

ALESHIRE & WYNDER, LLP
WESLEY A. MILIBAND, State Bar No. 241283
wmiliband@awattorneys.com
MILES P. HOGAN, State Bar No. 287345
mhogan@awattorneys.com
18881 Von Karman Avenue, Suite 1700
Irvine, California 92612
Telephone: (949) 223.1170
Facsimile: (949) 223.1180

Attorneys for Defendant and Cross-Complainant
Phelan Piñon Hills Community Services District

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included Actions:

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

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

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

AND RELATED CROSS-ACTIONS

Case No. Judicial Council Coordination
Proceeding No. 4408

(For Filing Purposes Only: Santa Clara
County Case No.: 1-05-CV-049053)

**PHELAN PIÑON HILLS COMMUNITY
SERVICES DISTRICT'S OPPOSITION
TO NOTICE OF INTENT TO
PARTICIPATE IN TRIAL
(PHELAN PIÑON HILLS COMMUNITY
SERVICES DISTRICT TRIAL SET FOR
NOVEMBER 4, 2014)**

Assigned for All Purposes to:
Hon. Jack Komar

Trial Date: November 4, 2014
(Trial Related to Phelan Piñon
Hills Community Services
District)

Time: 10:00 a.m.
Location: Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, California
Dept: 56 / Room 514 (5th Floor)

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

3 Cross-Defendant and Cross-Complainant, Phelan Piñon Hills Community Services District
4 (“Phelan Piñon Hills”), submits the following trial brief for the trial set for November 4, 2014.

5 In preparation for trial, Phelan Piñon Hills has discovered that some parties who might try to
6 challenge Phelan Piñon Hills do not have standing to do so, based on specific circumstances identified
7 below, but generally based upon such party either having not been sued by Phelan Piñon Hills; or such
8 party has not sued Phelan Piñon Hills; or such party sued by Phelan Piñon Hills has yet to answer
9 Phelan Piñon Hills in which case Phelan Piñon Hills may move for entry of default judgment.

10 The specifics are as follows:

11 1. Antelope Valley Groundwater Agreement Association (“AGWA”) filed its “Answer to
12 All Complaints” on January 2, 2007, it answered all “Cross-Complaints which have been filed as of
13 the date of filing of this answer, specifically those of Antelope Valley East-Kern Water Agency, City
14 of Palmdale, Palmdale Water District & Quartz Hill Water District, Rosamond Community Services
15 District and Waterworks District No. 40 of Los Angeles County. AGWA did not answer the Cross-
16 Complaint filed by Phelan Piñon Hills on December 30, 2008.

17 2. Bruce Burrows, 300 A 40 H, LLC has not filed an answer in this case.

18 3. WDS California II, LLC answered the Cross-Defendant WDS California II, LLC to
19 First Amended Cross-Complaint of Public Water Suppliers on June 28, 2010. It did not answer the
20 Cross-Complaint of Phelan Piñon Hills.

21 4. Little Baldy Mutual Water Company filed its answer on September 27, 2007 with an
22 Errata filed on June 22, 2009 to Complaint of Public Water Suppliers for Declaratory and Injunctive
23 Relief and Adjudication of Water rights. It did not answer the Cross-Complaint of Phelan Piñon
24 Hills.

25 5. Big Rock Mutual Water Company filed its answer on September 27, 2007 with an
26 Errata filed on June 22, 2009 to Complaint of Public Water Suppliers for Declaratory and Injunctive
27 Relief and Adjudication of Water rights. It did not answer the Cross-Complaint of Phelan Piñon
28 Hills.



1 6. LLANO-Del Rio Water Company filed its answer on September 27, 2007 with an
2 Errata filed on June 22, 2009 to Complaint of Public Water Suppliers for Declaratory and Injunctive
3 Relief and Adjudication of Water rights. It did not answer the Cross-Complaint of Phelan Piñon
4 Hills.

5 7. LLANO Mutual Water Company filed its answer on September 27, 2007 with an
6 Errata filed on June 22, 2009 to Complaint of Public Water Suppliers for Declaratory and Injunctive
7 Relief and Adjudication of Water rights. It did not answer the Cross-Complaint of Phelan Piñon
8 Hills.

9 8. Desert Lakes Community Services District, North Edwards Water District, Littlerock
10 Creek Irrigation District and Palm Ranch Water District filed an answer on October 9, 2006.
11 However the answers are not available through the Court's website. [Palm Ranch Water District
12 answered many specific complaints and cross-complaints – but not that of Phelan Piñon Hills.]

13 Accordingly, any of the above parties seeking to challenge Phelan Piñon Hills in the trial set
14 for November 4, 2010 should be precluded from doing so.

15 Respectfully submitted,

16 DATED: October 31, 2014

ALESHIRE & WYNDER, LLP
WESLEY A. MILIBAND
MILES P. HOGAN

19 By:

A handwritten signature in black ink, appearing to be 'Wesley A. Miliband', written over a horizontal line.

20 WESLEY A. MILIBAND
21 Attorneys for Defendant and Cross-Complainant
22 Phelan Piñon Hills Community Services District
23
24
25
26
27
28

3 **PROOF OF SERVICE**

4 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

5 I, Marie Young,

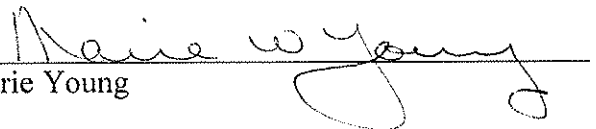
6 I am employed in the County of Orange, State of California. I am over the age of 18 and not a
7 party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700, Irvine, CA
8 92612.

9 On October 31, 2014, I served the within document(s) described as **PHELAN PINON HILLS
10 COMMUNITY SERVICES DISTRICT'S OPPOSITION TO NOTICE OF INTENT TO
11 PARTICIPATE IN TRIAL (PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT
12 TRIAL SET FOR NOVEMBER 4, 2014)** on the interested parties in this action as follows:

13 **BY ELECTRONIC SERVICE:** By posting the document(s) listed above to the Santa Clara
14 County Superior Court website in regard to Antelope Valley Groundwater matter pursuant to the
15 Court's Clarification Order. Electronic service and electronic posting completed through
16 www.scefiling.org.

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

19 Executed on October 31, 2014, at Irvine, California.

20
21
22
23
24
25
26
27
28

Marie Young

ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW

