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12 Copa De Oro Land Company

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

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

17 ANTELOPE VALLEY GROUNDWATER
18 CASES

19 Included Actions:

20 Los Angeles County Waterworks District
21 No. 40 v. Diamond Farming Co., Superior
22 Court of California, County of Los Angeles,
23 Case No. BC 325 201;

24 Los Angeles County Waterworks District
25 No. 40 v. Diamond Farming Co., Superior
26 Court of California, County of Kern, Case
27 No. S-1500-CV-254-348;

28 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v.
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case No.
RIC 353 840, RIC 344 436, RIC 344 668

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Case No. BC 391869
Assigned to Hon. Jack Komar

(Santa Clara Case No. 01-05-CV-049053)

NON-EXPERT WITNESS
DESIGNATION OF COPA DE ORO
LAND COMPANY FOR PHASE 4
TRIAL

8792/010413/P010313rsb (Non-Expert)

COPA DE ORO'S NON-EXPERT WITNESS DESIGNATION

NON-EXPERT WITNESS DESIGNATION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that cross-defendant Copa de Oro Land Company, a California general partnership ("Copa de Oro"), designates the following non-expert witnesses pursuant to the Court's December 12, 2012 Case Management Order for Phase 4 Trial:

- 1) Elliot Joelson, Vice President of Eldan Holdings, Inc., Copa de Oro's General Partner, 315 S. Beverly Drive, Suite 407, Beverly Hills, CA 90212;
- 2) Tom Barnes, Resources Manager, Antelope Valley-East Kern Water Agency ("AVEK"), 6500 West Avenue N, Palmdale, CA 93551; and
- 3) Dwayne Chisam, P.E., Assistant General Manager, AVEK, 6500 West Avenue N, Palmdale, CA 93551.

Mr. Joelson currently is available for deposition on January 15, 17, 24, 25 and 28, 2013.

At this time, Copa de Oro does not know the availability of Mr. Barnes or Mr. Chisam for a deposition. If necessary, Copa de Oro will subpoena Mr. Barnes or Mr. Chisam to testify at trial for the limited purpose of testifying to the accuracy of statements concerning surface water deliveries by AVEK contained in the letter attached as Exhibit A. Copa de Oro is seeking a stipulation with AVEK that the letter accurately states the amounts of those deliveries by AVEK to Copa de Oro's property during the identified time period. If Copa de Oro obtains such a stipulation, it intends to seek a stipulation or order accepting those deliveries into evidence without the presentation of testimony at trial. If a deposition of Mr. Barnes or Mr. Chisam is necessary, Copa de Oro will seek to coordinate the deposition with the deposing party and AVEK.

Copa de Oro also designates any witness whose testimony may be regarded as non-expert whose name has been, or may be, revealed by discovery or further discovery in this action, and those non-experts who may be designated by other parties to this action.

Copa de Oro also reserves all constitutional, statutory or common law rights it may have to name other non-experts before trial, or to call to testify at trial non-experts not named,

1 whose testimony is needed to aid in the prosecution of this action or to refute and rebut the
2 contentions or testimony of any other non-expert.

3 Dated: January 4, 2013

Respectfully submitted,

4 BARTKIEWICZ, KRONICK & SHANAHAN
5 A Professional Corporation

6 By: 

7 Ryan S. Bezerra

8 Attorneys for Cross-Defendant Copa de Oro Land
9 Company

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