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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)

) **STATEMENT BY PHELAN PIÑON**
) **HILLS COMMUNITY SERVICES**
) **DISTRICT FOR STATUS**
) **CONFERENCE SET FOR SEPTEMBER**
) **5, 2014**

) **DATE: September 5, 2014**

) **TIME: 9:00 a.m.**

) **LOCATION: Telephonic via Courtcall**

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 submits this
4 Statement for the September 5, 2014 Status Conference:

5 (1) *Meet and Confer Status:* Phelan Piñon Hills continues to attempt to meet-and-confer
6 with the parties to work toward a stipulation as to facts for this next trial on Phelan Piñon Hills'
7 Second and Sixth Causes of Action as pleaded in its cross-complaint filed on or about December
8 30, 2008. Some counsel have engaged Phelan Piñon Hills in response to a detailed set of proposed
9 facts circulated last week by Phelan Piñon Hills, but it remains highly uncertain to what extent a
10 stipulation will be reached and whether all contesting parties will join such a stipulation.

11 (2) *Motion in Limine:* During the status conference on August 29, Mr. Jeffrey Dunn, as
12 counsel for Los Angeles County Waterworks District No. 40, expressed interest to file a motion *in*
13 *limine* against Phelan Piñon Hills regarding the issue of surplus as it relates to Phelan Piñon Hills'
14 Second Cause of Action; however, the Court's Minute Order following that hearing indicates that
15 Phelan Piñon Hills would file that motion to be heard on September 26. Phelan Piñon Hills
16 requests the Court's order be corrected to reflect that Phelan Piñon Hills is not bringing such a
17 motion, given Mr. Dunn's comments and that Phelan Piñon Hills would not seek to exclude what it
18 seeks to establish - surplus.

19 (3) *Wood Class' Ex Parte Motion re the Court's Expert's Fees:* Phelan Piñon Hills
20 continues to recognize its obligations pursuant to Court Order regarding any such fees. Phelan
21 Piñon Hills's counsel's records reflect payment was made on behalf of Phelan Piñon Hills to the
22 Court's Expert as follows: (1) \$711.36 on June 10, 2013, and (2) \$3,596.64 on April 4, 2014.
23 Phelan Piñon Hills will pay its share of an invoice that is Court-approved and outstanding as it
24 relates to Phelan Piñon Hills, should such exist, but as of this writing, Phelan Piñon Hills is not
25 aware of any such balance owing from Phelan Piñon Hills. Based on these circumstances, any

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1 sanctions against Phelan Piñon Hills is unwarranted.

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3 Dated: September 4, 2014

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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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 September 4, 2014, I served the within document(s) described as **STATEMENT BY PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT FOR STATUS CONFERENCE SET FOR SEPTEMBER 5, 2014** 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 September 4, 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)