

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

6 Attorneys for Defendant and Cross-Complainant  
Phelan Piñon Hills Community Services District  
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**  
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12 Coordination Proceeding  
Special Title (Rule 1550(b))

Case No. Judicial Council Coordination  
Proceeding No. 4408

13 **ANTELOPE VALLEY**  
14 **GROUNDWATER CASES**

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

15 Included Actions:

**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)**

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

Assigned for All Purposes to:  
Hon. Jack Komar

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

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

22 *Wm. Bolthouse Farms, Inc. v. City of*  
23 *Lancaster*  
*Diamond Farming Co. v. City of Lancaster*  
24 *Diamond Farming Co. v. Palmdale Water*  
*Dist.*  
25 Riverside County Superior Court,  
Consolidated Action, Case Nos. RIC 353  
26 840, RIC 344 436, RIC 344 668

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

27 **AND RELATED CROSS-ACTIONS**  
28

01133.0012/229286.1





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.



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

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


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

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

Respectfully submitted,

DATED: October 31, 2014

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

By:   
WESLEY A. MILIBAND  
Attorneys for Defendant and Cross-Complainant  
Phelan Piñon Hills Community Services District

2 **PROOF OF SERVICE**

3 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

4 I, Marie Young,

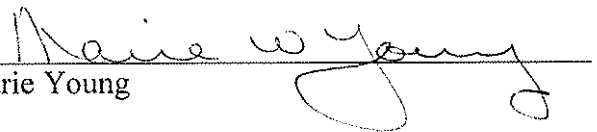
5 I am employed in the County of Orange, State of California. I am over the age of 18 and not a  
6 party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700, Irvine, CA  
7 92612.

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

10 **BY 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  
11 Court's Clarification Order. Electronic service and electronic posting completed through  
www.scefiling.org.

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

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

15  
16   
17 Marie Young

ALESHIRE &  
WYNDER LLP  
ATTORNEYS AT LAW

