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9 Attorneys for Real Party in Interest
10 BUENA VISTA WATER STORAGE DISTRICT

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF KERN

14 BRING BACK THE KERN, WATER AUDIT
15 CALIFORNIA, KERN RIVER PARKWAY
FOUNDATION, KERN AUDUBON SOCIETY,
16 SIERRA CLUB, AND CENTER FOR
BIOLOGICAL DIVERSITY,

17 Plaintiffs and Petitioners,

18 v.

19 CITY OF BAKERSFIELD, AND DOES 1-500,

20 Defendants and Respondents,

22 BUENA VISTA WATER STORAGE DISTRICT,
23 KERN DELTA WATER DISTRICT, NORTH
KERN WATER STORAGE DISTRICT,
24 ROSEDALE-RIO BRAVO WATER STORAGE
DISTRICT, KERN COUNTY WATER
25 AGENCY; J.G. BOSWELL COMPANY, and
26 DOES 501 – 999, inclusive,

27 Real Parties in Interest.
28

Case No. BCV-22-103220

**REAL PARTY IN INTEREST,
BUENA VISTA WATER STORAGE
DISTRICT'S NOTICE OF MOTION
AND MOTION TO QUASH
DEPOSITION SUBPOENA;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
ISAAC L. ST. LAWRENCE IN
SUPPORT THEREOF, AND FOR
PROTECTIVE ORDER (C.C.P §
1987.1 and § 2025.420)**

DATE: March 23, 2026

TIME: 8:30 a.m.

DEPT.: J

Judge: Gregory A. Pulskamp
Action Filed: November 30, 2022

1 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that on March 23, 2026, at 8:30 a.m., or as soon thereafter as
3 the matter may be heard, Real Party in Interest, BUENA VISTA WATER STORAGE DISTRICT
4 (“BVWSD”) will and hereby does move for an order:

- 5 1. Quashing the deposition subpoena and notice issued to Douglas R. Littlefield,
6 Ph.D. (“Dr. Littlefield”), pursuant to Code of Civil Procedure section 1987.1, or in
7 the alternative;
- 8 2. Modifying the subpoena under Code of Civil Procedure section 1987.1 to provide
9 that any deposition of Dr. Littlefield shall occur only after the mutual and
10 simultaneous exchange of expert witness information under Code of Civil
11 Procedure section 2034.210 et seq., and during the expert discovery period;
- 12 3. Issuing a protective order pursuant to Code of Civil Procedure sections 2019.030
13 and 2025.420, subdivisions (b)(2), (3), (5), (9), (10), and/or (11); and
- 14 4. Awarding monetary sanctions in an amount to be proven against Plaintiffs and/or
15 Plaintiffs’ counsel, if the motion is granted, pursuant to Code of Civil Procedure
16 sections 1987.2, 2019.030(c), 2025.420(h), and 2023.030.

17 This Motion is made on the grounds that Plaintiffs’ deposition subpoena is improper and
18 seeks premature discovery from BVWSD’s currently retained expert, before expert exchange, and
19 creates an unavoidable risk of impermissible expert discovery and disclosure of protected expert
20 mental impressions and work performed in anticipation of litigation, including matters informed
21 by counsel’s direction and case strategy. Plaintiffs suffer no prejudice by waiting until expert
22 discovery opens, particularly where the State Water Resources Control Board’s record exists
23 independently and is obtainable through less burdensome means. This dispute is not whether Dr.
24 Littlefield can ever be deposed, but when.

25 ///

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1 This Motion is based on this Notice, the accompanying Memorandum of Points and
2 Authorities, the Declaration of Isaac L. St. Lawrence (“ILS Dec.”) filed and served concurrently
3 herewith, and upon such oral and documentary evidence which may be presented at the hearing of
4 this Motion.

5 DATED: February 26, 2026

6 **McMURTREY, HARTSOCK, WORTH &**
7 **ST. LAWRENCE**

8 By: 

9 Isaac L. St. Lawrence
10 *Attorneys for Real Party in Interest,*
11 Buena Vista Water Storage District

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I.**

14 **INTRODUCTION**

15 Plaintiffs, BRING BACK THE KERN, et al. (“Plaintiffs”) served Real Party in Interest,
16 BUENA VISTA WATER STORAGE DISTRICT (“BVWSD”) with a deposition subpoena and
17 notice seeking to depose Douglas R. Littlefield, Ph.D. (“Dr. Littlefield”). Plaintiffs claim they
18 intend to take the deposition “as a fact witness,” purportedly limited to Dr. Littlefield’s prior
19 testimony in a State Water Resources Control Board (“SWRCB”) proceeding, while reserving
20 “expert” questioning for later.

21 That label does not cure the defect and should not allow Plaintiffs to circumvent expert
22 discovery rules established in the Code of Civil Procedure. Shortly after this litigation was
23 initiated, Dr. Littlefield was retained by BVWSD as an expert for the purpose of consulting and
24 potentially testifying in the subject litigation (ILS Dec. ¶6). Permitting Plaintiffs to depose him
25 now, before expert exchange, creates an unavoidable risk of impermissible expert discovery,
26 including inquiry into counsel-directed work, counsel-selected materials, and developing opinions
27 and analyses prepared in anticipation of this litigation. Once disclosed, the resulting prejudice
28 cannot be cured.

1 Plaintiffs suffer no prejudice by waiting until expert discovery opens. Plaintiffs' legal
2 counsel has stated that the deposition will be focused on Dr. Littlefield's prior testimony before
3 the SWRCB (ILS Dec. ¶4). However, the deposition subpoena does not limit the scope of the
4 deposition (ILS Dec. ¶5). Further, Dr. Littlefield's testimony before the SWRCB was focused
5 strictly on the Kern River, and that sworn written testimony is publicly available and can be
6 independently obtained (ILS Dec. ¶8). BVWSD is not seeking to prevent Dr. Littlefield from ever
7 being deposed. This dispute is about timing: not *if*, but *when*, and more importantly, following the
8 rules set forth in the Code of Civil Procedure regarding expert depositions.

9 Accordingly, the Court should quash the subpoena or, alternatively, modify it to set any
10 deposition after expert exchange and during the expert discovery period, coupled with a
11 protective order limiting scope and barring document production of privileged and work-product
12 materials.

13 II.

14 PROCEDURAL HISTORY

15 BVWSD retained Dr. Littlefield as an expert in this litigation shortly after this matter
16 commenced (ILS Dec. ¶6). On February 4, 2026, Plaintiffs served a Notice of Subpoena
17 commanding Dr. Littlefield's appearance on March 6, 2026, at 10:00 a.m. (ILS Dec. ¶5). On
18 February 24, 2026, BVWSD met and conferred in good faith, requesting that Plaintiffs withdraw
19 the subpoena or, at a minimum, continue the deposition until expert discovery and agree to scope
20 limits preventing impermissible expert discovery (ILS Dec. ¶9). Plaintiffs refused.

21 III.

22 LEGAL STANDARDS

23 A. The Court May Quash or Modify a Deposition Subpoena – Motion to Quash

24 California law provides this Court with clear authority to quash or modify a deposition
25 subpoena and to issue protective orders when appropriate. Code of Civil Procedure section
26 1987.1(a) states that if a subpoena requires the attendance of a witness at a deposition, "the court,
27 upon motion reasonably made ... may make an order quashing the subpoena entirely, modifying
28 it, or directing compliance with it upon those terms or conditions as the court shall declare,

1 including protective orders." (Code Civ. Proc., § 1987.1.) Additionally, the court may "make any
2 other order as may be appropriate to protect the person from unreasonable or oppressive demands,
3 including unreasonable violations of the right of privacy of the person." (Code Civ. Proc., §
4 1987.1.)

5 **B. The Court May Issue Protective Orders to Prevent Undue Burden,**
6 **Oppressions and Improper Discovery – Motion for Protective Order**

7 A party to whom discovery has been propounded may move for a protective order from
8 the Court. (Code Civ. Proc., §§ 2019.030 and 2025.420.) Protective orders are designed to protect
9 a party from responding to discovery that imposes unwarranted annoyance, embarrassment,
10 oppression, undue burden, or expense. (*Ibid.*) The Court may restrict the discovery sought or
11 issue a protective order upon a showing of "good cause." (*Ibid.*)

12 The Court may also limit discovery that is unreasonably cumulative, obtainable from a
13 more convenient source, or unduly burdensome. (Code Civ. Proc., § 2025.420). California Code
14 of Civil Procedure section 2019.030(a) specifically provides that the court shall restrict the
15 frequency or extent of use of a discovery method if it determines that "the discovery sought is
16 unreasonably cumulative or duplicative, or is obtainable from some other source that is more
17 convenient, less burdensome, or less expensive" or if "the selected method of discovery is unduly
18 burdensome or expensive, taking into account the needs of the case, the amount in controversy,
19 and the importance of the issues at stake in the litigation."

20 Courts hold broad discretionary power to issue protective orders as justice requires, which
21 derives from their inherent power to control the proceedings before them. (*West Pico Furniture*
22 *Co. of L.A. v. Super. Ct.* (1961) 56 Cal.2d 407, 415.) This includes, but is not limited to, the power
23 to control the timing and sequence of discovery, restrict the extent or use of a particular discovery
24 method, impose conditions on discovery, or relieve a party from responding to discovery
25 altogether. (Code Civ. Proc., §§ 2019.030(a) and 2017.020(a).)

26 Courts must take into consideration the undue burden of the responding party, as well as
27 the needs of the case. (Code Civ. Proc., § 2019.030(a).) A litigant's right to discovery is not
28 without limit, and "[c]ourts must insist discovery devices be used as tools to facilitate litigation

1 rather than as weapons to wage litigation. These tools should be well calibrated; the lancet is to
2 be preferred over the sledgehammer.” (*Calcor Space Facility, Inc. v. Superior Ct.* (1997) 53
3 Cal.App.4th 216, 221.) “As a general matter, the trial court is empowered to exercise
4 superintendency over discovery.” (*Brown v. Penny Lane Ctrs., Inc.* (2009) 170 Cal.App.4th 936,
5 953.) In managing and overseeing discovery, the Court has “broad powers and responsibilities to
6 determine what measures and procedures are appropriate in varying circumstances.” (*Obregon v.*
7 *Superior Ct.* (1998) 67 Cal.App.4th 424, 431; *see also People v. Superior Ct.* (2001) 94
8 Cal.App.4th 980, 991 [“recognizing that discovery procedures are subject to misuse; the Civil
9 Discovery Act authorizes the trial court to limit discovery where appropriate.”].)

10 IV.

11 ARGUMENT

12 A. Quashing or Modifying the Deposition Subpoena is Appropriate Because 13 Plaintiffs are Seeking Premature Discovery from a Currently Retained 14 Litigation Expert Outside the Expert Discovery Framework

15 Allowing the deposition of Dr. Littlefield at this stage of litigation would circumvent
16 California's carefully structured expert discovery procedures. Under California Code of Civil
17 Procedure section 2034.220, a party may demand an exchange of expert witness information "no
18 later than the 10th day after the initial trial date has been set, or 70 days before that trial date,
19 whichever is closer to the trial date." The expert discovery process requires parties to exchange
20 information concerning expert witnesses, including "a list setting forth the name and address of a
21 person whose expert opinion that party expects to offer in evidence at the trial." (Code Civ. Proc.,
22 § 2034.260). For designated experts, the exchange must include "an expert witness declaration"
23 containing information about the expert's qualifications, the general substance of the testimony,
24 and other details. (Code Civ. Proc., § 2034.260). California Code of Civil Procedure section
25 2034.410 specifically provides that "[o]n receipt of an expert witness list from a party, any other
26 party may take the deposition of any person on the list." (Code Civ. Proc., § 2034.410.) This
27 provision makes clear that expert depositions are only permitted after the formal exchange of
28 expert witness information. Given that trial in this matter is not scheduled to begin until February

1 2027, the time for expert discovery has not yet arrived.

