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Phelan Piñon Hills Community Services District
10

11 **SUPERIOR COURT OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**
13

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

15 **ANTELOPE VALLEY**
16 **GROUNDWATER CASES**

17 Included Actions:

18 *Los Angeles County Waterworks District*
No. 40 v.
19 *Diamond Farming Co., et al.*
Los Angeles County Superior Court, Case
20 No. BC 325 201

21 *Los Angeles County Waterworks District*
No. 40 v.
22 *Diamond Farming Co., et al.*
Kern County Superior Court, Case No.
23 S-1500-CV-254-348

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) Judicial Council Coordination Proceeding
) No. 4408
)
) (For Filing Purposes Only: Santa Clara
) County Case No.: 1-05-CV-049053)
)
) Assigned for All Purposes To:
) Judge: Hon. Jack Komar
) Dept: 17
)
) (Filing Fees Exempt, Per Gov't Code § 6103)
)
) **PRE-TRIAL CONFERENCE**
) **STATEMENT OF PHELAN PINON**
) **HILLS COMMUNITY SERVICES**
) **DISTRICT**
)
) Pre-Trial Conference
) Hearing Date: December 15, 2010
) Time: 9:00 a.m.
) Dept.: 1
)
)
) Phase III Trial Date: January 4, 2011
) Time: 9:00 a.m.
) Dept.: 1
)
)

1 *Wm. Bolthouse Farms, Inc. v. City of*)
2 *Lancaster*)
3 *Diamond Farming Co. v. City of Lancaster*)
4 *Diamond Farming Co. v. Palmdale Water*)
5 *Dist.*)
6 Riverside County Superior Court,)
7 Consolidated Action, Case Nos. RIC 353)
8 840, RIC 344 436, RIC 344 668)
9 AND RELATED CROSS-ACTIONS)
10

11
12
13 TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS
14 OR RECORD:

15 Cross-Defendant and Cross-Complainant, Phelan Piñon Hills Community Services District
16 ("PPHCSD"), submits the following Pre-Trial Conference Statement for Phase III of trial pursuant
17 to the Court's Order dated November 18, 2010. The Court has asked each party to identify each
18 witness the party intends to call to testify during Phase III, the length of time expected to complete
19 direct examination of the witness, and the nature of that witness' testimony.

20 PPHCSD anticipates soliciting testimony during Phase III from its designated expert,
21 Thomas Harder. Mr. Harder is a registered Professional Geologist and California Certified
22 Hydrogeologist with more than twenty (20) years of experience in groundwater resource
23 management, groundwater hydrology, groundwater basin analysis, groundwater flow, and safe
24 yield determinations.

25 PPHCSD estimates direct examination of Mr. Harder will take up to three (3) hours.

26 The nature of the testimony PPHCSD will offer through Mr. Harder includes evidence of:
27 (1) The significance of evaluating the entire Antelope Valley Groundwater Basin ("Groundwater
28 Basin") in order to understand the current and foreseeable hydrogeological condition of the
Groundwater Basin; and (2) Mr. Harder's study and evaluation of the Groundwater Basin with a

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1 particular focus on the Southeast area, including its geological, hydrological, and hydrogeological
2 characteristics.

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4 Dated: December 10, 2010

SMITH TRAGER, LLP
SUSAN M. TRAGER

ALESHIRE & WYNDER, LLP
WESLEY A. MILIBAND

7
8 By: 

Susan M. Trager
Attorneys for Cross-Defendant and
Cross-Complainant,
Phelan Piñon Hills Community
Services District

PROOF OF SERVICE

I, Linda M. Yarvis,

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18881 Von Karman Avenue, Suite 400, Irvine, CA 92612.

On December 10, 2010, I served the within document(s) described as **PRE-TRIAL CONFERENCE STATEMENT OF PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT**, as follows:

☒ (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 Court's Clarification Order. Electronic service and electronic posting completed through www.scefiling.org.

☐ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope 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 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 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.

☐ (BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained 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 sealed envelope or package designated by the express service carrier, addressed as set forth above, with fees for overnight delivery paid or provided for.

☐ (BY FAX) By transmitting a true copy of the foregoing document(s) via facsimile transmission from this Firm's sending facsimile machine, whose telephone number is (949) 223-1180, to each interested party at the facsimile machine telephone number(s) set forth above. Said transmission(s) were completed on the aforesaid date at the time stated on the transmission record issued by this Firm's sending facsimile machine. Each such transmission was reported as complete and without error and a transmission report was properly issued by this Firm's sending facsimile machine for each interested party served. A true copy of each transmission report is attached to the office copy of this proof of service and will be provided upon request.

Executed on December 10, 2010, at Irvine, California.

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

Linda Yarvis
(Type or print name)

(Signature)