

**LAW OFFICES OF
SHELDON R. BLUM**

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STATE BAR NO. 83304

Attorney for BLUM TRUST

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES**

Coordinated Proceedings
Special Title {Rule 1550 (b)}

Judicial Council Coordination Proceeding
No. 4408

**ANTELOPE VALLEY GROUNDWATER
CASES**

Santa Clara Case No. 1-05-CV-049053
Assigned to Hon. Jack Komar

Included Actions:

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Los Angeles County Superior Court
Case No. BC 325 201

**NOTICE OF TAKING OF DEPOSITION OF
EMPLOYEES DANIEL WILKE & MICHAEL
KOVACEVICH AT WM. BOLTHOUSE FARMS
INC; MANAGERIAL EMPLOYEE ANTHONY
LEGGIO AT BOLTHOUSE PROPERTIES LLC;
& REQUEST FOR PRODUCTION OF BUSINESS
RECORDS OF WM. BOLTHOUSE FARMS INC;
AND BOLTHOUSE PROPERTIES LLC, AT
DEPOSITION
[CCP §§2025.220; & 2025.280]**

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

Wm. Bolthouse Farms, Inc., v. City of
Lancaster; Diamond Farming Co. v. City of
Lancaster; Diamond Farming Co. v. City of
Palmdale Water District.

Date: April 12, 2012
Times: 10:00 a.m.; 11:00 a.m.; & 12:00 p.m.
Location: HQ Global Workplace
4900 California Street
Tower B-210
Bakersfield, CA 93309
Tele No.: (661) 377-1847

Riverside County Superior Court
Consolidated Action Nos. RIC 344 840,
RIC 344 436, RIC 344 668
Defendants.

TO: Employee DANIEL WILKE; and Agriculture Property Manager MICHAEL KOVACEVICH
at WM. BOLTHOUSE FARMS, INC; and Managerial Employee/Authorized Agent ANTHONY
LEGGIO at BOLTHOUSE PROPERTIES, LLC; its attorneys; and all attorneys and parties of record:

PLEASE TAKE NOTICE that pursuant to Code of Civil Procedure §§2025.220, & 2025.280, the BLUM TRUST hereby requests the attendance and deposition testimony of **DANIEL WILKE**, Employee of **WM. BOTHERHOUSE FARMS, INC**, and **MICHAEL KOVACEVICH**, Agriculture Property Manager of **WM. BOLTHOUSE FARMS, INC**, in addition to **ANTHONY LEGGIO** Managerial Employee/Authorized Agent of **BOLTHOUSE PROPERTIES, LLC**, whose addresses are well known to these Employers, on oral examination on the date and time specified below, at the location of HQ Global Workplace, 4900 California Avenue, Tower B-210, Bakersfield, CA 93309, Telephone No. (661) 377-1847, scheduled as follows:

<u>NAME</u>	<u>DATE</u>	<u>TIME</u>
1. DANIEL WILKE	April 12, 2012	10:00 A.M.
2. MICHAEL KOVACEVICH	April 12, 2012	11:00 A. M.
3. ANTHONY LEGGIO	April 12, 2012	12:00 P.M.

The deposition shall be taken stenographically before a Certified Court Reporter who is authorized to administer oaths, and will continue from day to day until completed.

Under Code of Civil Procedure §§2025.220(a)(4), & 2025.280(a), *each deponent* shall also produce and permit for examination, inspection, copying and/or production, the following business records and other tangible things, as specified in the below-described 'Documents To Be Produced' which are in WM. BOLTHOUSE FARMS, INC's and/or BOLTHOUSE PROPERTIES, LLC's, possession, custody or under or subject to WM. BOLTHOUSE FARMS, INC, and/or BOLTHOUSE PROPERTIES, LLC, control.

DEFINITIONS

For purposes of this herein Deposition Subpoena, the following terms are defined:

1. The term "DOCUMENT(S)" shall be defined as having the same broad meaning as it

1 has under California Evidence Code §§250, and Code of Civil Procedure §2031.010, et seq, and
2 includes all letters, correspondence, reports, papers, records, emails, electronically stored
3 information, memorandum, journals, diaries, log books, worksheets, internal office data, interoffice
4 and intra-office communications, notes, minutes of meetings or conferences, whether computer
5 generated, typewritten or handwritten. It includes all forms of communication, including all
6 originals, copies, duplicates, or other recordings whether inscribed by hand, or by mechanical,
7 electronic, microfilm, photographic, pictures, videos, phonic, laser disks, computer disks, diskettes
8 and tapes and any other electronic or storage media. It includes architectural blueprints, drawings,
9 plans, specifications, sketches, charts, graphs, summaries and compilations, computations, bids,
10 consultant reports or studies, analysis of any kind, financial statements or calculations, purchase
11 orders, estimates, expense records, contracts, agreements, assignments or transfers.

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13 2. The term "SUBJECT PROPERTY" as used herein, shall refer to the BLUM TRUST
14 parcels bearing Los Angeles County APN: 3384-009-001, & 3384-009-006, located on Avenue J and
15 70th Street East, Lancaster, CA, which were leased to Lessee WM. BOLTHOUSE FARMS, INC.

16 3. The terms "YOU" or "YOUR" as used herein, refers to Yourself; WM. BOLTHOUSE
17 FARMS, INC.; BOLTHOUSE PROPERTIES, LLC, and any natural person, firm, corporation,
18 limited liability company, joint venture, partnership, association, trust or organization acting or
19 purporting to act on its behalf, including but not limited to their agents, employees, representatives,
20 assignees, transferees, sublessees, consultants, contractors and/or sub-contractors.

