 6 1. Bruce N. Nelson, P.E.
7 EDE Consultants
8 23 N. Scott St., Suite 27
9 Sheridan, WY 82801
10 (307) 672-3793


11 Borax reserves the right to supplement or augment its expert witness list in any manner
12 consistent with section 2034.210 et seq. of the California Code of Civil Procedure.

13 Pursuant to paragraph 3 of the Court's Case Management Order for Phase 4 Trial, Borax may
14 also have Mr. Nelson testify to his personal knowledge as a non-expert witness regarding the issues
15 for trial. Borax reserves the right to call additional non-expert witnesses, including persons most
16 knowledgeable regarding Borax's operations to the extent they may become relevant at the Phase 4
17 trial depending on facts and information that become available.

18
19 Dated: January 4, 2013

WILLIAM M. SLOAN
ALEJANDRO L. BRAS
MORRISON & FOERSTER LLP

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22 By:


WILLIAM M. SLOAN
Attorneys for U.S. BORAX INC.

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1 testimony at those trial phases.

2 7. At the Phase 4 trial, Mr. Nelson is expected to testify regarding current groundwater
3 production for the calendar year 2011 and January 1 through November 30, 2012, proof of claimed
4 reasonable and beneficial use of water, and he may offer testimony regarding claimed return flows
5 from imported water, and federal reserved rights, as those issues have been established by the Court
6 in the Case Management Order for Phase 4 Trial. To the extent that those issues may be modified or
7 revised between now and the commencement of trial, Borax reserves the right to modify and/or
8 supplement this designation accordingly.

9 8. Mr. Nelson has agreed to testify at trial and is sufficiently familiar with the pending
10 action to submit a meaningful oral deposition concerning the expected testimony described above.
11 Mr. Nelson is available for deposition between January 29, 2013 and January 31, 2013.

12 9. Mr. Nelson's fee for providing deposition and/or trial testimony is \$250 per hour. Mr.
13 Nelson will also be compensated for reasonable travel costs and expenses associated with his
14 testimony.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct. Executed this 4th day of January, 2013, at San Francisco, California.

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19 WILLIAM M. SLOAN
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1 **PROOF OF SERVICE**

2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is
3 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I
4 am over the age of eighteen years.

5 I further declare that on January 4, 2013, I served a copy of:

6 **WITNESS DESIGNATION FOR PHASE 4 TRIAL; DECLARATION OF**
7 **WILLIAM M. SLOAN**

8 ☒ **BY ELECTRONIC SERVICE** by electronically posting a true copy thereof to Santa Clara County Superior
9 Court's electronic filing website for complex civil litigation cases (Judge Jack Komar, Dept. 17C -
10 <http://www.scefilng.org>) with respect to Judicial Council Coordination Proceeding No. 4408 (Antelope
11 Valley Groundwater matter).

12 ☐ **BY U.S. MAIL** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully
13 prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San
14 Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.
15 I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence
16 for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster
17 LLP's business practice the document(s) described above will be deposited with the United States Postal
18 Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully
19 prepaid for collection and mailing.

20 ☐ **BY FACSIMILE** by sending a true copy from Morrison & Foerster LLP's facsimile transmission telephone
21 number 415.268.7522 to the fax number(s) set forth below, or as stated on the attached service list. The
22 transmission was reported as complete and without error. The transmission report was properly issued by the
23 transmitting facsimile machine. I am readily familiar with Morrison & Foerster LLP's practice for sending
24 facsimile transmissions, and know that in the ordinary course of Morrison & Foerster LLP's business practice
25 the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed
26 at Morrison & Foerster LLP for transmission.

27 I declare under penalty of perjury under the laws of the State of California that the foregoing
28 is true and correct.

Executed at San Francisco, California, January 4, 2013.

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