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6	Defendant Tejon Ranchcorp			
7	SUPERIOR COURT OF THE S	TATE OF CALIFORNIA		
9	COUNTY OF LOS ANGELES - CENTRAL DISTRICT			
10				
11	ANTELOPE VALLEY GROUNDWATER)	Judicial Council Coordination No. 4408		
12	CASES)	Santa Clara Case No. 1-05-CV-049053		
13	Included Actions: Los Angeles County Waterworks District No. 40)	Assigned to Hon. Jack Komar		
14	v. Diamond Farming Co., Superior Court of) California, County of Los Angeles, Case No. BC)	APPLICATION OF TEJON RANCHCORP FOR EXPERT WITNESS		
15	325201;)	SCHEDULING ORDER AND ORDER THEREON		
16	Los Angeles County Waterworks District No. 40)			
17	v. Diamond Farming Co., Superior Court of) California, County of Kern, Case No. S-1500-CV-)	Phase 2 Trial Date: October 6, 2008		
18	254-348;)			
19	Wm. Bolthouse Farms, Inc. v. City of Lancaster,) Diamond Farming Co. v. Lancaster, Diamond)			
20	Farming Co. v. Palmdale Water Dist., Superior) Court of California, County of Riverside, Case)			
21	No. RIC 353 840, RIC 344 436, RIC 344 668			
22	,			
23	I. DECLARATION OF ROBERT G. KUHS	S IN SUPPORT OF APPLICATION		
24	I, Robert G. Kuhs, declare as follows:			
25	1. I am a partner in the law firm of Ku	hs & Parker, counsel for Tejon Ranchcorp		
26	("Tejon").			
27	2. By order dated May 27, 2008, the o	court set a trial for October 6, 2008 on the		
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issues of basin characteristics, safe yield, and overdraft. The trial was estimated to last three weeks.

- 3. Shortly thereafter, I contacted one of our experts, Richard A. Rhone, P.E. ("Dick Rhone") to determine his availability for trial. Mr. Rhone advised that he was vacationing in Africa from September 28, 2008 through October 14, 2008. Given the estimated three week trial, the large number of parties, counsel and experts involved, we anticipated that we could accommodate Mr. Rhone's vacation schedule without disturbing the October 6, 2008 trial date.
- During the August 11, 2008 Case Management Conference, the court decided to bifurcate the Phase 2 Trial and hear evidence on the characteristics of the basin first. Only a limited number of parties, including Tejon, plan to present evidence of sub-basins within the adjudication area. As a result, the October 6, 2008 trial was truncated from an estimated three weeks to an estimated one week.
- We did not object to the October 6, 2008 trial date during the August 11, 2008 Case Management Conference. Shortly thereafter, however, on August 15, 2008, my partner William C. Kuhs posted a letter advising all counsel and parties of Mr. Rhone's conflicting vacation schedule.
- 6. Our first preference is to proceed with trial on October 6, 2008 provided that Mr. Rhone be permitted to testify after his return to the United States. Mr. Rhone will be available to testify on or after October 16, 2008.
- 7. I have contacted counsel for the public water suppliers regarding scheduling. The public water suppliers prefer to commence trial on October 6, 2008 as scheduled and do not object to the Order.

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objection.

	8.	I have spoken with the Willis class counsel, Ralph Kalfayan. Mr. Kalfayan		
has no objection.				
	9.	I spoke with Joe Salazar, counsel for Anaverde, LLC. Mr. Salazar has no		

- 10. I spoke with Ryan Bezerra, counsel for Copa De Oro Land Company. Mr. Bezerra has no objection.
- 11. I spoke with Bob Joyce, counsel for Crystal Organic Farms, LLC. Mr. Joyce has no objection.
- 12. Richard Zimmer, counsel for Bolthouse, did advise that neither he nor his expert are available for the two weeks immediately following the week of October 6, 2008. I have received no other objections.
- 13. Accordingly, it appears that we can proceed with trial on October 6, 2008 as scheduled. Experts for the public water suppliers, as well as Bolthouse's expert, Mr. Sheahan, and Tejon's other expert, Dr. John List can testify during the week of October 6, 2008. Mr. Rhone will be available on or after October 16, 2008 at the pleasure of the court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this day of August, 2008 at Bakersfield, California.

Robert G. Kuhs

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 (Octobe	r 16, 2008.
Dated	l:	

Judge of the Superior Court

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