

Exhibit H

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Phelan Piñon Hills Community Services District
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
11

12 Coordination Proceeding
Special Title (Rule 1550(b))
13

14 **ANTELOPE VALLEY**
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)

STATEMENT BY PHELAN PIÑON
HILLS COMMUNITY SERVICES
DISTRICT FOR STATUS CONFERENCE
SET FOR SEPTEMBER 26, 2014

Date: September 26, 2014
Time: 10:00 a.m.
Location: Dept. 20
161 N. 1st Street
San Jose, CA 95113

Assigned for All Purposes to:
Hon. Jack Komar

Trial Date: October 7, 2014
(Trial Related to Phelan Piñon
Hills Community Services Dist.)
Location: TBD

ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW



01133.0012/208369.1

STATEMENT BY PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
FOR STATUS CONFERENCE SET FOR SEPTEMBER 26, 2014



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 as an “update” for the September 26, 2014 Status Conference pursuant to the Court’s
5 August 29, 2014 Minute Order:

6 Counsel for Phelan Piñon Hills circulated to all counsel on August 28, 2014 a proposed set of
7 facts for stipulating to in connection with the Second and Sixth Causes of Action pleaded in Phelan
8 Piñon Hills’ cross complaint (“Proposed Facts”). The Proposed Facts were made part of a formal
9 meet-and-confer statement posted to the Court’s website, privately as “discovery,” on August 28. To
10 date, the other parties have not indicated to what extent they agree with the Proposed Facts. Only
11 three counsel have engaged in dialogue with counsel for Phelan Piñon Hills regarding the Proposed
12 Facts, and those communications were limited primarily to inquiring more as to adding facts than
13 indicating agreement or disagreement with the Proposed Facts.

14 On September 9, 2014, eighteen (18) different counsel collectively representing approximately
15 twenty-five (25) parties posted to the Court’s website a Notice of Intent to Participate in the Phelan
16 Piñon Hills trial (“Notice of Intent”). Los Angeles County Waterworks District No. 40 (“WD 40”)
17 designated one (1) percipient witness and one (1) expert witness, though WD 40 failed to provide a
18 description of its percipient witnesses’ statement as set forth by Court order.

19 With some emails and phone calls not gaining traction to move the Proposed Facts forward,
20 and again attempting to meet-and-confer with the parties, namely the eighteen (18) counsel who filed
21 the Notice of Intent, counsel for Phelan Piñon Hills posted to the Court’s website another meet-and-
22 confer communication on September 21, 2014. To date, only one (1) counsel has responded in any
23 form, which was to say that party is not looking to engage Phelan Piñon Hills in the trial, but instead
24 simply wants to observe the trial.

25 Ultimately, counsel for Phelan Piñon Hills provided a detailed plan for a litigation and trial
26 process in advance of the August 11, 2014 status conference. With other counsel explicitly
27 representing to the Court that they would stipulate to facts, the Court directed the parties to work
28 toward that end.



1 Notwithstanding other counsels' representations and the Court's direction, other counsel have
2 not indicated to what extent the Proposed Facts are acceptable. All the while, counsel for Phelan
3 Piñon Hills articulated its objection to the trial being set for October 7, which unfortunately is
4 validated now by the inaction of some counsel in particular.

5 In turn, the trial currently set for October 7, 2014 must be continued. Counsel for Phelan
6 Piñon Hills is preparing an *ex parte* application stating such request to be heard at the upcoming status
7 conference set for September 26. Counsel for Phelan Piñon Hills will file and serve such papers well
8 in advance of the deadline required by State and local rules, providing more than adequate opportunity
9 for other parties to respond on September 25, which is the date set by the Court for parties to respond
10 to Phelan Piñon Hills' status update. The papers will more fully set forth the factual background
11 described above, as well as the justification and subsequent necessity for a continuance.

12 As much as various counsel said a streamlined, expeditious process is agreeable, actions (or
13 inactions really) demonstrate otherwise. Accordingly, Phelan Piñon Hills is forced to litigate the
14 issues. To properly do so, a process must be set in place by the Court pursuant to the Code of Civil
15 Procedure, similar to counsel for Phelan Piñon Hills proposed on August 11 and as done for the
16 parties in previous trial phases.

17
18 DATED: September 22, 2014

ALESHIRE & WYNDER, LLP
WESLEY A. MILIBAND
MILES P. HOGAN

19
20
21 By: _____

A handwritten signature in black ink, appearing to read 'Wesley A. Miliband', written over a horizontal line.

22 WESLEY A. MILIBAND

23 Attorneys for Defendant and Cross-Complainant
24 Phelan Piñon Hills Community Services District
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2 **PROOF OF SERVICE**

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

4 I, Linda Yarvis,

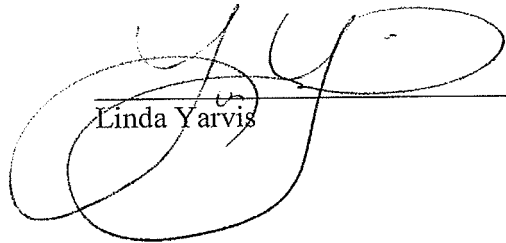
5 I am employed in the County of Orange, State of California. I am over the age of 18 and not a
6 party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700, Irvine, CA
92612.

7 On September 22, 2014, I served the within document(s) described as **STATEMENT BY**
8 **PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT FOR STATUS**
9 **CONFERENCE SET FOR SEPTEMBER 26, 2014** 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.scefilng.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 September 22, 2014, at Irvine, California.

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17 Linda Yarvis
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ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW

