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Phelan Piñon Hills Community Services District
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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**
10

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

) Judicial Council Coordination Proceeding
No. 4408

12 **ANTELOPE VALLEY**
13 **GROUNDWATER CASES**

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

14 Included Actions:

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

15 *Los Angeles County Waterworks District*
No. 40 v.

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

16 *Diamond Farming Co., et al.*

17 Los Angeles County Superior Court, Case
No. BC 325 201

) **STATEMENT BY PHELAN PIÑON
HILLS COMMUNITY SERVICES
DISTRICT FOR CONFERENCE SET
FOR AUGUST 29, 2014**

18 *Los Angeles County Waterworks District*
No. 40 v.

19 *Diamond Farming Co., et al.*

20 Kern County Superior Court, Case No.
S-1500-CV-254-348

) **DATE: August 29, 2014**
TIME: 11:00 a.m.
LOCATION: 191 N. 1st Street
San Jose, California

22 *Wm. Bolthouse Farms, Inc. v. City of*
Lancaster

23 *Diamond Farming Co. v. City of Lancaster*
Diamond Farming Co. v. Palmdale Water

24 *Dist.*

25 Riverside County Superior Court,
Consolidated Action, Case Nos. RIC 353
840, RIC 344 436, RIC 344 668

26 **AND RELATED CROSS-ACTIONS**
27 _____
28

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

3 Phelan Piñon Hills Community Services District ("Phelan Piñon Hills") hereby submits this
4 Statement for the August 29, 2014 Status Conference.

5 Phelan Piñon Hills continues to meet-and-confer with the parties to work a stipulation as to
6 which issues and facts will be part of this next trial, as well as the process for disclosures, potential
7 depositions, and briefing in advance of the trial. The Parties have not affirmatively arrived at a
8 consensus on issues or facts yet, but Phelan Piñon Hills believes consensus exists as to some issues
9 and facts. Thus, while Phelan Piñon Hills remains concerned with the trial setting for reasons
10 previously stated on August 11, Phelan Piñon Hills anticipates the Parties will reach substantial
11 consensus on facts.

12 As to *the* issues for the next trial, Phelan Piñon Hills' sense is that its Second Cause of
13 Action (Appropriative Right) and Sixth Cause of Action (Recapture of Return Flows) are the issues
14 for this trial; however, Phelan Piñon Hills requests clarification from the Court as to whether it
15 seeks to hear evidence about surplus in the local/regional Southeast area of the aquifer.

16 On August 11, the Court indicated:

17 So at this point, it seems to me that I will tell you what I want to have
18 bifurcated and adjudicated are questions of your right to pump water
19 as an appropriator of right, number one; and number two, that you
20 brief and present evidence and argument concerning your right --
21 your client's right -- as a public producer apart from whether there
22 was a surplus that would permit you to be an appropriator of right. If
23 you want to add to that a third issue, which is the question of the
24 effect of return flows from your pumping that flow back into the area
25 of your well that you may do too.

26 As for process and next steps, Phelan Piñon Hills proposes:

- 27 (1) The Court confirm on August 29 the scope of issues being tried in this next trial.
28 (2) The Court order the Parties to further meet-and-confer next week as to the facts, and to
the extent the Parties do not stipulate by the close of business on Friday, September 5,
those Parties are to file and serve before the close of business on Tuesday, September 9
their Notice of Intent to Participate in this trial; Disclosure of Percipient Witnesses with

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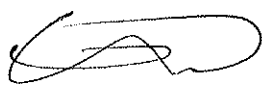
a summary statement of anticipated testimony; and Designate experts pursuant to the Code of Civil Procedure.

(3) The Court order a meet-and-confer be done before the close of business on Friday, September 12 for purposes of scheduling depositions and addressing other discovery issues, if any exist.

(4) The Court set a telephonic status conference for Monday, September 15.

Dated: August 28, 2014

Respectfully submitted,
ALESHIRE & WYNDER, LLP

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

3 **PROOF OF SERVICE**

4 I, Marie Young,

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 August 28, 2014, I served the within document(s) described as **STATEMENT BY**
8 **PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT FOR CONFERENCE SET**
FOR AUGUST 29, 2014 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 August 28, 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 Marie Young
23 (Type or print name)

24 
25 (Signature)