2 Even if framed as a "fact witness" deposition, questioning Dr. Littlefield at this stage
3 creates an unavoidable and unnecessary risk of impermissible expert discovery and disclosure of
4 protected expert mental impressions and work performed in anticipation of litigation. This
5 includes matters informed by counsel direction and case strategy. California Code of Civil
6 Procedure section 2018.030 explicitly protects such information, stating that "[a] writing that
7 reflects an attorney's impressions, conclusions, opinions, or legal research or theories is not
8 discoverable under any circumstances." (Code Civ. Proc., § 2018.030.)

9 Plaintiffs seek to take the deposition of BVWSD's retained expert now, before expert
10 exchange, by labeling it "fact witness" testimony. But Plaintiffs' stated focus (Dr. Littlefield's
11 SWRCB testimony) involves professional opinions, methodology, and analyses that overlap with
12 the subject matter of this litigation. The testimony given by Dr. Littlefield before the SWRCB was
13 his expert opinion regarding the Kern River, specifically the historical development and use of
14 Kern River water, and water accruing to BVWD's Second Point Kern River water right (ILS Dec.
15 ¶7). Any deposition regarding this SWRCB testimony would undoubtedly encompass Dr.
16 Littlefield's expertise on the Kern River, the very issue on which he was retained by BVWSD as
17 an expert for the subject litigation. Allowing such a deposition now would operate as an end run
18 around the expert discovery scheme.

19 In *County of L.A. v. Superior Court* (1990) 224 Cal.App.3d 1446, 1455, the Court of
20 Appeal rejected compelled deposition testimony seeking "present opinions" of doctors not
21 designated as experts, because it would disrupt the statutory expert discovery scheme and because
22 their opinions were, unless and until they were designated as experts, irrelevant. The same concern
23 applies here. A deposition designated to probe expert reasoning and opinions before expert
24 exchange is premature and improper.

25 California courts have long recognized why experts are different from ordinary facts
26 witnesses. Experts "normally wear two hats," they may be a prospective testifying witness, and
27 they serve as counsel technical consultant on trial prep and tactics. (*Sanders v. Superior*
28 *Court* (1973) 34 Cal.App.3d 270, 276-277.) Because of that dual role, fairness and mutuality

1 concerns arise that are absent with ordinary fact witnesses. (*Id.* at pp. 276-278.) Thus, “good
2 cause normally must be shown to compel a deposition in advance of trial, and absent good cause,
3 “a motion to quash the deposition is justified.” (*Id.* at p. 278.)

4 Here, Plaintiffs have no showing of good cause justifying an early deposition of BVWSD’s
5 retained consulting, and potentially testifying, expert. Plaintiffs also suffer no prejudice by
6 waiting. Plaintiffs’ stated focus is Dr. Littlefield’s SWRCB testimony, yet the SWRCB
7 administrative record, and Dr. Littlefield’s written testimony exist independently and can be
8 obtained without forcing premature deposition testimony from Dr. Littlefield. This dispute is not
9 about whether Dr. Littlefield can ever be deposed, but when and whether Plaintiffs may circumvent
10 the expert discovery scheme by calling expert opinion discovery a “fact witness” deposition.

11 Accordingly, the Court should quash the subpoena. At a minimum, it should be modified
12 to set any depositions after expert exchange and within the expert discovery window, and a
13 protective order should be issued barring any inquiry that invades attorney-client privilege,
14 attorney work-product, or counsel-directed expert work.

