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Phelan Piñon Hills Community Services District
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11 **SUPERIOR COURT OF CALIFORNIA**

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

13 Coordination Proceeding) Judicial Council Coordination Proceeding
Special Title (Rule 1550(b))) No. 4408
14)
15 **ANTELOPE VALLEY**) (For Filing Purposes Only: Santa Clara
GROUNDWATER CASES) County Case No.: 1-05-CV-049053)
16 Included Actions:)
17 *Los Angeles County Waterworks District*) Assigned for All Purposes To:
No. 40 v.) Judge: Hon. Jack Komar
18 *Diamond Farming Co., et al.*) Dept: 4
Los Angeles County Superior Court, Case) (Filing Fees Exempt, Per Gov't Code § 6103)
19 *No. BC 325 201*)
20 *Los Angeles County Waterworks District*) **JOINDER IN EX PARTE APPLICATION**
No. 40 v.) **FOR EXTENSION OF HEARING DATE**
21 *Diamond Farming Co., et al.*) **FOR PLAINTIFF WILLIS CLASS'**
Kern County Superior Court, Case No.) **MOTION FOR AN AWARD OF**
22 *S-1500-CV-254-348*) **ATTORNEYS' FEES,**
23 *Wm. Bolthouse Farms, Inc. v. City of*) **REIMBURSEMENT OF EXPENSES,**
Lancaster) **AND CLASS REPRESENTATIVE**
24 *Diamond Farming Co. v. City of Lancaster*) **AWARD AND EXTENSION FOR**
Diamond Farming Co. v. Palmdale Water) **PUBLIC WATER SUPPLIERS TO**
25 *Dist.*) **RESPOND TO WILLIS CLASS**
26 *Riverside County Superior Court,*) **DISCOVERY; DECLARATION OF**
Consolidated Action, Case Nos. RIC 353) **WESLEY A. MILIBAND**
27 *840, RIC 344 436, RIC 344 668*)
AND RELATED CROSS-ACTIONS)
28)

1 Cross-Defendant and Cross-Complainant, Phelan Piñon Hills Community Services District
2 (“PPHCSD”), hereby joins in the *Ex Parte* application, filed by Los Angeles County Waterworks
3 District No. 40 (“Waterworks 40”) on behalf of itself and the “Public Water Suppliers,” seeking an
4 order continuing the hearing date for Class Plaintiff Willis’ Motion for an Award of Attorney’s
5 Fees (among other items) as well as a 60-day extension of the deadline for the Public Water
6 Suppliers to respond to Willis Class Discovery.

7 PPHCSD is a public water supplier, and is identified as such in the Willis Class’ written
8 discovery requests. PPHCSD is participating in Phase III of the trial, and is likewise precluded
9 from extending the necessary time and attention simultaneously to the trial and to respond to Willis
10 Class Discovery as PPHCSD deems appropriate. Accordingly, PPHCSD joins in Waterworks 40’s
11 request for the reasons stated herein and as stated in Waterwork’s 40’s *Ex Parte* application.

12
13 Dated: February 2, 2011

SMITH TRAGER, LLP
SUSAN M. TRAGER

ALESHIRE & WYNDER, LLP
WESLEY A. MILIBAND

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17 By: 

Wesley A. Miliband
Attorneys for Cross-Defendant and
Cross-Complainant,
Phelan Piñon Hills Community
Services District

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DECLARATION OF WESLEY A. MILIBAND

I, Wesley A. Miliband, declare as follows:

- 1. I am an attorney at law duly licensed to practice before all of the courts in the State of California.
- 2. I am an attorney with the law firm of Aleshire & Wynder, LLP, associated counsel of record for Phelan Piñon Hills Community Services District (“PPHCSD”). I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.
- 3. PPHCSD is a public water supplier, and is identified as such in the Willis Class’ written discovery requests.
- 4. PPHCSD is participating in Phase III of the trial, and is likewise precluded from extending the necessary time and attention simultaneously to the trial and to respond to Willis Class Discovery as PPHCSD deems appropriate.

Executed on this 2nd day of February 2011, at Irvine, California.

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



Wesley A. Miliband

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3 **PROOF OF SERVICE**

4 I, Linda M. Yarvis,

5 I am employed in the County of Orange, State of California. I am over the age of 18 and
6 not a party to the within action. My business address is 18881 Von Karman Avenue, Suite 400,
Irvine, CA 92612.

7 On February 2, 2011, I served the within document(s) described as **JOINDER IN EX**
8 **PARTE APPLICATION FOR EXTENSION OF HEARING DATE FOR PLAINTIFF**
9 **WILLIS CLASS' MOTION FOR AN AWARD OF ATTORNEYS' FEES,**
10 **REIMBURSEMENT OF EXPENSES, AND CLASS REPRESENTATIVE AWARD AND**
11 **EXTENSION FOR PUBLIC WATER SUPPLIERS TO RESPOND TO WILLIS CLASS**
12 **DISCOVERY; DECLARATION OF WESLEY A. MILIBAND, as follows:**

13 (ELECTRONIC SERVICE) By posting the document(s) listed above to the Santa Clara
14 County Superior Court website in regard to Antelope Valley Groundwater matter pursuant to the
15 Court's Clarification Order. Electronic service and electronic posting completed through
16 www.scefiling.org.

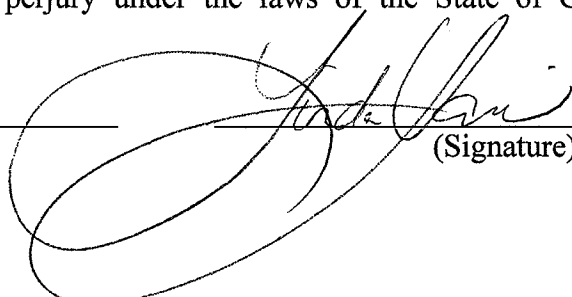
17 (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope
18 addressed as set forth above. I placed each such envelope for collection and mailing following
19 ordinary business practices. I am readily familiar with this Firm's practice for collection and
20 processing of correspondence for mailing. Under that practice, the correspondence would be
21 deposited with the United States Postal Service on that same day, with postage thereon fully
22 prepaid at Irvine, California, in the ordinary course of business. I am aware that on motion of the
23 party served, service is presumed invalid if postal cancellation date or postage meter date is more
24 than one day after date of deposit for mailing in affidavit.

25 (BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained
26 by Overnight Express, an express service carrier, or delivered to a courier or driver authorized by
27 said express service carrier to receive documents, a true copy of the foregoing document(s) in a
28 sealed envelope or package designated by the express service carrier, addressed as set forth above,
with fees for overnight delivery paid or provided for.

Executed on February 2, 2011, at Irvine, California.

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

Linda Yarvis
(Type or print name)


(Signature)