

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 9

BCV-21-101927

**BOLTHOUSE LAND COMPANY, LLC, et al. vs ALL
PERSONS CLAIMING A RIGHT TO EXTRACT OR STORE
GROUNDWATER IN THE CUYAMA VALLEY
GROUNDWATER BASIN (NO.3-013), et al.**

July 31, 2023
10:00 AM

Judge: Honorable Yvette M. Palazuelos
Judicial Assistant: R. Arraiga
Courtroom Assistant: M. Tavakoli

CSR: L. Nickerson, CSR# 8746
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Robert Garth Kuhs; Richard G. Zimmer, Esq.

For Defendant(s): Jeffrey V. Dunn; Derek Hoffman; Kathleen Patricia March ; Christopher Sanders; Wendy Wang

Other Appearance Notes: *Additional Appearances for Defendant(s) Are Listed Below*

NATURE OF PROCEEDINGS: Final Status Conference; Hearing on Motion in Limine of Defendant El Rancho Espanol De Cuyama No. 1 Motion in Limine to Preclude Certain Opinions and Evidence in Support Thereof of Hydrogeologist Expert Anthony Brown Based on Improper Basis; Hearing on Motion in Limine of Defendants Highland Vineyard SB, LLC and Brodiaea, Inc.'s Motion In Limine to Exclude Walking U Ranch's Improper Use of Expert Witness Anthony Brown's Deposition Testimony At Trial; Hearing on Motion in Limine of Ventucopa Landowners' Motion in Limine No. 1 to Exclude the Expert Report and Testimony of Dr. Amy Hudson; Hearing - Other Defendants Highlandvineyard SB, LLC and Brodiaea, Inc.'s' Joinder to Ventucopalandowners' Motion in Limine No. 1 to Exclude the Expert Report and Testimony of DR. Amy Hudson; Hearing on Motion in Limine of Supporting Parties' Motions in Limine 1-6

Additional Appearances:

R. Jeffrey Warren via LA Court Connect
Irene Whitcombe via LA Court Connect
Sean Hood via LA Court Connect
James L. Markman via LA Court Connect
Craig A. Parton via LA Court Connect
Eve W. McDonald via LA Court Connect
Stefanie Morris via LA Court Connect
Boyd Hill via LA Court Connect
Amy Steinfeld via LA Court Connect
Callie Kim via LA Court Connect

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The matter is called for hearing.

Pursuant to Government Code sections 68086, 70044, California Rules of Court, rule 2.956, and the stipulation of appearing parties, Linda Nickerson, CSR# 8746, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The parties argue the motions.

The Court's rulings for the Motions in Limine are as follows:

The Defendants Highland Vineyard SB, LLC and Brodiaea, Inc.'s Motion In Limine to Exclude Walking U Ranch's Improper Use of Expert Witness Anthony Brown's Deposition Testimony At Trial filed by Highland Vineyard SB, LLC, Brodiaea, Inc on 07/21/2023 is Granted. Brown is not a party opponent. He's an expert. However, Counsel may use his deposition testimony to impeach him at trial as a prior inconsistent statement.

The Ventucopa Landowners' Motion in Limine No. 1 to Exclude the Expert Report and Testimony of Dr. Amy Hudson filed by Silver Birch Partners, LLC, JR Investment Properties, LLC, Chang Ceferino, Triangle E Farms,, Cuyama Orchards, Inc., a California Corporation on 07/21/2023 is Denied. Amy Hudson's opinions/testimony is not duplicative of other testifying witnesses. Hudson is a modeler and Snyder is a geologist.

The Defendant El Rancho Espanol De Cuyama No. 1 Motion in Limine to Preclude Certain Opinions and Evidence in Support Thereof of Hydrogeologist Expert Anthony Brown Based on Improper Basis filed by El Rancho Espanol De Cuyama No.1, on 07/21/2023 is Granted in Part. The motion is GRANTED in part, and DENIED in part. Granted as to Brown Opinions Nos. 7, 8, 13 (Nos. 11 &12 already excluded per ruling on Supporting Parties' Phase One Motions In Limine #6) Denied as to Brown Opinion Nos. 9 & 10. All Parties are precluded from offering testimony or other evidence concerning matters outside the scope of Phase One such as safe yield, pumping allocations, management areas, and physical solution.

Supporting Parties' Motion In Limine No. 1 For Order Precluding Objecting Parties From Calling Non-Designated Experts is GRANTED. All parties are precluded from calling any expert not previously disclosed. The court notes that it has already so ruled in connection with the ex

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parte application to exclude testimony of Neil Currie. The court is not revisiting this issue. Expert disclosure deadlines have long expired so no new experts are permitted. Impeachment of facts, but not competing opinions, is permitted, as raised during trial.

Supporting Parties' Motion In Limine No. 2 For Order Precluding Objecting Parties From Calling Non-Expert Witnesses is GRANTED. All parties are precluded from calling any non-expert not previously disclosed. Impeachment of facts is permitted, as raised during trial.

Supporting Parties' Motion In Limine No. 3 For Order Precluding Objecting Parties' Experts From Testifying To Hearsay Opinions Of Other Experts is GRANTED. However, experts may rely on the data of other experts.

Supporting Parties' Motion In Limine No. 4 For Order Precluding Objecting Parties' Experts From Testifying To Opinions Not Disclosed In Reports Or During Deposition is GRANTED.

Supporting Parties' Motion In Limine No. 5 For Order Precluding Mark Nicholls and Anthony Brown From Testifying Regarding Basin Boundary Determinations in Other Basins is GRANTED in part, and DENIED in part. Granted as to all other basins except the White Wolf Basin. Counsel to meet and confer as to contours of the opinion as described on p. 12 of Supporting Parties' Phase One Motions In Limine brief filed on 07/21/2023.

Supporting Parties' Motion In Limine No. 6 For Order To Preclude Objecting Parties' Experts From Testifying To Opinions Beyond the Scope of Phase 1 is GRANTED. Brown's Opinion Nos. 11,12, 15 and 16, described on pp. 16-17 of Supporting Parties' Phase One Motions In Limine brief filed on 7.21.2023, are excluded. All Parties are precluded from offering testimony or other evidence concerning matters outside the scope of Phase One such as safe yield, pumping allocations, management areas, and physical solution.

The above conference is held.

The Court and counsel confer in reference to pre-trial preparation.

Counsel is to call the courtroom on Friday, 08/04/2023 before the commencement of trial on Monday, 08/07/2023 to obtain information on courtroom trial set-up.

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ERM: None

Deputy Sheriff: None

Counsel is reminded that trial commences at 10:00 a.m.

Opening Statements:

Each side (not each party) gets 1 hour each.

No later than the first day of trial, Counsel must file a joint notice describing: 1) identity of the party and its counsel giving opening statement and 2) the time allotted to that party (Total not to exceed 2 hours; each side has one hour)

May use demonstrative or visual aids during opening statement. However, parties using demonstrative or visual aids must disclose the use demonstrative or visual aid to all other parties.

If any party objects to the demonstrative or visual aid of another party, the objecting party must raise the objection before opening statement. The Court will rule on the objection and the parties must be prepared to modify any demonstrative or visual aid based upon the court's rulings before the opening statement. (Parties must be prepared to provide a copy of the demonstrative or visual aid to the Court).

Objecting Parties' Witnesses:

Anthony Brown (estimate: 2 days).

The parties are reminded that pursuant the the Court's FINAL STATUS CONFERENCE AND TRIAL ORDERS dated 07/25/2023, blank yellow exhibit tags **must** be obtained from the courtroom and filled out (except for clerk's signature and date).

The Judicial Assistant to give notice to Counsel for Plaintiff Mr. Richard Zimmer who is ordered to give further and formal notice to all parties.

Clerk's Certificate of Service By Electronic Service is attached.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 08/01/2023 <small>David W. Slayton, Executive Officer / Clerk of Court</small> By: <u> R. Arraiga </u> Deputy
PLAINTIFF: Ruby Land Company et al		
DEFENDANT: All Persons Claiming a Right to Extract or Store Groundwater in the Cuyar		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: BCV-21-101927

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Minute Order entered herein, on 07/31/2023, upon each party or counsel of record in the above entitled action, by electronically serving the document(s) on Case Anywhere at www.caseanywhere.com on 08/01/2023 from my place of business, Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012 in accordance with standard court practices.

David W. Slayton, Executive Officer / Clerk of Court

Dated: 08/01/2023

By: R. Arraiga

Deputy Clerk