15 **B. Good Cause Exists for a Protective Order Because a “Fact Only” Deposition**
16 **Creates an Unavoidable Risk of Impermissible Expert Discovery and**
17 **Disclosure of Protected Work-Product**

18 The concept of “good cause” “calls for a factual exposition of a reasonable ground for the
19 sought order.” (*Waters v. Superior Court* (1962) 58 Cal.2d. 885, 893.) “As a general rule,
20 however, ‘good cause’ includes reasons that are fair, honest, in good faith, not trivial, arbitrary,
21 capricious, or pretextual, and reasonably related to legitimate needs, goals, and purposes. (See
22 also *Cotran v. Rollins Hudig Hall Internat., Inc.* (1998) 17 Cal.4th 93, 107-108.)” (*Laraway v.*
23 *Sutro & Co.* (2002) 96 Cal.App.4th 266.) California courts require a showing of good cause to
24 depose an expert witness prior to the statutorily set time to designate experts. The party seeking
25 the early deposition must demonstrate that the information sought is necessary for the preparation
26 of their case and that the request does not unduly burden the opposing party or the expert.
27 California courts have recognized that the dual status of an expert as both a consulting expert and
28 a potential fact witness does not automatically waive the protections afforded by the work-product

1 doctrine. The critical distinction lies in whether the information sought pertains to the expert's
2 role as a consulting expert in the current case or to independent factual knowledge unrelated to the
3 current litigation. (*Armenta v. Superior Court*, 101 Cal.App.4th 525; *National Steel Products Co.*
4 *v. Superior Court*, 164 Cal.App.3d 476; *Shadow Traffic Network v. Superior Court*, 24
5 Cal.App.4th 1067.) Courts have held that this standard should be liberally construed, but the
6 burden remains on the party seeking the deposition to justify the need for it. (*Bolles v. Superior*
7 *Court*, 15 Cal.App.3d 962.)

8 Plaintiffs have stated that they desire to depose Dr. Littlefield as a fact witness focusing on
9 his testimony in the SWRCB proceeding. Sworn testimony from an unrelated, prior case is
10 generally considered hearsay under California law if it is offered to prove the truth of the matter
11 asserted. (Cal. Evid. Code, § 1200.) Such testimony, even if given under oath and subjected to
12 cross-examination in the prior case, is inadmissible unless it satisfies a recognized exception to the
13 hearsay rule (*Williams v. Hartford Ins. Co.*, 147 Cal.App.3d 893 at 899). Dr. Littlefield's prior
14 testimony before the SWRCB is not admissible and therefore Plaintiffs cannot show good cause
15 to warrant the premature deposition of Dr. Littlefield.

16 Further, questioning a currently retained expert about technical prior testimony predictably
17 drifts into, among other things, what the expert reviewed, what the expert currently believes, what
18 additional work has been done since retention, and what counsel requested or emphasized. This
19 creates an unavoidable risk of disclosure of protected materials and mental impressions developed
20 in anticipation of litigation. Dr. Littlefield was retained by BVWSD to testify in a hearing before
21 the SWRCB as a historical expert on the Kern River. The sole focus of that testimony was the
22 historical development use, diversion, and storage of Kern River water (ILS Dec. ¶7). Upon
23 Plaintiffs filing the complaint in the subject action, Dr. Littlefield was retained by BVWSD as an
24 expert to consult and potentially testify in the subject action as a historical expert regarding the
25 Kern River, its historical water use, and diversions (ILS Dec. ¶¶6-7). Dr. Littlefield's historical
26 expertise regarding the Kern River, including his prior Kern River testimony before the SWRCB
27 and other courts, is why BVWSD retained him for this litigation. It is what makes him an expert
28 on the Kern River. What he has reviewed, his opinions, and impressions are all protected at this

1 time. The court in *Sanders* recognized this reality, noting: consultation between counsel and expert
2 on trial preparation and tactics implicates counsel’s privacy of preparation and is appropriately
3 afforded broad immunity from discovery. (*Sanders, supra*, 34 Cal.App.3d at pp. 276–278.)

