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ANTELOPE VALLEY-EAST KERN WATER AGENCY
9

*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

13 Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
No. 4408

15 **ANTELOPE VALLEY
GROUNDWATER CASES**

**Santa Clara Case No.
1-05-CV-049053**
The Honorable Jack Komar, Dept.17

17 **Included Actions:**

18 Los Angeles County Waterworks District
No. 40 vs. Diamond Farming Company, a
19 corporation, Superior Court of California,
County of Los Angeles, Case No.
20 BC325201;

**ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S JOINDER TO
RICHARD WOOD'S EX PARTE
APPLICATION TO CONTINUE
RETURN FLOW QUANTITY
PORTION OF PHASE 5 TRIAL**

21 Los Angeles County Waterworks District
No. 40 vs. Diamond Farming Company, a
22 corporation., Superior Court of California,
County of Kern, Case No. S-1500-CV-254-
23 348;

Date: January 30, 2014
Time: 8:30 a.m.
Place: Telephonic (Courtcall)

24 Wm. Bolthouse Farms, Inc. vs. City of
Lancaster, Diamond Farming Company, a
25 corporation, vs. City of Lancaster, Diamond
Farming Company, a corporation vs.
26 Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
27 RIC 353840, RIC 344436, RIC 344668.

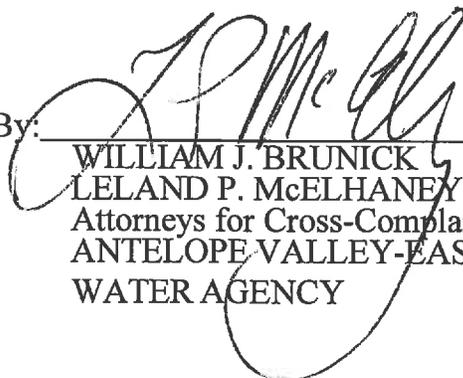
Trial Date: February 10, 2014
Time: 9:00 a.m.
Room: 1 (Los Angeles Superior Court)

1 Antelope Valley-East Kern Water Agency's counsel was also present and participated
2 in the recent deposition of Dennis Williams when, for the first time, it was disclosed that the
3 opinions Mr. Williams will express at trial are based entirely on modeling work performed by
4 his staff, with the assistance of Luhdorff & Scalmanini, and that such modeling work has been
5 performed over a period of more than one year. During the deposition, Mr. Williams and legal
6 counsel representing him did not produce or make available the model, its input files, output
7 data and related work product.

8 Other parties cannot prepare adequately to respond to Mr. Williams anticipated trial
9 testimony without (a) a reasonable opportunity to review, with the assistance of their own
10 experts, the model, and the related files, data and work product pertinent thereto, and (b) an
11 opportunity, based on such review, to complete the taking of Mr. Williams' deposition related
12 to his modeling work. As of the date of this joinder, Mr. Williams' model, input files, output
13 data and related work product have not be produced.

14 Dated: January 29, 2014

BRUNICK, McELHANEY & KENNEDY

15
16
17 By: 

WILLIAM J. BRUNICK
LELAND P. McELHANEY
Attorneys for Cross-Complainant,
ANTELOPE VALLEY-EAST KERN
WATER AGENCY

1 **SUPPORTING DECLARATION**

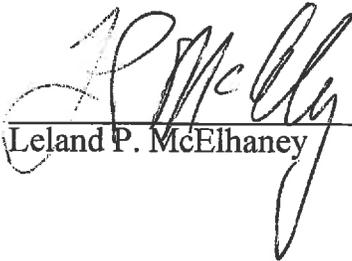
2 Leland McElhaney declares and states:

3 1. I am an attorney at law duly licensed to practice in all courts of the State of California,
4 and a principal in the law firm of Brunick, McElhaney & Kennedy PC, counsel of record in this
5 action for the Antelope Valley-East Kern Water Agency. I have personal knowledge of all of
6 the matters set forth herein and, if called as a witness, I could and would testify competently
7 thereto.

8 2. AVEK's counsel also was present and participated in the recent deposition of Dennis
9 Williams when, for the first time, it was disclosed that the opinions Mr. Williams will express
10 at trial are based entirely on modeling work performed by his staff, with the assistance of
11 Luhdorff & Scalmanini, and that such modeling work has been performed over a period of more
12 than one year. During the deposition, Mr. Williams and legal counsel representing him did not
13 produce or make available the model, its input files, output data and related work product.

14 5. Other parties cannot prepare adequately to respond to Mr. Williams anticipated trial
15 testimony without (a) a reasonable opportunity to review, with the assistance of their own
16 experts, the model, and the related files, data and work product pertinent thereto, and (b) an
17 opportunity, based on such review, to complete the taking of Mr. Williams' deposition related
18 to his modeling work. As of the date of this joinder, the model, input files, output data and
19 related work product have not be produced. Accordingly, the Antelope Valley-East Kern Water
20 Agency hereby joins and supports Richard Wood's *ex parte* application for an order continuing
21 the return flow quantity portion of the Phase 5 trial.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct, and that this declaration was executed on January 29, 2013.

24 
25 _____
26 Leland P. McElhaney
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA }
3 COUNTY OF SAN BERNARDINO }

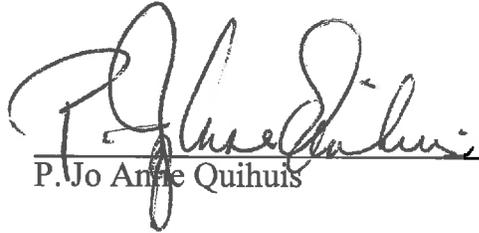
4 I am employed in the County of the San Bernardino, State of California. I am over
5 the age of 18 and not a party to the within action; my business address is 1839 Commercenter
West, San Bernardino, California.

6 On January 29, 2014, I served the foregoing document(s) described as: ANTELOPE
7 VALLEY-EAST KERN WATER AGENCY'S JOINDER TO RICHARD WOOD'S EX
8 PARTE APPLICATION TO CONTINUE RETURN FLOW QUANTITY PORTION
OF PHASE 5 TRIAL on the interested parties in this action served in the following manner:

9 XX BY ELECTRONIC SERVICE AS FOLLOWS by POSTING the document(s)
10 listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater*
11 *Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No.
1-05-CV-049053.

12 X (STATE) I declare under penalty of perjury under the laws of the State of California
13 that the above is true and correct.

14 Executed on January 29, 2014, at San Bernardino, California.

15 
16 P. Jo Anne Quihuis
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