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6 7	North Edwards Water District, Desert Lake Commu	on District, Palm Ranch Irrigation District, Defendants nity Services District, Llano del Rio Water Company,
8	Llano Mutual Water Co., Big Rock Mutual Water C [See next page for additional counsel]	0.
9	SUPERIOR COURT OF TH	HE STATE OF CALIFORNIA
	IN AND FOR THE COUNTY OF LO	OS ANGELES – CENTRAL DISTRICT
11		
12	G II I I I I I I I I I I I I I I I I I	) I I I I G
13	Coordinated Proceeding Special Title (Rule 1550(b))	Judicial Council Coordination No. 4408
	Special Title (Kule 1550(b))	Santa Clara Case No. 1-05-CV-049053
14	ANTELOPE VALLEY GROUNDWATER	Assigned to the Honorable Jack Komar – Dept. 12
15	CASES	)
16	Included Actions:	EVIDENTIARY OBJECTIONS TO THE SECOND DECLARATION OF RALPH B.
17	Los Angeles County Waterworks District No. 40	KALFAYAN IN SUPPORT OF SECOND SUPPLEMENTAL MOTION FOR
10	v. Diamond Farming Co. Los Angeles County	ATTORNEYS' FEES, COSTS AND
18 19	Superior Court Case No. BC 325201;	INCENTIVE AWARD AND OBJECTIONS TO NOTICE OF LODGEMENT
	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., Kern County Superior	
20	Court, Case No. S-1500-CV-234348;	)
21		
22	Wm. Bolthouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster v.	)
23	Palmdale Water District, Riverside County Superior Court, Consolidated Actions, Case Nos.	DATE: April 1, 2016 TIME: 1:30 p.m.
24	RIC 353840, RIC 344436, RIC 344668	DEPT: TBA
25	AND RELATED CROSS-ACTIONS	
26		,
	Wood.AttysFees.Objx.Evid – 1	. –
27	EVIDENTIARY OBJECTIONS TO 2ND DECLAR	ATION OF RALPH B. KALFAYAN IN SUPPORT OF
28		AND OBJECTIONS TO NOTICE OF LODGEMENT

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,	Wood.AttysFees.Objx.Evid – 2 –
27	EVIDENTIARY OBJECTIONS TO 2ND DECLARATION OF RALPH B. KALFAYAN IN SUPPORT OF

## PLEASE TAKE NOTICE:

Los Angeles County Waterworks District No. 40, Quartz Hill Water District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, North Edwards Water District, and Desert Lake Community Services District submit the following Evidentiary Objections to the Second Declaration of Ralph B. Kalfayan in Support of Second Supplemental Motion for Attorneys Fees, Costs and Incentive

Award and objections to notice of lodgment:

EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING [sustained ("S") or overruled (O")]
1. The Second Declaration of Ralph B. Kalfayan in Support of Second Supplemental Motion for Attorneys' Fees, Costs and Incentive Award served with his reply on March 25, 2016 ("2nd Kalfayan Declaration").	1. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have addressed the substantive issues in the first instance but only filled gaps in the evidence created by the opposition"].) New evidence may not accompany a reply except in the most "exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8.) The Willis Class has not made any showing whatsoever that there is an exceptional circumstance warranting their introduction of new evidence with their reply. In the rare case where new evidence accompanies a reply, the opposing party is entitled to notice and an opportunity to respond to the new material. (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8; see <i>Weiss v. Chevron, U.S.A., Inc.</i> (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been given no opportunity to respond to the new evidence, and it must be stricken.	
2. Paragraph 2 to the 2 <sup>nd</sup> Kalfayan Declaration: "Attached as Exhibit 16 is a true and correct copy of the Willis Class Partial Opposition to Proposed Case Management Wood.AttysFees.Objx.Evid	2. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have addressed the substantive issues in the first instance but only filled gaps in the evidence created by the	

EVIDENTIARY OBJECTIONS TO 2ND DECLARATION OF RALPH B. KALFAYAN IN SUPPORT OF 2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