4 It is well-settled that documents and communications protected by the attorney-client
5 privilege are not discoverable. (Code Civ. Proc., § 2017.010.) The attorney work-product
6 doctrine, codified in Code of Civil Procedure section 2018 et seq., extends protection to reports
7 prepared by an expert as a consultant until the expert is designated as a witness.
8 (*Williamson v. Superior Court* (1978) 21 Cal.3d 829, 834-835 [148 Cal.Rptr. 39, 582 P.2d
9 126].) Then, the opponent may seek disclosure of the reports upon a showing of good cause,
10 following the procedure set forth in *National Steel Products Co. v. Superior Court, supra*, 164
11 Cal.App.3d at pages 489-490. However, to the extent that said reports embrace counsel’s
12 impressions and conclusions, the work-product doctrine gives absolute protection to that
13 information. (*Kizer v. Sulnick* (1988) 202 Cal.App.3d 431, 440 [248 Cal.Rptr. 712].)

14 As California recognizes work-product protection for expert-related materials and
15 communications, particularly before designation, this Court should prohibit Plaintiffs from
16 proceeding with the deposition of Dr. Littlefield. Such a deposition risks disclosure of protected
17 attorney-client communications and work-product information.

18 **C. Plaintiffs Suffer No Prejudice by Waiting – The SWRCB Record is Obtainable**
19 **from Less Burdensome Sources**

20 Trial in this matter is set to begin in February of 2027. Good cause does not exist to skirt
21 the Code of Civil Procedure expert witness framework. Plaintiffs will not suffer any prejudice by
22 waiting until the proper time to depose Dr. Littlefield. Additionally, Plaintiffs’ asserted purpose
23 is to “focus” on Dr. Littlefield’s SWRCB testimony, clearly inadmissible hearsay. Further, Dr.
24 Littlefield’s testimony before the SWRCB was submitted in writing and is available on the
25 SWRCB’s “FTP” website. The SWRCB record exists independently and can be obtained and used
26 without a deposition of Dr. Littlefield. Under Code of Civil Procedure section 2019.030, the Court
27 must restrict discovery where the information is obtainable from more coinvent, less burdensome,
28 or less expensive source, or where discovery is unreasonably cumulative. Plaintiffs cannot show

1 prejudice that outweighs the burden and risk imposed by compelling premature expert adjacent
2 testimony.

3 V.


4 **CONCLUSION**

5 For the forgoing reasons, BUENA VISTA WATER STORAGE DISTRICT respectfully
6 requests that the Court (1) quash the deposition subpoena, or (2) alternatively, modify it to set any
7 disposition after expert exchange and during the expert discovery period; and (3) issue a protective
8 order limiting scope to avoid expert work/retention communication, materials, and impressive
9 expert discovery.

10 DATED: February 26, 2026

11 **McMURTREY, HARTSOCK, WORTH &**
12 **ST. LAWRENCE**

13
14 By: _____


Isaac L. St. Lawrence
Attorneys for Real Party in Interest,
Buena Vista Water Storage District

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8. Dr. Littlefield’s written testimony before the SWRCB in 2022 and the full administrative record of that proceeding are maintained by the SWRCB and are publicly available.

9. On February 24, 2026, Plaintiffs’ counsel and I met and conferred in good faith regarding Dr. Littlefield’s deposition and this Motion to Quash. I requested that Plaintiffs withdraw the subpoena or, at a minimum, continue the deposition until expert discovery. Plaintiffs’ counsel graciously declined.

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

Executed on February 26, 2026, at Bakersfield, California.



