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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 **AND RELATED CROSS-ACTIONS**
28

) 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)

) **PHELAN PIÑON HILLS COMMUNITY**
) **SERVICES DISTRICT'S REQUEST FOR**
) **CORRECTION OF PHASE IV MINUTE**
) **ORDER OF MAY 29, 2013;**
) **DECLARATION OF WESLEY A.**
) **MILIBAND IN SUPPORT THEREOF**

1 TO THE HONORABLE COURT AND ALL PARTIES HEREIN:

2 Phelan Piñon Hills Community Services District ("PPHCSD") hereby respectfully requests
3 correction of the Court's Minute Order of May 29, 2013 ("Minute Order") to correct an inadvertent
4 error in the Minute Order regarding the exhibits offered into evidence by counsel for PPHCSD and
5 admitted by the Court. This error did not appear on other post-Phase IV trial documents posted on
6 the Court's website. Counsel for PPHCSD just recently discovered this error on the Minute Order.
7 Accordingly, PPHCSD requests that the Minute Order be amended to reflect the record from May
8 29, 2013 wherein the Court admitted into evidence each and every exhibit offered by PPHCSD.

9 The Minute Order posted on the Court's website on July 17, 2013 omits the following
10 exhibits that were marked for identification and admitted into evidence during the Phase IV trial,
11 with a more complete description provided on the record¹ by counsel for PPHCSD than is stated
12 below more succinctly for purposes of inclusion in the Minute Order:

- 13 • **4-PHELANCSD-1:** Declaration with exhibits from Phelan's General Manager,
14 Don Bartz, from January 21, 2013.
- 15 • **4-PHELANCSD-2:** Declaration from Phelan's General Manager, Don Bartz,
16 dated May 29, 2013.
- 17 • **4-PHELANCSD-3:** Phelan's Annual Notice of Groundwater Extraction and
18 Diversion for year 2011.
- 19 • **4-PHELANCSD-4:** Stipulation with Copa De Oro Land Company dated
20 April 29, 2013.
- 21 • **4-PHELANCSD-5:** Phelan's Stipulation with the Wood Class from
22 April 22, 2013.

23 PPHCSD requests that the Minute Order for May 29, 2013 be corrected accordingly to

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26 _____
27 ¹ Relevant portions of the Reporter's Transcript from May 29, 2013 are submitted concurrently
28 herewith through the Declaration of Wesley A. Miliband.

1 accurately reflect the Court's admission of the above exhibits.

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3 Dated: July 31, 2013

Respectfully submitted,

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ALESHIRE & WYNDER, LLP

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By: 

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

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1. I am an attorney at law duly licensed to practice before all of the courts in the State of California. I am an attorney with the law firm of Aleshire & Wynder, LLP, counsel of record for Defendant and Cross-Complainant, Phelan Piñon Hills Community Services District (“PPHCSD”), in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

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



Wesley A. Miliband

PROOF OF SERVICE

I, Linda 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 1700, Irvine, CA 92612.

On July 31, 2013, I served the within document(s) described as **PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT'S REQUEST FOR CORRECTION OF PHASE IV MINUTE ORDER OF MAY 29, 2013; DECLARATION OF WESLEY A. MILIBAND IN SUPPORT THEREOF** 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 July 31, 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.

Linda Yarvis
(Type or print name)

(Signature)