$_{1}\parallel$	Order, docket #9428, dated	opposition"].) New evidence may not	
	October 29, 2014."	accompany a reply except in the most "exceptional case." (See <i>Plenger v. Alza</i>	
2		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
3		8.) The Willis Class has not made any	
4		showing whatsoever that there is an exceptional circumstance warranting their	
		introduction of new evidence with their	
5		reply. In the rare case where new evidence	
6		accompanies a reply, the opposing party is	
_		entitled to notice and an opportunity to respond to the new material. (See <i>Plenger</i>	
7		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
8		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
9		Inc. (1988) 204 Cal.App.3d 1094,	
		1099.) Here the PWS parties have been given no opportunity to respond to the new	
10		evidence, and it must be stricken.	
11			
12		Irrelevant (Evid. Code §§ 210 & 350-351.)	
12	3. Paragraph 3 to the 2 <sup>nd</sup>	2. Untimaly and improper pays avidence	
13	Kalfayan Declaration:	3. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	
14	"Attached as Exhibit 17 is a true	(2013) 218 Cal.App.4th 1522, 1537-38	
	and correct copy of the	[reply declarations "should not have	
15	November 4, 2014 Reporter's Transcript from the hearing on	addressed the substantive issues in the first instance but only filled gaps in the	
16	November 4, 2014."	evidence created by the	
17		opposition"].) New evidence may not	
1/		accompany a reply except in the most	
18		"exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
19		8.) The Willis Class has not made any	
		showing whatsoever that there is an	
20		exceptional circumstance warranting their introduction of new evidence with their	
21		reply. In the rare case where new evidence	
22		accompanies a reply, the opposing party is	
		entitled to notice and an opportunity to	
23		respond to the new material. (See <i>Plenger</i> v. <i>Alza Corp</i> . (1992) 11 Cal. App. 4th 349,	
24		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
25		Inc. (1988) 204 Cal.App.3d 1094,	
25		1099.) Here the PWS parties have been given no opportunity to respond to the new	
26		evidence, and it must be stricken.	
27	Wood.AttysFees.Objx.Evid	- 4 -	
	EVIDENTIARY OBJECTIONS TO	O 2ND DECLARATION OF RALPH B. KALF.	AYAN IN SUPPORT OF

- 11			
		Irrelevant (Evid. Code §§ 210 & 350-351.)	
	4. Paragraph 4 of the 2 <sup>nd</sup> Kalfayan Declaration, which	4. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	
	states, "Attached as Exhibit 18 is a true and correct copy of the	(2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have	
	Willis Class Notice and Motion to Obtain Court Order	addressed the substantive issues in the first instance but only filled gaps in the	
	Permitting Willis Class Counsel	evidence created by the	
	to Seek Additional Attorneys' Fees, docket #9626, dated march	opposition"].) New evidence may not accompany a reply except in the most	
	4, 2015."	"exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
		8.) The Willis Class has not made any showing whatsoever that there is an	
		exceptional circumstance warranting their introduction of new evidence with their	
		reply. In the rare case where new evidence accompanies a reply, the opposing party is	
		entitled to notice and an opportunity to	
		respond to the new material. (See <i>Plenger</i> v. <i>Alza Corp</i> . (1992) 11 Cal.App.4th 349,	
		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> , <i>Inc.</i> (1988) 204 Cal.App.3d 1094,	
		1099.) Here the PWS parties have been given no opportunity to respond to the new	
		evidence, and it must be stricken.	
	5. Paragraph 5 of the 2 <sup>nd</sup>	Irrelevant (Evid. Code §§ 210 & 350-351.)  5. Untimely and improper new evidence	
	Kalfayan Declaration, which states, "Attached as Exhibit 19 is	submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38	
	a true and correct copy of the Public Water Suppliers'	[reply declarations "should not have addressed the substantive issues in the first	
	Opposition to Willis Class'	instance but only filled gaps in the	
	Motion to Obtain Court Order Permitting Willis Class Counsel	evidence created by the opposition"].) New evidence may not	
	to Seek Additional Attorneys' Fees, docket #9643, dated March	accompany a reply except in the most "exceptional case." (See <i>Plenger v. Alza</i>	
	13, 2015."	<ul><li>Corp. (1992) 11 Cal.App.4th 349, 362, fn.</li><li>8.) The Willis Class has not made any</li></ul>	
		showing whatsoever that there is an exceptional circumstance warranting their	
		introduction of new evidence with their reply. In the rare case where new evidence	
	Wood.AttysFees.Objx.Evid	accompanies a reply, the opposing party is entitled to noti <b>c</b> e and an opportunity to	

$_{1}\parallel$		respond to the new material. (See <i>Plenger</i>	
*		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
2		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
		Inc. (1988) 204 Cal.App.3d 1094,	
3		1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
4		evidence, and it must be stricken.	
<sub>5</sub>			
٦		Irrelevant (Evid. Code §§ 210 & 350-351.)	
6	6. Paragraph 6 of the 2 <sup>nd</sup>	6. Untimely and improper new evidence	
<b>°</b>	Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
7	states, "Attached as Exhibit 20 is	(2013) 218 Cal.App.4th 1522, 1537-38	
	a true and correct copy of the	[reply declarations "should not have	
8	Willis Class' Reply Brief in	addressed the substantive issues in the first	
$\ $	Support of Motion to Obtain	instance but only filled gaps in the	
9	Court Order Permitting Class	evidence created by the	
0	Counsel to Seek Additional	opposition"].) New evidence may not	
ע וי	Attorneys' Fees, docket #9661,	accompany a reply except in the most	
$_{1}\parallel$	dated March 19, 2015."	"exceptional case." (See <i>Plenger v. Alza</i>	
		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
2		8.) The Willis Class has not made any	
		showing whatsoever that there is an	
3		exceptional circumstance warranting their	
,		introduction of new evidence with their	
4		reply. In the rare case where new evidence	
5		accompanies a reply, the opposing party is	
<sup>3</sup>		entitled to notice and an opportunity to	
6		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
7		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
		Inc. (1988) 204 Cal.App.3d 1094,	
8		1099.) Here the PWS parties have been	
,		given no opportunity to respond to the new	
9		evidence, and it must be stricken.	
o			
٠		Irrelevant (Evid. Code §§ 210 & 350-351.)	
1	7. Paragraph 7 of the 2 <sup>nd</sup>	7. Untimely and improper new evidence	
	Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
2	states, "Attached as Exhibit 21 is	(2013) 218 Cal.App.4th 1522, 1537-38	
$\ $	a true and correct copy of the	[reply declarations "should not have	
3	March 26, 2015 Reporter's	addressed the substantive issues in the first	
₄	Transcript from the hearing on	instance but only filled gaps in the	
*	March 26, 2015."	evidence created by the	
5		opposition"].) New evidence may not	
, II		accompany a reply except in the most	
6		"exceptional case." (See <i>Plenger v. Alza</i>	
	Wood.AttysFees.Objx.Evid	Corp. (1992) 19 Cal.App.4th 349, 362, fn.	
7			
- 11	EVIDENTIARY OR IECTIONS TO	) 2ND DECLARATION OF RALPH B. KALFA	VAN IN CHIPPORT O

