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15 Attorneys for Plaintiff

16 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
17 **COUNTY OF LOS ANGELES**

18 Coordination Proceeding Special Title (Rule  
19 1550(b))

JUDICIAL COUNCIL COORDINATION  
PROCEEDING No. 4408

20 ANTELOPE VALLEY GROUNDWATER  
21 CASES

(Santa Clara Case No. 1-05-CV-049053,  
Honorable Jack Komar)

22 RICHARD A. WOOD, an individual, on  
23 behalf of himself and all others similarly  
24 situated,

Case No.: BC391869

Plaintiff,

**RICHARD WOOD’S OBJECTION TO  
EX PARTE PROCEEDINGS AND  
REMOTE TESTIMONY OF JOSEPH  
SCALAMININI**

v.

25 LOS ANGELES COUNTY  
26 WATERWORKS DISTRICT NO. 40; et al.

Defendants.

1 Richard Wood files this objection in response to the Court's minute order of today  
2 regarding improper *ex parte* proceedings over the past week, as well as the contemplated  
3 testimony of Joseph Scalaminini in some manner other than in person.

4  
5 Like the vast majority of the parties to this litigation, Richard Wood and the small  
6 pumper class were given no notice whatsoever of the various *ex parte* communications  
7 with the Court over the past week. These *ex parte* hearings were clearly a violation of the  
8 applicable rules, including Rule of Court 3.1203. Notice of these hearing should have  
9 been posted on the court website, and the Court should not have permitted *ex parte*  
10 communications with the Court by electronic e-mail without the notice to the majority of  
11 the parties to this litigation, including the small pumper class.

12 It appears that these secret proceedings may have been held in this fashion to  
13 protect the privacy interests of one individual. Plaintiff questions the propriety of  
14 compromising the integrity of this proceeding and the procedural rights of the parties for  
15 the sake of the privacy rights on one person who is not a party to the litigation. While the  
16 respect for Mr. Scalaminini's health concerns are laudable, they cannot be allowed to  
17 trump the rights of the parties in this litigation.

18 Plaintiff also objects to the notion of testimony of the lead witness in this case in  
19 any manner other than in person. Plaintiff and the class have been put in the very  
20 unfortunate position of being forced to participate in this trial without the benefit of an  
21 expert. The small pumpers will be the only major party in the litigation in that position.  
22 Consequently, the only means for class counsel to protect the interests of the class is  
23 through cross-examination of the opposing experts. The ability to effectively cross-  
24 examine Mr. Scalaminini will be compromised if he is not present in Court.

25 Therefore, Plaintiff suggests that his testimony be put off until some future date  
26 when he is able to testify in person, allowing the Court to hear testimony from the other  
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PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action. My business address is 10490 Santa Monica Boulevard, Los Angeles, CA, 90025. On the date set forth below, I served the within document(s) by posting the document(s) listed below to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter: **RICHARD WOOD'S OBJECTION TO *EX PARTE* PROCEEDINGS AND REMOTE TESTIMONY OF JOSEPH SCALAMININI**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 29, 2010 at Los Angeles, California.

\_\_\_\_\_  
//s//  
Ana Horga