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

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)

**PHELAN PIÑON HILLS COMMUNITY
SERVICES DISTRICT'S RESPONSE TO
SMALL DISTRICTS' OPPOSITION TO
WOOD CLASS' MOTION FOR AWARD
OF ATTORNEY FEES, COSTS AND
INCENTIVE AWARD**

[Filed concurrently with: Declaration of June
S. Ailin in Support Thereof]

Date: April 1, 2016
Time: 1:30 p.m.
Loc.: San Jose Superior Court
191 North First Street
San Jose, CA 95113

Assigned for All Purposes to:
Hon. Jack Komar

Date Filed: 08/10/2005
Trial Date: Completed

ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW





1 Phelan Piñon Hills Community Services District files the following Response to Small
 2 Districts' Opposition to Wood Class Motion for Award of Attorney Fees, Costs and Incentive Award,
 3 not in support of or in opposition to the Motion but to correct a misstatement of fact in the Small
 4 Districts' Opposition.

5 **Phelan Piñon Hills Community Services District Settled With the Wood Class In 2013.**

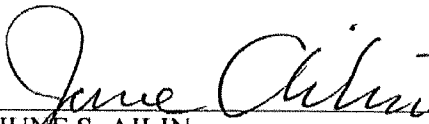
6 Counsel states in the Small Districts' Opposition to the Wood Class Motion for Attorney Fees,
 7 Costs and Incentive Award ("Small Districts' Opposition") that the Wood Class "ultimately did not
 8 settle the case" with Phelan Piñon Hills Community Services District ("Phelan"). (Small Districts'
 9 Opposition, at pg. 10, line 21.) This statement is inaccurate.

10 Phelan did settle with the Wood Class in 2013. Phelan was a party to the Wood Class Fully
 11 Executed Settlement Agreement, filed October 24, 2013. (Ailin Decl., Exh. A.) The Court's Minute
 12 Order from December 11, 2013 reflects the Court's approval of the Wood Class Partial Class Action
 13 Settlement and references Phelan as one of the Settling Defendants in that settlement. (Ailin Decl.,
 14 Exh. B.) The Order Granting Motion for Approval of Award of Attorney Fees and Costs, dated
 15 January 15, 2014, includes Phelan as one of the Settling Parties. (Ailin Decl., Exh. C.) Finally, the
 16 Judgment Approving Small Pumper Class Action Settlements, dated December 23, 2015, confirms
 17 Phelan was a Settling Defendant as part of the 2013 Partial Settlement with the Wood Class. (Ailin
 18 Decl., Exh. D.)

19 Therefore, the Small Districts' statement that the Wood Class did not settle with Phelan is
 20 inaccurate as it is contrary to the record in this case. The documents referenced above establish Phelan
 21 did in fact settle with the Wood Class in 2013.

23 DATED: March 23, 2016

ALESHIRE & WYNDER, LLP

25 By: 
 26 JUNE S. AILIN
 27 Attorneys for Defendant and Cross-Complainant
 28 Phelan Piñon Hills Community Services District

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

3 **PROOF OF SERVICE**

4 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

5 I, Linda Yarvis,

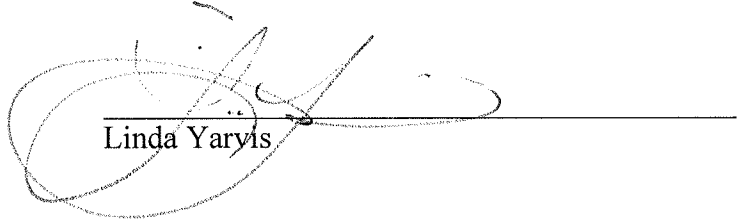
6 I am employed in the County of Orange, State of California. I am over the age of 18 and not a
7 party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700, Irvine, CA
8 92612.

9 On March 23, 2016, I served the within document(s) described as **PHELAN PIÑON HILLS
10 COMMUNITY SERVICES DISTRICT'S RESPONSE TO SMALL DISTRICTS'
11 OPPOSITION TO WOOD CLASS' MOTION FOR AWARD OF ATTORNEY FEES, COSTS
12 AND INCENTIVE AWARD** on the interested parties in this action as follows:

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

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

19 Executed on March 23, 2016, at Irvine, California.

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Linda Yarvis

ALESHIRE &
WYNDER
ATTORNEYS AT LAW

