

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
8

9 **SUPERIOR COURT OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**
11

12 Coordination Proceeding
Special Title (Rule 1550(b))

) Judicial Council Coordination Proceeding
) No. 4408

13 **ANTELOPE VALLEY**
14 **GROUNDWATER CASES**

) (For Filing Purposes Only: Santa Clara
) County Case No.: 1-05-CV-049053)

15 Included Actions:

) Assigned for All Purposes To:
) Judge: Hon. Jack Komar

16 *Los Angeles County Waterworks District*
No. 40 v.
17 *Diamond Farming Co., et al.*
Los Angeles County Superior Court, Case
18 No. BC 325 201

) (Filing Fees Exempt, Per Gov't Code § 6103)

) **PHELAN PIÑON HILLS COMMUNITY**
) **SERVICES DISTRICT'S WITNESS LIST**
) **FOR PHASE FIVE TRIAL**

19 *Los Angeles County Waterworks District*
No. 40 v.
20 *Diamond Farming Co., et al.*
Kern County Superior Court, Case No.
21 S-1500-CV-254-348

) Phase Five Trial Date: February 10, 2014
) Time: 9:00 a.m.

) Location: Central District
111 North Hill Street
2nd Floor - Room 222 (Old Dept. 1)
Los Angeles, California

23 *Wm. Bolthouse Farms, Inc. v. City of*
Lancaster
24 *Diamond Farming Co. v. City of Lancaster*
Diamond Farming Co. v. Palmdale Water
25 *Dist.*
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 November 1, 2013 for the Phase Five trial:

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

7 a. *Nature of Testimony:* Information, including foundational information, as to:
8 PPHCSD’s water system and service area, as it relates to PPHCSD’s claim of
9 right to return flows resulting from use of native groundwater; PPHCSD’s
10 ownership of the parcel of land on which Well 14 is located and quantities of
11 water produced by Well 14; the beneficial use(s), and location thereof, to which
12 PPHCSD applies groundwater, at least as it relates to PPHCSD’s claim of right
13 to return flows resulting from use of native groundwater; and, other such facts
14 relating to PPHCSD’s claim of right to return flows resulting from use of native
15 groundwater. In providing such testimony, PPHCSD anticipates offering into
16 evidence documents regarding these various issues, for which these documents
17 were previously served electronically on all parties, identified as exhibits during
18 Mr. Bartz’s deposition on January 8, 2014, and/or identified in PPHCSD’s
19 Exhibit List for the Phase Five trial.

20 b. *Estimated Length of Testimony:* Three (3) hours including cross examination,
21 though uncertainty currently exists as to the extent of any cross examination.

22 **(2) Custodian of Records (if necessary):**

23 a. *Nature of Testimony:* Foundational information for any exhibits that PPHCSD
24 seeks to offer into evidence that the Court deems is not sufficiently established
25 by PPHCSD’s witnesses designated herein.

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

28 ///

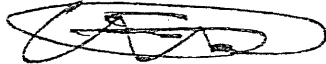
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

- a. *Nature of Testimony:* As stated in PPHCSD's Expert Witness Declaration For Phase Five Trial that was electronically served on all parties on November 18, 2013, PPHCSD anticipates Mr. Harder's testimony to address "current and/or past quantities of return flows, with particular emphasis on PPHCSD's claim to return flows resulting from use of native water." As of this time, PPHCSD specifically anticipates that Mr. Harder's testimony will be: (1) to supplement Mr. Bartz' testimony to any extent necessary, and, (2) to offer opinion(s), and the basis thereof, as to the quantities of return flows resulting from production of native groundwater by PPHCSD that is distributed and used within the portion of PPHCSD's service that lies over the Antelope Valley Groundwater Basin as defined by DWR Bulletin 118. In providing such testimony, PPHCSD anticipates offering into evidence documents regarding these various issues, for which these documents were previously served electronically on all parties, identified as exhibits during Mr. Bartz's deposition on January 22, 2014, and/or identified in PPHCSD's Exhibit List for the Phase Five trial.
- b. *Estimated Length of Testimony:* Three (3) hours including cross examination, though uncertainty currently exists as to the extent of any cross examination.

Dated: January 23, 2014

ALESHIRE & WYNDER, LLP

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

2
3 **PROOF OF SERVICE**

4 I, Linda 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 1700,
Irvine, CA 92612.

7 On January 23, 2014, I served the within document(s) described as **PHELAN PIÑON**
8 **HILLS COMMUNITY SERVICES DISTRICT'S WITNESS LIST FOR PHASE FIVE**
TRIAL as follows:

9 (ELECTRONIC SERVICE) By posting the document(s) listed above to the Santa Clara
10 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
11 www.scefiling.org.

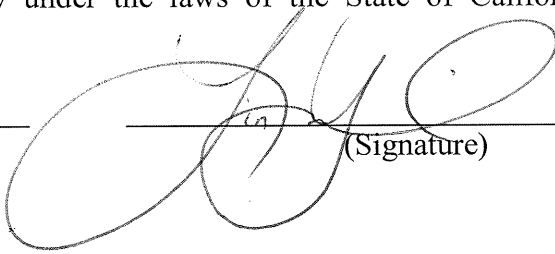
12 (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope
13 addressed as set forth above. I placed each such envelope for collection and mailing following
ordinary business practices. I am readily familiar with this Firm's practice for collection and
14 processing of correspondence for mailing. Under that practice, the correspondence would be
deposited with the United States Postal Service on that same day, with postage thereon fully
15 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.

16 (BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained
17 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
18 sealed envelope or package designated by the express service carrier, addressed as set forth above,
with fees for overnight delivery paid or provided for.

19 Executed on January 23, 2014, at Irvine, California.

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

22 _____
Linda Yarvis
(Type or print name)

23 

(Signature)