$1 \parallel$		8.) The Willis Class has not made any	
1		showing whatsoever that there is an	
2		exceptional circumstance warranting their	
_		introduction of new evidence with their reply. In the rare case where new evidence	
3		accompanies a reply, the opposing party is	
4		entitled to notice and an opportunity to	
-		respond to the new material. (See <i>Plenger</i>	
5		v. <i>Alza Corp.</i> (1992) 11 Cal.App.4th 349,	
6		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
· •		Inc. (1988) 204 Cal.App.3d 1094,	
7		1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
8		evidence, and it must be stricken.	
9		Irralevant (Evid. Codo 88 210 % 250 251 )	
_	8. Paragraph 8 of the 2 <sup>nd</sup>	Irrelevant (Evid. Code §§ 210 & 350-351.)  8. Untimely and improper new evidence	
10	Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
11	states, "Attached as Exhibit 22 is	(2013) 218 Cal.App.4th 1522, 1537-38	
11	a true and correct copy of the	[reply declarations "should not have	
12	Minute Order, docket #9701,	addressed the substantive issues in the first	
	dated March 26, 2015."	instance but only filled gaps in the	
13		evidence created by the	
14		opposition"].) New evidence may not	
17		accompany a reply except in the most	
15		"exceptional case." (See <i>Plenger v. Alza</i>	
1.		<ul><li>Corp. (1992) 11 Cal.App.4th 349, 362, fn.</li><li>8.) The Willis Class has not made any</li></ul>	
16		showing whatsoever that there is an	
17		exceptional circumstance warranting their	
		introduction of new evidence with their	
18		reply. In the rare case where new evidence	
19		accompanies a reply, the opposing party is	
17		entitled to notice and an opportunity to	
20		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
21		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> , <i>Inc.</i> (1988) 204 Cal.App.3d 1094,	
22		1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
23		evidence, and it must be stricken.	
24		,	
4 <b>4</b>		Irrelevant (Evid. Code §§ 210 & 350-351.)	
25	9. Paragraph 9 of the 2 <sup>nd</sup>	9. Untimely and improper new evidence	
	Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
26	states, "Attached as Exhibit 23 is	(2013) 218 Cal.App.4th 1522, 1537-38	
27	Warthttestand Deborrect copy of the	[reply declarations "should not have	
28		2ND DECLARATION OF RALPH B. KALFA	

Willis Class' Notice Motion to	addressed the substantive issues in the first	
Enforce Settlement Agreement	instance but only filled gaps in the	
with Public Water Supplier,	evidence created by the	
docket #9949, dated May 21, 2015."	opposition"].) New evidence may not accompany a reply except in the most	
2013.	"exceptional case." (See <i>Plenger v. Alza</i>	
	Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
	8.) The Willis Class has not made any	
	showing whatsoever that there is an	
	exceptional circumstance warranting their	
	introduction of new evidence with their	
	reply. In the rare case where new evidence	
	accompanies a reply, the opposing party is	
	entitled to notice and an opportunity to	
	respond to the new material. (See <i>Plenger</i>	
	v. Alza Corp. (1992) 11 Cal.App.4th 349,	
	362, fn. 8; see Weiss v. Chevron, U.S.A.,	
	Inc. (1988) 204 Cal.App.3d 1094,	
	1099.) Here the PWS parties have been	
	given no opportunity to respond to the new	
	evidence, and it must be stricken.	
	Irrelevant (Evid. Code §§ 210 & 350-351.)	
10. Paragraph 10 of the 2 <sup>nd</sup>	10. Untimely and improper new evidence	
Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
states, "Attached as Exhibit 24 is	(2013) 218 Cal.App.4th 1522, 1537-38	
a true and correct copy of Public	[reply declarations "should not have	
Water Suppliers' Opposition to	addressed the substantive issues in the first	
Willis Class' Motion to Enforce	instance but only filled gaps in the	
Settlement Agreement with	evidence created by the	
Defendant Public Water	opposition"].) New evidence may not	
Suppliers, docket #9961, dated	accompany a reply except in the most	
June 2, 2015."	"exceptional case." (See Plenger v. Alza	
	Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
	8.) The Willis Class has not made any	
	showing whatsoever that there is an	
	exceptional circumstance warranting their introduction of new evidence with their	
	reply. In the rare case where new evidence accompanies a reply, the opposing party is	
	entitled to notice and an opportunity to	
	respond to the new material. (See <i>Plenger</i>	
	v. Alza Corp. (1992) 11 Cal.App.4th 349,	
	362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> ,	
	Inc. (1988) 204 Cal.App.3d 1094,	
	1099.) Here the PWS parties have been	
Wood.AttysFees.Objx.Evid	- 8 -	

