

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)
)
) **PHELAN PIÑON HILLS COMMUNITY**
) **SERVICES DISTRICT'S RESPONSE TO**
) **ANTELOPE VALLEY EAST KERN**
) **WATER AGENCY AND PUBLIC**
) **WATER SUPPLIERS' EX PARTE**
) **APPLICATION TO CONTINUE**
) **PHASE 5 TRIAL**

) **Phase Five Trial:**

) Date: March 10, 2014

) Time: 9:00 a.m.

) Dept.: TBD (191 N. 1st St., San Jose, CA)

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

1 TO ALL PARTIES HEREIN AND TO THEIR ATTORNEY OF RECORD:

2 Phelan Piñon Hills Community Services District ("Phelan Piñon Hills"), hereby files the
3 following Response to Antelope Valley East Kern Water Agency and Public Water Suppliers' *Ex*
4 *Parte* Application to Continue Phase 5 Trial.

5 Phelan Piñon Hills does not oppose the request by other parties to continue the trial
6 currently set for March 10, 2014. However, the moving parties seek to continue the trial to
7 April 28, 2014, which is when Phelan Piñon Hills' legal counsel has a pre-planned family vacation.
8 Despite its best efforts to participate in various settlement efforts, including those most recently
9 ordered by the Court, Phelan Piñon Hills has not been included by other parties in these
10 discussions. Accordingly, Phelan Piñon Hills anticipates presenting its causes of action, claims,
11 and issues to the Court for determination, both for Phase 5 and subsequent proceedings. Given
12 these circumstances, Phelan Piñon Hills respectfully requests that, if the Court grants the *ex parte*
13 application to continue the trial, the Court continue the trial to a time other than the week of
14 April 28, 2014.

15 Respectfully submitted,

16 Dated: March 5, 2014

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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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 March 5, 2014, I served the within document(s) described as **PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT'S RESPONSE TO ANTELOPE VALLEY EAST KERN WATER AGENCY AND PUBLIC WATER SUPPLIERS' EX PARTE APPLICATION TO CONTINUE PHASE 5 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 March 5, 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)