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7 Attorneys for Defendant and Cross-Complainant,
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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>)	
18	Los Angeles County Superior Court, Case	)	PHELAN PIÑON HILLS COMMUNITY
	No. BC 325 201	)	SERVICES DISTRICT'S REQUEST FOR
19	<i>Los Angeles County Waterworks District</i>	)	ORDER OF MAY 29, 2013;
	<i>No. 40 v.</i>	)	DECLARATION OF WESLEY A.
20	<i>Diamond Farming Co., et al.</i>	)	MILIBAND IN SUPPORT THEREOF
	Kern County Superior Court, Case No.)	
21	S-1500-CV-254-348)	
22)	
23	<i>Wm. Bolthouse Farms, Inc. v. City of</i>)	
	<i>Lancaster</i>)	
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)	
28	AND RELATED CROSS-ACTIONS)	

1 TO THE HONORABLE COURT AND ALL PARTIES HEREIN:

2 Phelan Piñon Hills Community Services District (“PPHCSD”) hereby respectfully requests
3 correction of the Court’s Minute Order of May 29, 2013 (“Minute Order”) to correct an inadvertent
4 error in the Minute Order regarding the exhibits offered into evidence by counsel for PPHCSD and
5 admitted by the Court. This error did not appear on other post-Phase IV trial documents posted on
6 the Court’s website. Counsel for PPHCSD just recently discovered this error on the Minute Order.
7 Accordingly, PPHCSD requests that the Minute Order be amended to reflect the record from May
8 29, 2013 wherein the Court admitted into evidence each and every exhibit offered by PPHCSD.

9 The Minute Order posted on the Court’s website on July 17, 2013 omits the following
10 exhibits that were marked for identification and admitted into evidence during the Phase IV trial,
11 with a more complete description provided on the record¹ by counsel for PPHCSD than is stated
12 below more succinctly for purposes of inclusion in the Minute Order:

- 13 • **4-PHELANCSD-1:** Declaration with exhibits from Phelan’s General Manager,
14 Don Bartz, from January 21, 2013.
- 15 • **4-PHELANCSD-2:** Declaration from Phelan’s General Manager, Don Bartz,
16 dated May 29, 2013.
- 17 • **4-PHELANCSD-3:** Phelan’s Annual Notice of Groundwater Extraction and
18 Diversion for year 2011.
- 19 • **4-PHELANCSD-4:** Stipulation with Copa De Oro Land Company dated
20 April 29, 2013.
- 21 • **4-PHELANCSD-5:** Phelan’s Stipulation with the Wood Class from
22 April 22, 2013.

23 PPHCSD requests that the Minute Order for May 29, 2013 be corrected accordingly to

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26 _____
27 ¹ Relevant portions of the Reporter’s Transcript from May 29, 2013 are submitted concurrently
28 herewith through the Declaration of Wesley A. Miliband.

1 accurately reflect the Court's admission of the above exhibits.

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3 Dated: July 31, 2013

Respectfully submitted,

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ALESHIRE & WYNDER, LLP

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By: 

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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. I am an attorney with the law firm of Aleshire & Wynder, LLP, counsel of record for Defendant and Cross-Complainant, Phelan Piñon Hills Community Services District (“PPHCSD”), in this action. 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.

2. Attached hereto as Exhibit “A” is a true and correct copy of relevant portions of the Reporter’s Transcript of Proceedings held on May 29, 2013, wherein the Court admitted into evidence each and every exhibit that I offered into evidence.

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

Executed on this 31st day of July 2013, at Irvine, California.



Wesley A. Miliband

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 July 31, 2013, I served the within document(s) described as **PHELAN PIÑON HILLS**
8 **COMMUNITY SERVICES DISTRICT'S REQUEST FOR CORRECTION OF PHASE IV**
9 **MINUTE ORDER OF MAY 29, 2013; DECLARATION OF WESLEY A. MILIBAND IN**
10 **SUPPORT THEREOF** as follows:

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

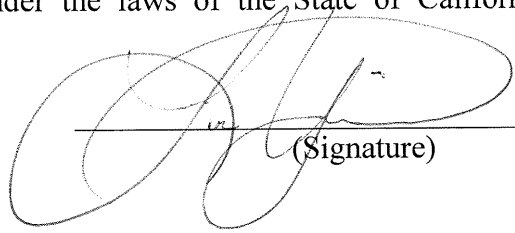
15 (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope
16 addressed as set forth above. I placed each such envelope for collection and mailing following
17 ordinary business practices. I am readily familiar with this Firm's practice for collection and
18 processing of correspondence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

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

28 Executed on July 31, 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.

22 Linda Yarvis
23 (Type or print name)



(Signature)