1		given no opportunity to respond to the new evidence, and it must be stricken.	
		evidence, and it must be stricken.	
2		Irrelevant (Evid. Code §§ 210 & 350-351.)	
3	11. Paragraph 11 of the 2 <sup>nd</sup>	11. Untimely and improper new evidence	
4	Kalfayan Declaration, which states, "Attached as Exhibit 25 is	submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38	
ا ہ	a true and correct copy of the	[reply declarations "should not have	
5	Public Water Suppliers' Case	addressed the substantive issues in the first	
6	management Conference Statement, docket #10010, dated	instance but only filled gaps in the evidence created by the	
7	June 12, 2015."	opposition"].) New evidence may not	
		accompany a reply except in the most	
8		"exceptional case." (See <i>Plenger v. Alza</i>	
9		Corp. (1992) 11 Cal.App.4th 349, 362, fn. 8.) The Willis Class has not made any	
10		showing whatsoever that there is an	
10		exceptional circumstance warranting their	
11		introduction of new evidence with their reply. In the rare case where new evidence	
12		accompanies a reply, the opposing party is	
13		entitled to notice and an opportunity to	
13		respond to the new material. (See <i>Plenger</i> v. <i>Alza Corp</i> . (1992) 11 Cal.App.4th 349,	
14		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> ,	
15		Inc. (1988) 204 Cal.App.3d 1094,	
		1099.) Here the PWS parties have been given no opportunity to respond to the new	
16		evidence, and it must be stricken.	
17			
18	12. Domograph 26 of the 2nd	Irrelevant (Evid. Code §§ 210 & 350-351.)	
	12. Paragraph 26 of the 2 <sup>nd</sup> Kalfayan Declaration, which	12. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	
19	states, "Attached as Exhibit 26 is	(2013) 218 Cal.App.4th 1522, 1537-38	
20	a true and correct copy of the	[reply declarations "should not have	
21	Minute Order, docket #10031, dated June 15, 2015."	addressed the substantive issues in the first instance but only filled gaps in the	
		evidence created by the	
22		opposition"].) New evidence may not	
23		accompany a reply except in the most "exceptional case." (See <i>Plenger v. Alza</i>	
24		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
		8.) The Willis Class has not made any	
25		showing whatsoever that there is an exceptional circumstance warranting their	
26		introduction of new evidence with their	
27	Wood.AttysFees.Objx.Evid	reply. In the rate case where new evidence	
41	EVIDENTIARY OBJECTIONS TO	O 2ND DECLARATION OF RALPH B. KALF	AYAN IN SUPPORT OF
20	AND CURRED MOTION FOR ATTO	ODNIEWS FEES AND ODIESTICALS TO NOT	DICE OF LODGENENIE

1		accompanies a reply, the opposing party is entitled to notice and an opportunity to	
2		respond to the new material. (See <i>Plenger</i> v. <i>Alza Corp</i> . (1992) 11 Cal.App.4th 349,	
3		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
4		Inc. (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been	
5		given no opportunity to respond to the new evidence, and it must be stricken.	
6			
7	13. Paragraph 27 of the 2 <sup>nd</sup>	Irrelevant (Evid. Code §§ 210 & 350-351.)  13. Untimely and improper new evidence	
8	Kalfayan Declaration, which states, "Attached as Exhibit 27 is	submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38	
	a true and correct copy of the	[reply declarations "should not have	
9	Public Water Suppliers' Case Management Conference	addressed the substantive issues in the first instance but only filled gaps in the	
10	Statement, docket #10095, dated	evidence created by the	
11	July 7, 2015."	opposition"].) New evidence may not accompany a reply except in the most	
12		"exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
13		8.) The Willis Class has not made any	
14		showing whatsoever that there is an	
		exceptional circumstance warranting their introduction of new evidence with their	
15		reply. In the rare case where new evidence	
16		accompanies a reply, the opposing party is	
17		entitled to notice and an opportunity to respond to the new material. (See <i>Plenger</i>	
18		v. Alza Corp. (1992) 11 Cal.App.4th 349, 362, fn. 8; see Weiss v. Chevron, U.S.A.,	
19		Inc. (1988) 204 Cal.App.3d 1094,	
20		1099.) Here the PWS parties have been given no opportunity to respond to the new	
21		evidence, and it must be stricken.	
		Irrelevant (Evid. Code §§ 210 & 350-351.)	
22	14. Paragraph 28 of the 2 <sup>nd</sup> Kalfayan Declaration, which	14. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	
23	states, "Attached as Exhibit 28 is	(2013) 218 Cal.App.4th 1522, 1537-38	
24	a true and correct copy of the Minute Order, docket #10136,	[reply declarations "should not have addressed the substantive issues in the first	
25	dated July 10, 2015."	instance but only filled gaps in the evidence created by the	
26		opposition"].) New evidence may not	
27	Wood.AttysFees.Objx.Evid	accompany a reply except in the most	
28		O 2ND DECLARATION OF RALPH B. KALF	

