

ALESHIRE & WYNDER, LLP
JUNE S. AILIN, State Bar No. 109498
jailin@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 CONTINUED
CASE MANAGEMENT CONFERENCE
STATEMENT**

Date: September 21, 2015
Time: 1:00 p.m.
Dept.: Telephonic

Assigned for All Purposes to:
Hon. Jack Komar

Date/Time: 09/28-10/16/15, 10:00 a.m., Room
222 (Prove-up Hearings [evidentiary hearing for a
physical solution])



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 21, 2015 Continued Case Management Conference (“CMC”) and in
5 preparation for the Prove-up Hearings scheduled to commence on September 28, 2015.

6 **I. PHELAN PINON HILLS’ STATEMENT**

7 As discussed in its previous CMC Statement, Phelan Piñon Hills offered documentary and
8 testimonial evidence during previous trial Phases, and during the November 3-4, 2014 and August 25,
9 2015 trials on claims raised in Phelan Piñon Hills’ Cross-Complaint for Declaratory, Injunctive and
10 Other Equitable Relief Including a Physical Solution Against All Parties, filed on December 30, 2008
11 (“Cross-Complaint”). For the remaining Prove-up Hearings, Phelan Piñon Hills does not intend to
12 present any additional evidence as part of its case in chief. However, Phelan Piñon Hills reserves the
13 right to present rebuttal testimony and evidence in response to any evidence offered by other parties
14 relating to Phelan Piñon Hills’ claims and how Phelan Piñon Hills may be impacted by the Proposed
15 Physical Solution. This rebuttal testimony will be in the form of documentary evidence and testimony
16 by Phelan Piñon Hills’ designated expert, Thomas E. Harder. Mr. Harder is available for such
17 testimony on October 5, 13, 14, 15, or 16.

18 Phelan Piñon Hills reserves the right to present additional evidence during the Prove-up
19 Hearings based on direction from the Court, and upon review of the other parties’ Continued CMC
20 Conference Statements and Trial Briefs.

21 **II. RESPONSE TO PUBLIC WATER SUPPLIERS’ CMC STATEMENTS**

22 In their CMC Statements filed on September 3 and September 17, 2015, the Public Water
23 Suppliers suggest Phelan Piñon Hills has a claim for a “discount” to paying a replacement assessment
24 under the Proposed Physical Solution. (See Public Water Suppliers’ Sept. 3, 2015 CMC Statement at
25 4:14-16; Public Water Suppliers’ Sept. 17, 2015 CMC Statement at 5:2-4.) Phelan Piñon Hills is not
26 seeking a “discount” on its replacement assessment – it seeks a free pumping allowance on some or all
27 of the water it pumps for its municipal uses, not a reduced assessment rate for water on which it is

28 ///

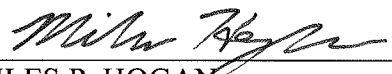
1 required to pay an assessment. (See Phelan's Aug. 24, 2015 Response to Trial Brief of Public Water
2 Suppliers and Bolthouse at 5:8-13.)

3 The Public Water Suppliers also state that "to the extent necessary, the Settling Parties intend
4 to call...Mr. Don Bartz to offer rebuttal testimony." (See Public Water Suppliers' Sept. 3, 2015 CMC
5 Statement at 4:17-19; Public Water Suppliers' Sept. 17, 2015 CMC Statement at 5:5-7.) Phelan
6 Piñon Hills intends to file a motion *in limine* with respect to Mr. Bartz's testimony, to be heard at the
7 commencement of the September trial proceedings, on the grounds it is not relevant.

8
9 DATED: September 18, 2015

ALESHIRE & WYNDER, LLP
JUNE S. AILIN
MILES P. HOGAN

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12
13 By:



MILES P. HOGAN
Attorneys for Defendant and Cross-Complainant
Phelan Piñon Hills Community Services District

ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW



2 **PROOF OF SERVICE**

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

4 I, Linda Yarvis,

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
92612.

7 On September 18, 2015, I served the within document(s) described as **PHELAN PIÑON**
8 **HILLS COMMUNITY SERVICES DISTRICT'S CONTINUED CASE MANAGEMENT**
9 **CONFERENCE STATEMENT** 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
Court's Clarification Order. Electronic service and electronic posting completed through
11 www.scefiling.org.

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

13 Executed on September 18, 2015, at Irvine, California.

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WYNDER LLP
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