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8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**
10

11 Coordination Proceeding
Special Title (Rule 1550(b))

12 **ANTELOPE VALLEY**
13 **GROUNDWATER CASES**

14 Included Actions:

15 *Los Angeles County Waterworks District*
No. 40 v.
16 *Diamond Farming Co., et al.*
Los Angeles County Superior Court, Case
17 No. BC 325 201

18 *Los Angeles County Waterworks District*
No. 40 v.
19 *Diamond Farming Co., et al.*
Kern County Superior Court, Case No.
20 S-1500-CV-254-348

21
22 *Wm. Bolthouse Farms, Inc. v. City of*
Lancaster
23 *Diamond Farming Co. v. City of Lancaster*
Diamond Farming Co. v. Palmdale Water
24 *Dist.*
Riverside County Superior Court,
25 Consolidated Action, Case Nos. RIC 353
840, RIC 344 436, RIC 344 668

26 **AND RELATED CROSS-ACTIONS**
27
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)

) **PERCIPIENT WITNESS DESIGNATION**
) **OF PHELAN PIÑON HILLS**
) **COMMUNITY SERVICES DISTRICT**
) **FOR TRIAL RELATED TO PHELAN**
) **PIÑON HILLS COMMUNITY**
) **SERVICES DISTRICT**

) Trial Date: October 7, 2014
) (Trial Related to Phelan Piñon
) Hills Community Services Dist.)
) Location: TBD

1 Cross-Complainant Phelan Piñon Hills Community Services District ("PPHCSD") submits
2 the following list of percipient witnesses whose testimony is intended to be offered during the Trial
3 related to PPHCSD, either orally or by deposition testimony:

4 Don Bartz
5 General Manager
6 Phelan Piñon Hills Community Services District
4176 Warbler Road
Phelan, California 92371

7 Mr. Bartz is the General Manager of PPHCSD. He will testify regarding PPHCSD's
8 groundwater production particularly from Well 14, and PPHCSD's water system as appropriate and
9 as related to PPHCSD's claim to return flows resulting from use of native water.

10 Also, Custodian(s) of Records may be needed for records, absent stipulation(s) to
11 evidentiary issues involved with records such as foundation and authenticity.

12 Likewise, PPHCSD reserves its rights to call additional witnesses for trial based on
13 information that may become available subsequent to today's designation.

14 As stated by counsel for PPHCSD during the August 11, 2014 status conference, PPHCSD
15 objects to the October 7, 2014 trial date given inadequate time and process for sufficient
16 preparation, due in part to the ongoing stay of discovery; however, PPHCSD is meeting and
17 conferring with other parties to address these issues and will more fully advise the Court on the
18 status of these concerns and issues during the August 29, 2014 status conference.

19
20 Dated: August 25, 2014

ALESHIRE & WYNDER, LLP

21
22 By: 

23 Wesley A. Miliband
24 Attorneys for Cross-Defendant and
25 Cross-Complainant,
26 Phelan Piñon Hills Community
27 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 August 25, 2014, I served the within document(s) described as **PERCIPIENT WITNESS DESIGNATION OF PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT FOR TRIAL RELATED TO PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT** 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 August 25, 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)