

Sheldon Blum <blumlaw@sbcglobal.net>  
To: Richard Zimmer  
1-15-13 'Meet & Confer' For 3 Depositions

January 15, 2013 10:18 AM

Mr. Zimmer:

As discussed in this morning's telephone conversation, I am totally shocked to learn of your new highly prejudicial position. Throughout the past 12 years, you have always unequivocally stated both on the court's record and to me personally that Lessee Bolthouse Farms, Inc, and/or Bolthouse Properties, LLC were NOT claiming any groundwater allocation rights in connection with the water usage to irrigate Lessee Bolthouse Farms' crops on Lessor Blum Trust's leased parcels. Rather, you were always consistently claiming a water forfeiture on all of the groundwater used on the Blum Trust leased premises since the groundwater was not pumped from the wells of Lessor. In response, I advised you that your new claim is turncoat, highly prejudicial and that you have a credibility issue which will be addressed in court.

In response to our Court Ordered 'meet and confer' relative to my setting the 3 depositions at a mutually convenient date, time and location together with the production of documents, you refused to set them stating that you wanted to first learn as to what the issues were in the Phase 4 Trial despite the court previously addressing the same at the 1/11/13 CMC. Although I advised you that we can schedule the depositions in accordance with the other depositions, you again refused to agree until after tomorrow's CMC, and not before or during the CMC, which is in noncompliance with the Court's instructions to us.

Tomorrow, I will be making a personal appearance at the CMC.

Sheldon R. Blum, Esq.  
Law Offices of Sheldon R. Blum

On Jan 14, 2013, at 7:29 PM, "Richard Zimmer" <[RZimmer@clifford-brownlaw.com](mailto:RZimmer@clifford-brownlaw.com)> wrote:

Mr. Blum,

We are in the process locating documents to show water production by Bolthouse during the 2000 to 2011 time period which the witnesses identified by Bolthouse will testify to during their depositions depending upon how the Phase 4 trial is clarified at the hearing on the 16<sup>th</sup>. This testimony will include water used on your property. The only issue as between you and Bolthouse is who may claim that production. Judge Komar recently clarified that the next phase of trial will determine the amounts of groundwater that the parties are claiming to have pumped over the last ten years. Although you may be claiming that water used on your property is somehow attributable to you rather than to Bolthouse, based upon my understanding of what the court intends to try in Phase 4, other than having the witnesses testify to the amount in question, who may claim the production will be litigated at a different time.

However, if the court wants us to litigate that issue in the next phase of trial we will make an appropriate witness (s) available on those issues. There was quite a bit of discussion over the scope of the Phase 4 issues in recent e-mails so let us discuss exactly what witnesses need to be deposed after the hearing on Wednesday. Or, feel free to call me tomorrow to discuss the issues further. I left you a message earlier this evening. Unfortunately with all the calls on other issues related to the scope of trial and depositions, you and I have not had an opportunity to have a meaningful conversation.