

1 ALESHIRE & WYNDER, LLP
WESLEY A. MILIBAND, State Bar No. 241283
2 *wmiliband@awattorneys.com*
MILES P. HOGAN, State Bar No. 287345
3 *mhogan@awattorneys.com*
18881 Von Karman Avenue, Suite 1700
4 Irvine, California 92612
Telephone: (949) 223.1170
5 Facsimile: (949) 223.1180

6 Attorneys for Defendant and Cross-Complainant
Phelan Piñon Hills Community Services District
7
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

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

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

15 Included Actions:

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
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

22 *Wm. Bolthouse Farms, Inc. v. City of*
23 *Lancaster*
Diamond Farming Co. v. City of Lancaster
24 *Diamond Farming Co. v. Palmdale Water*
Dist.
25 Riverside County Superior Court,
Consolidated Action, Case Nos. RIC 353
26 840, RIC 344 436, RIC 344 668

27 **AND RELATED CROSS-ACTIONS**
28

Case No. Judicial Council Coordination
Proceeding No. 4408

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

**DECLARATION OF WESLEY A.
MILIBAND IN SUPPORT OF PHELAN
PIÑON HILLS COMMUNITY SERVICES
DISTRICT'S MOTIONS IN LIMINE NOS.
1-3**

[Filed concurrently with Phelan's Motions In
Limine Nos. 1-3]

Assigned for All Purposes to:
Hon. Jack Komar

Trial Date: November 4, 2014
(Trial Related to Phelan Piñon
Hills Community Services
District)

Time: 10:00 a.m.
Location: Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, California
Dept: 56 / Room 514 (5th Floor)





1 I, WESLEY A. MILIBAND, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law before this Court and all of the courts of
3 the State of California, and am a Partner at Aleshire & Wynder, LLP, counsel of record for PHELAN
4 PIÑON HILLS COMMUNITY SERVICES DISTRICT (hereinafter “Phelan Piñon Hills”) in the
5 above-captioned case. I have personal knowledge of the facts set forth below and if called as a
6 witness, I could and would competently testify to them. I make this Declaration in support of Phelan
7 Piñon Hills’ Motions In *Limine* Nos. 1-3, and in order to satisfy the requirements of Los Angeles
8 Superior Court Rule 3.57(a).

9 2. Plaintiffs’ **Motion In *Limine* No. 1** seeks to exclude all testimony or other evidence
10 not relevant to Phelan Piñon Hills’ Second and Sixth Causes of Action. Phelan Piñon Hills
11 specifically moves to exclude all evidence relating to any other cause of action or affirmative defense
12 of any party.

13 3. Plaintiffs’ **Motion In *Limine* No. 2** seeks to exclude evidence not disclosed to Phelan
14 Piñon Hills through the stipulation of facts or depositions of expert witnesses in preparation for this
15 trial.

16 4. Plaintiffs’ **Motion In *Limine* No. 3** seeks to exclude all testimony and other evidence
17 of modeling by designated expert Dr. Dennis Williams and related work and opinions.

18 5. The evidence sought to be excluded would ensure efficiency at the trial and avoid
19 unnecessary and wasteful presentation of irrelevant evidence.

20 6. On Tuesday, October 28, 2014, I attempted to meet and confer with all counsel who
21 filed Notices of Intent to Participate in this trial, pursuant to the requirements of Los Angeles Superior
22 Court Rule 3.57(a). I did so by directing my staff to post a letter to the Court’s website, which exists

23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1 as Tab No. 9411.

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

4 Executed this 31st day of October, 2014, at Irvine, California.

5
6 
7 _____
8 WESLEY A. MILIBAND

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW



1 Judicial Council Coordination Proceeding No. 4408
For Filing Purposes Only: Santa Clara County Case No.: 1-05-CV-049053

2 **PROOF OF SERVICE**

3 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

4 I, Linda Yarvis,

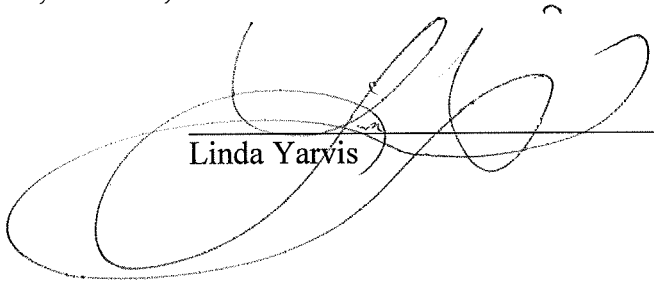
5 I am employed in the County of Orange, State of California. I am over the age of 18 and not a
6 party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700, Irvine, CA
92612.

7 On October 31, 2014, I served the within document(s) described as **DECLARATION OF**
8 **WESLEY A. MILIBAND IN SUPPORT OF PHELAN PIÑON HILLS COMMUNITY**
9 **SERVICES DISTRICT'S MOTIONS IN LIMINE NOS. 1-3** on the interested parties in this action
as follows:

10 **BY 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
11 Court's Clarification Order. Electronic service and electronic posting completed through
www.scefiling.org.

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

14 Executed on October 31, 2014, at Irvine, California.

15
16 
17 Linda Yarvis
18
19
20
21
22
23
24
25
26
27
28

ALESHIRE &
WYNDER
ATTORNEYS AT LAW

