

1 ALESHIRE & WYNDER, LLP
DAVID J. ALESHIRE, Bar No. 65022
2 WILLIAM W. WYNDER, Bar No. 84753
WESLEY A. MILIBAND, Bar No. 241283
3 18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
4 Telephone: (949) 223-1170
Facsimile: (949) 223-1180
5 daleshire@awattorneys.com
wwynder@awattorneys.com
6 wmiliband@awattorneys.com
7 Attorneys for Defendant and Cross-Complainant,
Phelan Piñon Hills Community Services District
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9 **SUPERIOR COURT OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**
11

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
23 *Wm. Bolthouse Farms, Inc. v. City of*
Lancaster
24 *Diamond Farming Co. v. City of Lancaster*
Diamond Farming Co. v. Palmdale Water
25 *Dist.*
Riverside County Superior Court,
26 Consolidated Action, Case Nos. RIC 353
840, RIC 344 436, RIC 344 668
27
28

AND RELATED CROSS-ACTIONS

) 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

) (Filing Fees Exempt, Per Gov't Code § 6103)

) **AMENDED EXPERT WITNESS**
) **DECLARATION OF PHELAN PINON**
) **HILLS COMMUNITY SERVICES**
) **DISTRICT FOR PHASE 4 TRIAL**

) Exchange Date: January 4, 2012
) Phase Four Trial Date: February 11, 2013

1 I, Wesley A. Miliband, declare:

2 1. That Paragraph 6 of my declaration submitted today in this action on behalf of
3 Cross-Complainant Phelan Piñon Hills Community Services District ("PPHCSD") inadvertently
4 omitted that PPHCSD's expert, Thomas E. Harder, may testify regarding other parties' claimed
5 rights to return flows resulting from use of imported water, to the extent PPHCSD elects to
6 challenge the establishment or basis of such rights.

7 2. In light of this inadvertent omission, and given the immediate correction by way of
8 this declaration on the same day as my original declaration, PPHCSD amends and hereby
9 incorporates into its expert witness declaration for Phase 4 Trial, and the concurrent designation of
10 Mr. Harder, the following language:

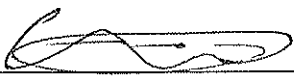
11 Mr. Harder may testify regarding other parties' claimed rights to return flows resulting from
12 use of imported water, to the extent PPHCSD elects to challenge the establishment or basis of such
13 rights.

14 3. PPHCSD's declaration and designation submitted earlier today remain unchanged in
15 all other respects.

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

18 Dated: January 4, 2013

ALESHIRE & WYNDER, LLP

19
20 By: 
21 Wesley A. Miliband
22 Attorneys for Cross-Defendant and
23 Cross-Complainant,
24 Phelan Piñon Hills Community
25 Services District
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PROOF OF SERVICE

I, Marie W. Young,

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 1700, Irvine, CA 92612.

On January 4, 2013, I served the within document(s) described as **AMENDED EXPERT WITNESS DECLARATION OF PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT FOR PHASE 4 TRIAL** 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.

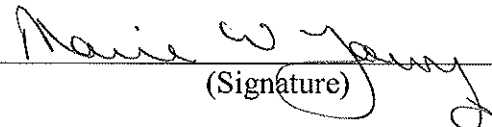
☐ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence 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.

Executed on January 4, 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.

Marie W. Young
(Type or print name)


(Signature)