1		"exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
2		8.) The Willis Class has not made any	
3		showing whatsoever that there is an exceptional circumstance warranting their	
		introduction of new evidence with their	
4		reply. In the rare case where new evidence accompanies a reply, the opposing party is	
5		entitled to notice and an opportunity to	
6		respond to the new material. (See <i>Plenger</i> v. <i>Alza Corp</i> . (1992) 11 Cal.App.4th 349,	
7		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
8		Inc. (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
9		evidence, and it must be stricken.	
10		Irrelevant (Evid. Code §§ 210 & 350-351.)	
11	15. Paragraph 15 of the 2 <sup>nd</sup> Kalfayan Declaration, which	15. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	
12	states, "Attached as Exhibit 29 is	(2013) 218 Cal.App.4th 1522, 1537-38	
13	a true and correct copy of the Willis Class Second Motion to	[reply declarations "should not have addressed the substantive issues in the first	
14	Enforce Settlement Agreement	instance but only filled gaps in the	
	with Defendant Public Water Suppliers, docket #10172, dated	evidence created by the opposition"].) New evidence may not	
15	July 15, 2015."	accompany a reply except in the most	
16		"exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
17		8.) The Willis Class has not made any	
18		showing whatsoever that there is an exceptional circumstance warranting their	
19		introduction of new evidence with their	
		reply. In the rare case where new evidence accompanies a reply, the opposing party is	
20		entitled to notice and an opportunity to	
21		respond to the new material. (See <i>Plenger</i> v. <i>Alza Corp</i> . (1992) 11 Cal.App.4th 349,	
22		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
23		Inc. (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been	
24		given no opportunity to respond to the new	
		evidence, and it must be stricken.	
25		Irrelevant (Evid. Code §§ 210 & 350-351.)	
26	Wood.AttysFees.Objx.Evid	- 11 -	
27			A VA N. IN. CLIDDODE OF

EVIDENTIARY OBJECTIONS TO 2ND DECLARATION OF RALPH B. KALFAYAN IN SUPPORT OF 2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

	and and	[	Γ
	16. Paragraph 16 of the 2 <sup>nd</sup>	16. Untimely and improper new evidence	
	Kalfayan Declaration, which states, "Attached as Exhibit 30 is	submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38	
	a true and correct copy of the 3 <sup>rd</sup>	[reply declarations "should not have	
	Motion to Enforce/2 <sup>nd</sup> re-noticed	addressed the substantive issues in the first	
	motion to enforce, docket	instance but only filled gaps in the	
	#10390, dated September 3,	evidence created by the	
	2015."	opposition"].) New evidence may not	
		accompany a reply except in the most	
		"exceptional case." (See Plenger v. Alza	
		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
		8.) The Willis Class has not made any	
		showing whatsoever that there is an	
		exceptional circumstance warranting their	
		introduction of new evidence with their reply. In the rare case where new evidence	
		accompanies a reply, the opposing party is	
		entitled to notice and an opportunity to	
		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
		Inc. (1988) 204 Cal.App.3d 1094,	
		1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
		evidence, and it must be stricken.	
		Involution (Evid Code 88 210 % 250 251)	
		Irrelevant (Evid. Code §§ 210 & 350-351.)	
	17. Paragraph 17 of the 2 <sup>nd</sup>	17. Untimely and improper new evidence	
	Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
	states, "Attached as Exhibit 31 is	(2013) 218 Cal.App.4th 1522, 1537-38	
	a true and correct copy of the	[reply declarations "should not have	
	Joint Case Management	addressed the substantive issues in the first	
	Conference Report, docket	instance but only filled gaps in the	
	#10500, dated September 17,	evidence created by the	
	2015."	opposition"].) New evidence may not	
		accompany a reply except in the most	
		"exceptional case." (See <i>Plenger v. Alza</i>	
		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
		8.) The Willis Class has not made any	
		showing whatsoever that there is an exceptional circumstance warranting their	
		introduction of new evidence with their	
		reply. In the rare case where new evidence	
		accompanies a reply, the opposing party is	
		entitled to notice and an opportunity to	
$\ $	Wood.AttysFees.Objx.Evid	respond to the 12 ew material. (See Plenger	