21
22 **DOCUMENTS TO BE PRODUCED**

23 1. Produce all groundwater pumping meter records and other related DOCUMENT(S) which
24 evidence, verifies and/or identifies the amount of groundwater pumped from BOLTHOUSE
25 PROPERTIES, LLC's water wells onto the SUBJECT PROPERTY during WM. BOLTHOUSE

1 FARMS, INC's lease term, for each calendar year commencing from 2001, up through 2009.

2 2. Produce all agriculture irrigation records and other related DOCUMENT(S) which
3 evidence, verifies or refers in any way to the amount of groundwater pumped from BOLTHOUSE
4 PROPERTIES, LLC's water wells onto the SUBJECT PROPERTY during WM. BOLTHOUSE
5 FARMS, INC's lease term, for each calendar year commencing from 2001, up through 2009.

6 3. Produce all DOCUMENT(S) which evidences, verifies and/or identifies the location and
7 amount of groundwater pumped from real property owned by WM. BOLTHOUSE FARMS, INC., onto
8 the SUBJECT PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term, for each calendar
9 year commencing from 2001, up through 2009.

10 4. Produce all DOCUMENT(S) which evidence, verifies and/or relates to YOUR calculations
11 of the amount of groundwater pumped from real property WM. BOLTHOUSE FARMS, INC owns
12 onto the SUBJECT PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term for each
13 calendar year commencing from 2001, up through 2009.

14 5. Produce all DOCUMENT(S) which evidence and/or identifies the amount of groundwater
15 pumped from BOLTHOUSE PROPERTIES, LLC's Lancaster, CA parcel APN: 3384-008-001, onto
16 the SUBJECT PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term for each
17 calendar year commencing from 2001, up through 2009.

18 6. Produce all DOCUMENT(S) which evidence and/or identifies the amount of groundwater
19 pumped from BOLTHOUSE PROPERTIES, LLC's Lancaster, CA parcel APN: 3384-008-020, onto
20 the SUBJECT PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term for each calendar
21 year commencing from 2001, up through 2009.

22 7. Produce all DOCUMENT(S) which evidence and/or identifies the amount of groundwater
23 pumped from BOLTHOUSE PROPERTIES, LLC's Lancaster, CA parcel APN: 3384-020-001, onto
24

1 the SUBJECT PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term for each calendar
2 year commencing from 2001, up through 2009.

3 8. Produce all DOCUMENT(S) which evidence and/or identifies the amount of groundwater
4 pumped from BOLTHOUSE PROPERTIES, LLC's Lancaster, CA parcel APN: 3384-004-004, onto
5 the SUBJECT PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term for each calendar
6 year commencing from 2001, up through 2009.

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8 9. Produce all DOCUMENT(S) which evidence and/or identifies the amount of groundwater
9 pumped from BOLTHOUSE PROPERTIES, LLC's Lancaster, CA parcel APN: 3384-017-003, onto
10 the SUBJECT PROPERTY during WM. BOLTHOUSE FARMS, INC's lease term for each calendar
11 year commencing from 2001, up through 2009.

12 10. Produce all DOCUMENT(S) which evidence, verifies and/or relates to YOUR calculations,
13 computations and/or formula to establish the water usage acre feet and gallons identified on the
14 spreadsheet entitled "Blum Ranch Water Usage" dated August 24, 2007, reported by Daniel Wilke.

15 11. Produce all First and Annual Notices for Groundwater Extraction YOU filed with the State
16 Water Resource Control Board, including Notices under California Water Code Section 5001, et seq.,
17 for all groundwater pumped from the Basin onto the SUBJECT PROPERTY.

18 12. Produce copies of any water well drawings, blueprints, schematics, photographs, pictures,
19 videos or other similar DOCUMENT(S) which evidences, refers to and/or relates in any way to YOUR
20 water wells and/or groundwater pipeline delivery system used by WM. BOLTHOUSE FARMS, INC,
21 to irrigate its crops on the SUBJECT PROPERTY.

22 13. Produce copies of any and all letters, correspondence, emails, Agreements, Assignments
23 Transfers, or other DOCUMENT(S) exchanged by and between WM. BOLTHOUSE FARMS, INC.,
24 and BOLTHOUSE PROPERTIES, LLC, that evidences, refers to and/or relates in any way to the
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1 terms under which BOLTHOUSE PROPERTIES, LLC's obtained authorization, a license, easement
2 management employee and authorized agent of BOLTHOUSE PROPERTIES, LLC
3 or consent from WM. BOLTHOUSE FARMS, INC, to pump groundwater onto the SUBJECT
4 PROPERTY.

5 14. Produce copies of any and all applications, petitions, filings or other DOCUMENT(S) which
6 YOU submitted to or filed with any state and/or local governmental department, agency or board to
7 obtain permits, licenses, approval, permission or authorization to construct and/or divert groundwater
8 from YOUR parcels onto the SUBJECT PROPERTY.

9 15. Produce copies of any and all DOCUMENT(S) which YOU received from any state and/or
10 local governmental department, agency or board, including under the California Water Code that
11 evidence, refer to or relate in any way to authorization, approval, permission, permits or a license to
12 construct and/or divert groundwater from YOUR parcels onto the SUBJECT PROPERTY.

13 Dated: March 12, 2012

14 Law Offices of Sheldon R. Blum

15 By: 
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17 Sheldon R. Blum, Esq.
18 Attorney For BLUM TRUST
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