ISAAC L. ST. LAWRENCE

EXHIBIT A

| | |
|---|-------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Bryan J. Wilson [SBN 138842] Morrison & Foerster LLP 755 Page Mill Road, Palo Alto, CA 94304 TELEPHONE NO.: (650) 813-5600 FAX NO. (Optional): E-MAIL ADDRESS (Optional): BWilson@mofo.com ATTORNEY FOR (Name): Bring Back the Kern | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxton Avenue MAILING ADDRESS: CITY AND ZIP CODE: Bakersfield, CA 93301 BRANCH NAME: Metro Justice Building | |
| PLAINTIFF/ PETITIONER: Bring Back the Kern, et al. DEFENDANT/ RESPONDENT: City of Bakersfield, et al. | |
| DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS | CASE NUMBER: BCV-22-103220 |

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Douglas Littlefield, 6207 Snake Road, Oakland, CA 94611. T: (510) 339-1017.

1. **YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS** in this action at the following date, time, and place:

| | | |
|---------------------|----------------|--|
| Date: March 6, 2026 | Time: 10:00 am | Address: 425 Market Street, San Francisco, CA 940105 |
|---------------------|----------------|--|

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
- b. You are ordered to produce the documents and things described in item 3.
- c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
- d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
- Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:
- Continued on Attachment 4.
5. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
6. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: February 3, 2026

Bryan Wilson

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Bring Back the Kern

(TITLE)

(Proof of service on reverse)

Page 1 of 2

| | |
|--|--------------|
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER: |
|--|--------------|

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE
AND PRODUCTION OF DOCUMENTS AND THINGS**

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:

- a. Person served (*name*):
- b. Address where served:

- c. Date of delivery:
- d. Time of delivery:

e. Witness fees and mileage both ways (*check one*):

- (1) were paid. Amount:.....\$ _____
- (2) were not paid.
- (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*):.....\$ _____

f. Fee for service:\$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server.
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

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

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:



(SIGNATURE)



(SIGNATURE)

1 **PROOF OF SERVICE**

2
3 **STATE OF CALIFORNIA, COUNTY OF KERN**

4 I, COURTNEY NIXON, declare: I am and was at the time of the service hereunder
5 mentioned, over the age of eighteen (18) years and not a party to the within cause. My business
6 address is 2001 22nd Street, Suite 100, Bakersfield, California 93301. My electronic service
7 address is courtney@mhwslegal.com.

8 On February 26, 2026, I served the document(s) titled:

9 **REAL PARTY IN INTEREST, BUENA VISTA WATER STORAGE DISTRICT'S
10 NOTICE OF MOTION AND MOTION TO QUASH DEPOSITION SUBPOENA;
11 MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF
12 ISAAC L. ST. LAWRENCE IN SUPPORT THEREOF, AND FOR PROTECTIVE
13 ORDER (C.C.P § 1987.1 and § 2025.420)**

14 on the interested parties in this action, as listed below:

15 **SEE ATTACHED SERVICE LIST**

16 _____ **(BY MAIL)** I am readily familiar with the firm's practice of collection and processing of
17 documents for mailing. Under that practice, it would be deposited with the United States
18 Postal Service on that same day with postage thereon fully prepaid at Bakersfield,
19 California, in the ordinary course of business.

20 _____ **(BY FACSIMILE TRANSMISSION)** A transmission report was properly issued by the
21 sending facsimile machine, and the transmission was reported as completed and without
22 error.

23 _____ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the
24 offices of the addressee(s).

25 _____ **(BY OVERNIGHT COURIER)** I caused such envelope with delivery fees fully prepaid
26 to be sent by overnight courier.

27 **XXX (BY ELECTRONIC MAIL)** I served the foregoing document(s) by transmitting a copy
28 of the document(s) by electronic mail to the email address shown above or on the attached
list.

Executed on February 26, 2026, at Bakersfield, California.

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.



COURTNEY NIXON

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BRING BACK THE KERN, et al. v. CITY OF BAKERSFIELD

KCSC Case No. BCV-22-103220

SERVICE LIST

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