1		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
1		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
2		Inc. (1988) 204 Cal.App.3d 1094,	
		1099.) Here the PWS parties have been	
3		given no opportunity to respond to the new	
.		evidence, and it must be stricken.	
4		Involution (Frid Code 88 210 % 250 251)	
5		Irrelevant (Evid. Code §§ 210 & 350-351.)	
	18. Paragraph 18 of the 2 <sup>nd</sup>	18. Untimely and improper new evidence	
6	Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
_	states, "Attached as Exhibit 32 is	(2013) 218 Cal.App.4th 1522, 1537-38	
7	a true and correct copy of the 2 <sup>nd</sup>	[reply declarations "should not have	
8	Amended Final Willis Judgment,	addressed the substantive issues in the first	
"	docket #10972, dated September	instance but only filled gaps in the	
9	29, 2015 nunc pro tunc	evidence created by the	
	September 22, 2011."	opposition"].) New evidence may not	
10		accompany a reply except in the most	
11		"exceptional case." (See Plenger v. Alza	
11		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
12		8.) The Willis Class has not made any	
		showing whatsoever that there is an	
13		exceptional circumstance warranting their	
14		introduction of new evidence with their	
14		reply. In the rare case where new evidence	
15		accompanies a reply, the opposing party is	
		entitled to notice and an opportunity to	
16		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
17		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> ,	
18		Inc. (1988) 204 Cal.App.3d 1094,	
10		1099.) Here the PWS parties have been	
19		given no opportunity to respond to the new	
		evidence, and it must be stricken.	
20		Irrelevant (Evid. Code §§ 210 & 350-351.)	
21	19. Paragraph 19 of the 2 <sup>nd</sup>	19. Untimely and improper new evidence	
21	Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
22	states, "Attached as Exhibit 33 is	(2013) 218 Cal.App.4th 1522, 1537-38	
	a true and correct copy of the	[reply declarations "should not have	
23	Exhibit A to December 2015	addressed the substantive issues in the first	
	Judgment (SPPS)."	instance but only filled gaps in the	
24		evidence created by the	
25		opposition"].) New evidence may not	
		accompany a reply except in the most	
26		"exceptional case." (See <i>Plenger v. Alza</i>	
	Wood.AttysFees.Objx.Evid	Corp. (1992) 118 Cal. App. 4th 349, 362, fn.	
27		= =====================================	
20	EVIDENTIARY OBJECTIONS TO	O 2ND DECLARATION OF RALPH B. KALF	AYAN IN SUPPORT OF

1		8.) The Willis Class has not made any	
•		showing whatsoever that there is an	
2		exceptional circumstance warranting their introduction of new evidence with their	
2		reply. In the rare case where new evidence	
3		accompanies a reply, the opposing party is	
4		entitled to notice and an opportunity to	
		respond to the new material. (See <i>Plenger</i>	
5		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
6		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
•		Inc. (1988) 204 Cal.App.3d 1094,	
7		1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
8		evidence, and it must be stricken.	
9		Irrelevant (Evid. Code §§ 210 & 350-351.)	
	20. Paragraph 20 of the 2 <sup>nd</sup>	20. Untimely and improper new evidence	
10	Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
11	states, "Attached as Exhibit 34 is	(2013) 218 Cal.App.4th 1522, 1537-38	
11	a true and correct copy of the	[reply declarations "should not have	
12	Notice of Entry of Judgment and	addressed the substantive issues in the first	
10	December 2015 Judgment."	instance but only filled gaps in the	
13		evidence created by the	
14		opposition"].) New evidence may not	
1.		accompany a reply except in the most	
15		"exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
16		8.) The Willis Class has not made any	
16		showing whatsoever that there is an	
17		exceptional circumstance warranting their	
		introduction of new evidence with their	
18		reply. In the rare case where new evidence	
19		accompanies a reply, the opposing party is	
		entitled to notice and an opportunity to	
20		respond to the new material. (See <i>Plenger</i>	
21		v. Alza Corp. (1992) 11 Cal.App.4th 349, 362, fn. 8; see Weiss v. Chevron, U.S.A.,	
21		Inc. (1988) 204 Cal.App.3d 1094,	
22		1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
23		evidence, and it must be stricken.	
24			
~~		Irrelevant (Evid. Code §§ 210 & 350-351.)	
25	21. Paragraph 21 of the 2 <sup>nd</sup>	21. Untimely and improper new evidence	
26	Kalfayan Declaration, which	submitted with reply. (Jay v. Mahaffey	
26	states, "Attached as Exhibit 35 is	(2013) 218 Cal.App.4th 1522, 1537-38	
27	Warthies Earth Dew Friedt copy of the	[reply declarations "should not have	
28		O 2ND DECLARATION OF RALPH B. KALFA	

1 1	Orders Setting Fees and	addressed the substantive issues in the first	
1 1	lotion for Hearing,	instance but only filled gaps in the	
l I	#11064 and #11198,	evidence created by the	
	nuary 8, 2016 and	opposition"].) New evidence may not	
Februar	y 10, 2016."	accompany a reply except in the most	
		"exceptional case." (See <i>Plenger v. Alza</i>	
		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
		8.) The Willis Class has not made any	
		showing whatsoever that there is an	
		exceptional circumstance warranting their introduction of new evidence with their	
		reply. In the rare case where new evidence	
		accompanies a reply, the opposing party is	
		entitled to notice and an opportunity to	
		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> ,	
		Inc. (1988) 204 Cal.App.3d 1094,	
		1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
		evidence, and it must be stricken.	
		e vidence, and it must be suremen.	
		Irrelevant (Evid. Code §§ 210 & 350-351.)	<del></del>
Objecti	ons to Willis Class'		
Notice (	of Lodgment Exhibits:		
		22. Untimely and improper new evidence	
22. Exh	nibit 16	submitted with reply. (Jay v. Mahaffey	
		(2013) 218 Cal.App.4th 1522, 1537-38	
		[reply declarations "should not have	
		addressed the substantive issues in the first	
		instance but only filled gaps in the	
		evidence created by the	
		opposition"].) New evidence may not	
		accompany a reply except in the most	
		"exceptional case." (See <i>Plenger v. Alza</i>	
		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
		8.) The Willis Class has not made any	
		showing whatsoever that there is an	
		exceptional circumstance warranting their	
		introduction of new evidence with their	
		reply. In the rare case where new evidence	
		accompanies a reply, the opposing party is	
		entitled to notice and an opportunity to	
11		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (19992) 11 Cal.App.4th 349,	

<u></u>		1
	362, fn. 8; see Weiss v. Chevron, U.S.A.,	
	Inc. (1988) 204 Cal.App.3d 1094,	
	1099.) Here the PWS parties have been	
	given no opportunity to respond to the new	
	evidence, and it must be stricken.	
	Irrelevant (Evid. Code §§ 210 & 350-351.)	
	Hearsay. (Evid. Code § 1200.)	
	The Exhibit contains legal argument.	
	23. Untimely and improper new evidence	
23. Exhibit 17	submitted with reply. (Jay v. Mahaffey	
	(2013) 218 Cal.App.4th 1522, 1537-38	
	[reply declarations "should not have	
	addressed the substantive issues in the first	
	instance but only filled gaps in the	
	evidence created by the	
	opposition"].) New evidence may not	
	accompany a reply except in the most	
	"exceptional case." (See Plenger v. Alza	
	Corp. (1992) 11 Cal. App. 4th 349, 362, fn.	
	8.) The Willis Class has not made any	
	showing whatsoever that there is an	
	exceptional circumstance warranting their	
	introduction of new evidence with their	
	reply. In the rare case where new evidence	
	accompanies a reply, the opposing party is	
	entitled to notice and an opportunity to	
	respond to the new material. (See <i>Plenger</i>	
	v. Alza Corp. (1992) 11 Cal.App.4th 349,	
	362, fn. 8; see Weiss v. Chevron, U.S.A.,	
	Inc. (1988) 204 Cal.App.3d 1094,	
	1099.) Here the PWS parties have been	
	given no opportunity to respond to the new	
	evidence, and it must be stricken.	
	Irrelevant (Evid. Code §§ 210 & 350-351.)	
	The Exhibit contains legal argument.	
24. Exhibit 18	24. Untimely and improper new evidence	
24. LAIIIUII 10	submitted with reply. (Jay v. Mahaffey	_
	(2013) 218 Cal.App.4th 1522, 1537-38	
	[reply declarations "should not have	
	addressed the substantive issues in the first	
Wood.AttysFees.Objx.Evid	instance but only filled gaps in the evidence created by the	
	evidence created by the	

$_{1}\parallel$		opposition"].) New evidence may not	
1		accompany a reply except in the most	
2		"exceptional case." (See <i>Plenger v. Alza</i>	
,		<i>Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8.) The Willis Class has not made any	
3		showing whatsoever that there is an	
4		exceptional circumstance warranting their	
		introduction of new evidence with their	
5		reply. In the rare case where new evidence	
6		accompanies a reply, the opposing party is	
۱۱ ۳		entitled to notice and an opportunity to	
7		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
8		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> ,	
9		Inc. (1988) 204 Cal.App.3d 1094,	
		1099.) Here the PWS parties have been given no opportunity to respond to the new	
10		evidence, and it must be stricken.	
$_{11}$ $\parallel$		The state of the s	
**		T. 1. (F. 11 G. 1. 88.210 0.250.251)	
12		Irrelevant (Evid. Code §§ 210 & 350-351.)	
		Hearsay. (Evid. Code § 1200.)	_
13			
14		The Exhibit contains legal argument.	
	25. Exhibit 19	25. Untimely and improper new evidence	
15	23. Exhibit 19	submitted with reply. (Jay v. Mahaffey	
16		(2013) 218 Cal.App.4th 1522, 1537-38	
10		[reply declarations "should not have addressed the substantive issues in the first	
17		instance but only filled gaps in the	
10		evidence created by the	
18		opposition"].) New evidence may not	
19		accompany a reply except in the most	
		"exceptional case." (See Plenger v. Alza	
20		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
$_{21}\parallel$		8.) The Willis Class has not made any	
<b>~</b> 1		showing whatsoever that there is an	
22		exceptional circumstance warranting their introduction of new evidence with their	
<u>,,   </u>		reply. In the rare case where new evidence	
23		accompanies a reply, the opposing party is	
24		entitled to notice and an opportunity to	
		respond to the new material. (See <i>Plenger</i>	
25		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
<b>26</b>		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
<b>4</b> 0	Wood.AttysFees.Objx.Evid	Inc. (1988) 204 Cal. App. 3d 1094, 1099.) Here the PWS parties have been	
27	.,,	1099.) Here the PWS parties have been	
•	<b>EVIDENTIARY OBJECTIONS TO</b>	2ND DECLARATION OF RALPH B. KALFA	AYAN IN SUPPORT OF

