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10 SUPERIOR COURT OF CALIFORNIA
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

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)
)

) **PHELAN PIÑON HILLS COMMUNITY**
) **SERVICES DISTRICT'S NON-**
) **CALIFORNIA AUTHORITY IN**
) **SUPPORT OF OPPOSITION TO**
) **BOLTHOUSE PROPERTIES, LLC'S**
) **AND WM. BOLTHOUSE FARMS,**
) **INC.'S MOTION IN LIMINE NO. 2**
) **OBJECTING TO INTRODUCTION OF**
) **EVIDENCE ON UNSUPPORTED**
) **LEGAL THEORY**
)

) **Phase Five Trial:**

) Date: February 10, 2014

) Time: 9:00 a.m.

) Dept.: Room 222 (Old Dept. 1)
)

) (Phase Six Trial Date: August 4, 2014)
)

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

3 Phelan Piñon Hills Community Services District (“Phelan Piñon Hills”), hereby provides
4 copies of non-California authorities in support of its opposition to Defendants’ Bolthouse
5 Properties, LLC and Wm. Bolthouse Farms, Inc.’s (“Bolthouse”) Motion in Limine No. 2
6 Objecting to Introduction of Evidence on Unsupported Legal Theory.

7 **NON-CALIFORNIA AUTHORITY**

- 8 1. *State of Montana v. State of Wyoming, et al.* (2011) 131 S. Ct. 1765
9 (“Attachment 1”);
10 2. *Strawberry Water Users Association v. United States of America, et al.*, 2006 U.S.
11 Dist. LEXIS 19767 (“Attachment 2”);
12 3. *The Department of Ecology v. The United States Bureau of Reclamation, et al.*
13 (1992) 118 Wn.2d 761 (“Attachment 3”).
14

15 Dated: January 31, 2014

ALESHIRE & WYNDER, LLP

16
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18 By: 

19 Wesley A. Miliband
20 Attorneys for Cross-Defendant and
21 Cross-Complainant,
22 Phelan Piñon Hills Community
23 Services District
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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 January 31, 2014, I served the within document(s) described as **PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT'S NON-CALIFORNIA AUTHORITY IN SUPPORT OF OPPOSITION TO BOLTHOUSE PROPERTIES, LLC'S AND WM. BOLTHOUSE FARMS, INC.'S MOTION IN LIMINE NO. 2 OBJECTING TO INTRODUCTION OF EVIDENCE ON UNSUPPORTED LEGAL THEORY** 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 31, 2014, 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)