

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
8

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)

) **STATEMENT BY PHELAN PIÑON**
) **HILLS COMMUNITY SERVICES**
) **DISTRICT REGARDING USE OF THE**
) **PHRASE "PUBLIC WATER**
) **SUPPLIERS"**

) **DATE: January 11, 2012**
) **TIME: 10:00 a.m.**
) **LOCATION: Via CourtCall**

1 TO THE HONORABLE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF
2 RECORD HEREIN:

3 Phelan Piñon Hills Community Services District ("PPHCSD") hereby submits this
4 Statement for the simple purpose to clarify that the phrase, "Public Water Suppliers" (or some
5 derivation thereof), as commonly used in these proceedings does not necessarily reflect the actions
6 or positions of all the public water suppliers involved in this matter. In fact, several public water
7 suppliers quite often are not part of the rest of the public water supplier group, evident from the
8 filings in this matter. In other words, the actions or positions of one public water supplier may not
9 reflect the actions or positions of another public water supplier, particularly when a joinder in those
10 actions or positions is absent.

11 In the immediate instance before the Court for January 11, 2013, PPHCSD was not part of
12 the public water supplier group that noticed the depositions; in fact, PPHCSD's witnesses were
13 noticed for depositions. Notably, PPHCSD has complied with the Court's existing Case
14 Management Order dated December 12, 2012 in every respect, including by making witnesses
15 readily available, unlike one public water supplier in particular that is making a key percipient
16 witness who has been involved regularly throughout this matter available for only one day very late
17 in the existing deposition time frame. Even if for good reason, this limited availability
18 coincidentally after many other witnesses have testified does not reflect well given the other
19 pending circumstances. Accordingly, PPHCSD felt compelled to submit this Statement to make
20 what is otherwise an obvious point - the actions of one or some is not necessarily an action on
21 behalf of all.

22 Dated: January 10, 2013

ALESHIRE & WYNDER, LLP
DAVID J. ALESHIRE
WILLIAM W. WYNDER
WESLEY A. MILIBAND

23
24
25 By: 

26 Wesley A. Miliband
27 Attorneys for Cross-Defendant and
28 Cross-Complainant,
Phelan Piñon Hills Community
Services District

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 10, 2013, I served the within document(s) described as **STATEMENT BY PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT REGARDING USE OF THE PHRASE "PUBLIC WATER SUPPLIERS"** 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 10, 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)