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10 Defendant Tejon Ranchcorp

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

13 ANTELOPE VALLEY GROUNDWATER ) Judicial Council Coordination No. 4408  
14 CASES )  
15 Included Actions: ) Santa Clara Case No. 1-05-CV-049053  
16 Los Angeles County Waterworks District No. 40 ) Assigned to Hon. Jack Komar  
17 v. Diamond Farming Co., Superior Court of )  
18 California, County of Los Angeles, Case No. BC ) **APPLICATION OF TEJON**  
19 325201; ) **RANCHCORP FOR EXPERT WITNESS**  
20 ) **SCHEDULING ORDER AND ORDER**  
21 ) **THEREON**  
22 Los Angeles County Waterworks District No. 40 )  
23 v. Diamond Farming Co., Superior Court of )  
24 California, County of Kern, Case No. S-1500-CV- ) Phase 2 Trial Date: October 6, 2008  
25 254-348; )  
26 )  
27 Wm. Bolthouse Farms, Inc. v. City of Lancaster, )  
28 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 )

29 **I. DECLARATION OF ROBERT G. KUHS IN SUPPORT OF APPLICATION**

30 I, Robert G. Kuhs, declare as follows:

31 1. I am a partner in the law firm of Kuhs & Parker, counsel for Tejon Ranchcorp  
32 ("Tejon").

33 2. By order dated May 27, 2008, the court set a trial for October 6, 2008 on the

1 issues of basin characteristics, safe yield, and overdraft. The trial was estimated to last  
2 three weeks.

3 3. Shortly thereafter, I contacted one of our experts, Richard A. Rhone, P.E.  
4 ("Dick Rhone") to determine his availability for trial. Mr. Rhone advised that he was  
5 vacationing in Africa from September 28, 2008 through October 14, 2008. Given the  
6 estimated three week trial, the large number of parties, counsel and experts involved,  
7 we anticipated that we could accommodate Mr. Rhone's vacation schedule without  
8 disturbing the October 6, 2008 trial date.  
9

10 4. During the August 11, 2008 Case Management Conference, the court  
11 decided to bifurcate the Phase 2 Trial and hear evidence on the characteristics of the  
12 basin first. Only a limited number of parties, including Tejon, plan to present evidence  
13 of sub-basins within the adjudication area. As a result, the October 6, 2008 trial was  
14 truncated from an estimated three weeks to an estimated one week.  
15

16 5. We did not object to the October 6, 2008 trial date during the August 11,  
17 2008 Case Management Conference. Shortly thereafter, however, on August 15, 2008,  
18 my partner William C. Kuhs posted a letter advising all counsel and parties of Mr.  
19 Rhone's conflicting vacation schedule.  
20

21 6. Our first preference is to proceed with trial on October 6, 2008 provided that  
22 Mr. Rhone be permitted to testify after his return to the United States. Mr. Rhone will be  
23 available to testify on or after October 16, 2008.

24 7. I have contacted counsel for the public water suppliers regarding  
25 scheduling. The public water suppliers prefer to commence trial on October 6, 2008 as  
26 scheduled and do not object to the Order.  
27  
28

APPLICATION OF TEJON RANCHCORP FOR EXPERT WITNESS SCHEDULING ORDER

**II. ORDER**

GOOD CAUSE APPEARING THEREFOR, it is ordered that:

1. Tejon Ranchcorp's expert Dick Rhone, shall be permitted to testify on or after October 16, 2008.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

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