

1 ALESHIRE & WYNDER, LLP
DAVID J. ALESHIRE, Bar No. 65022
2 WILLIAM W. WYNDER, Bar No. 84753
WESLEY A. MILIBAND, Bar No. 241283
3 18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
4 Telephone: (949) 223-1170
Facsimile: (949) 223-1180
5 daleshire@awattorneys.com
wwynder@awattorneys.com
6 wmliband@awattorneys.com
7 Attorneys for Defendant and Cross-Complainant,
Phelan Piñon Hills Community Services District
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9 **SUPERIOR COURT OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**
11

12	Coordination Proceeding	)	Judicial Council Coordination Proceeding
	Special Title (Rule 1550(b))	)	No. 4408
13)	
14	ANTELOPE VALLEY	)	(For Filing Purposes Only: Santa Clara
	GROUNDWATER CASES	)	County Case No.: 1-05-CV-049053)
15	Included Actions:	)	Assigned for All Purposes To:
		)	Judge: Hon. Jack Komar
16	<i>Los Angeles County Waterworks District</i>)	
	<i>No. 40 v.</i>	)	(Filing Fees Exempt, Per Gov't Code § 6103)
17	<i>Diamond Farming Co., et al.</i>)	
	Los Angeles County Superior Court, Case	)	PHELAN PIÑON HILLS COMMUNITY
18	No. BC 325 201	)	SERVICES DISTRICT'S WITNESS LIST
		)	FOR PHASE FOUR TRIAL
19	<i>Los Angeles County Waterworks District</i>)	
	<i>No. 40 v.</i>)	
20	<i>Diamond Farming Co., et al.</i>)	
	Kern County Superior Court, Case No.)	
21	S-1500-CV-254-348	)	Phase Four Trial Date: May 28, 2013
		)	Time: 10:00 a.m.
22		)	Location: Central Civil West
		)	600 S. Commonwealth Avenue,
23	<i>Wm. Bolthouse Farms, Inc. v. City of</i>	)	17th Floor, Dept. 322
	<i>Lancaster</i>	)	Los Angeles, California
24	<i>Diamond Farming Co. v. City of Lancaster</i>)	
	<i>Diamond Farming Co. v. Palmdale Water</i>)	
25	<i>Dist.</i>)	
	Riverside County Superior Court,)	
26	Consolidated Action, Case Nos. RIC 353)	
	840, RIC 344 436, RIC 344 668)	
27)	
	AND RELATED CROSS-ACTIONS)	
28)	

1 TO THE HONORABLE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF
2 RECORD HEREIN:

3 Cross-Defendant and Cross-Complainant, Phelan Piñon Hills Community Services District
4 (“PPHCSD”), submits the following witness list, consistent with PPHCSD’s timely disclosures
5 including on January 4, 2103, for the Phase Four trial to the extent presentation of evidence by
6 PPHCSD is necessary on a particular issue during this trial phase:

7 **(1) Don Bartz, General Manager of PPHCSD:**

- 8 a. *Nature of Testimony:* Information, including foundational information, as to:
9 PPHCSD and ownership of the parcel of land on which Well 14 is located; the
10 beneficial use to which PPHCSD applies groundwater; and quantities of water
11 produced by Well 14 for the time period deemed relevant by the Court. In
12 providing such testimony, PPHCSD anticipates offering into evidence
13 documents regarding these various issues, for which these documents were
14 previously and timely served electronically on all parties.
15 b. *Estimated Length of Testimony:* Three (3) hours including cross examination,
16 though uncertainty currently exists as to the extent of any cross examination.

17 **(2) Custodian of Records, Pump Check:¹**

- 18 a. *Nature of Testimony:* Information, including foundational information, for
19 checking the accuracy of PPHCSD’s Well 14 and its flowmeter. In providing
20 such testimony, PPHCSD anticipates offering into evidence documents
21 regarding the accuracy (i.e., 99%) of Well 14 and its flowmeter, for which these
22 documents were previously and timely served electronically on all parties.

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24 _____
25 ¹ For the reasons set forth in PPHCSD’s Trial Brief filed concurrently herewith, this witness should
26 not be required because no party has objected to the quantities of water produced by PPHCSD’s
27 Well 14. In fact, those few parties who objected on May 3, 2013 to PPHCSD’s Proposed
28 Stipulation did not object to Paragraphs 5 and 6 of the Proposed Stipulation which included the
“Certificates of Accuracy” generated by Pump Check for PPHCSD’s Well 14.

1 b. *Estimated Length of Testimony*: One (1) hour including cross examination,
2 though uncertainty currently exists as to the extent of any cross examination.

3 **(3) Thomas E. Harder, PPHCSD's Designated Expert:**

4 a. *Nature of Testimony*: As stated in PPHCSD's Expert Witness Declaration For
5 Phase Four Trial that was electronically served on all parties on January 4, 2013,
6 PPHCSD anticipates Mr. Harder's testimony to include issues "regarding current
7 and/or past quantities of groundwater produced from the Antelope Valley
8 Groundwater Basin, by PPHCSD and its Well 14 and/or by other producers, as
9 well as to whether the application of such groundwater produced is a reasonable
10 and beneficial use which may entail effects of a party's groundwater production
11 thereon." As of this time, PPHCSD specifically anticipates that Mr. Harder's
12 testimony will be: (1) to supplement Mr. Bartz' testimony to any extent
13 necessary, and, (2) to challenge the claims (and basis thereof) set forth by
14 Bolthouse Properties, LLC and/or Wm. Bolthouse Farms, Inc.

15 b. *Estimated Length of Testimony*: Two (2) hours including cross examination,
16 though uncertainty currently exists as to the extent of any cross examination.

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18 Dated: May 23, 2013

ALESHIRE & WYNDER, LLP

19
20 By: 

21 Wesley A. Miliband
22 Attorneys for Cross-Defendant and
23 Cross-Complainant,
24 Phelan Piñon Hills Community
25 Services District
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PROOF OF SERVICE

I, Linda Yarvis,

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700, Irvine, CA 92612.

On May 24, 2013, I served the within document(s) described as **PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT'S WITNESS LIST FOR PHASE FOUR TRIAL** as follows:

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

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

☐ (BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained by Overnight Express, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document(s) in a 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 May 24, 2013, 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)