	given no opportunity to respond to the new	
	evidence, and it must be stricken.	
	Irrelevant (Evid. Code §§ 210 & 350-351.)	
	Hearsay. (Evid. Code § 1200.)	
26. Exhibit 20	26. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have	
	addressed the substantive issues in the first instance but only filled gaps in the evidence created by the	
	opposition"].) New evidence may not accompany a reply except in the most	
	"exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
	8.) The Willis Class has not made any showing whatsoever that there is an	
	exceptional circumstance warranting their introduction of new evidence with their	
	reply. In the rare case where new evidence accompanies a reply, the opposing party is	
	entitled to notice and an opportunity to respond to the new material. (See <i>Plenger</i>	
	v. Alza Corp. (1992) 11 Cal.App.4th 349, 362, fn. 8; see Weiss v. Chevron, U.S.A.,	
	Inc. (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been	
	given no opportunity to respond to the new evidence, and it must be stricken.	
	Irrelevant (Evid. Code §§ 210 & 350-351.)	
	Hearsay. (Evid. Code § 1200.)	
	The Exhibit contains legal argument.	
27. Exhibit 21	27. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	
	(2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have	
	addressed the substantive issues in the first instance but only filled gaps in the	
	evidence created by the opposition"].) New evidence may not	
Wood.AttysFees.Objx.Evid	"exceptional clase." (See <i>Plenger v. Alza</i>	

2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

1		<i>Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8.) The Willis Class has not made any	
$_{2}\parallel$		showing whatsoever that there is an	
3		exceptional circumstance warranting their introduction of new evidence with their	
3		reply. In the rare case where new evidence	
4		accompanies a reply, the opposing party is	
5		entitled to notice and an opportunity to respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
6		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
7		Inc. (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been	
8		given no opportunity to respond to the new	
		evidence, and it must be stricken.	
9		Irrelevant (Evid. Code §§ 210 & 350-351.)	
10		inclevant (Evid. Code §§ 210 & 550-551.)	
11			
12	28. Exhibit 22	28. Untimely and improper new evidence	
12		submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38	
13		[reply declarations "should not have	
14		addressed the substantive issues in the first	
15		instance but only filled gaps in the evidence created by the	
1.		opposition"].) New evidence may not	
16		accompany a reply except in the most	
17		"exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
18		8.) The Willis Class has not made any	
		showing whatsoever that there is an	
19		exceptional circumstance warranting their introduction of new evidence with their	
20		reply. In the rare case where new evidence	
21		accompanies a reply, the opposing party is	
22		entitled to notice and an opportunity to respond to the new material. (See <i>Plenger</i>	
22		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
23		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> ,	
24		Inc. (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been	
25		given no opportunity to respond to the new	
25		evidence, and it must be stricken.	
26	Wood AttyrFood Objy Fried	- 19 -	
27	Wood.AttysFees.Objx.Evid	- 19 -	

2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

1 2 3 4 5 6	29. Exhibit 23	29. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have addressed the substantive issues in the first instance but only filled gaps in the evidence created by the opposition"].) New evidence may not accompany a reply except in the most "exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
7 8		8.) The Willis Class has not made any showing whatsoever that there is an exceptional circumstance warranting their	
9		introduction of new evidence with their reply. In the rare case where new evidence	
10		accompanies a reply, the opposing party is	
11		entitled to notice and an opportunity to respond to the new material. (See <i>Plenger</i>	
12		v. Alza Corp. (1992) 11 Cal.App.4th 349, 362, fn. 8; see Weiss v. Chevron, U.S.A.,	
		Inc. (1988) 204 Cal.App.3d 1094,	
13		1099.) Here the PWS parties have been given no opportunity to respond to the new	
14		evidence, and it must be stricken.	
15		Irrelevant (Evid. Code §§ 210 & 350-351.)	
16 17		Hearsay. (Evid. Code § 1200.)	
		The exhibit contains legal argument.	
18	30. Exhibit 24	30. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	
19		(2013) 218 Cal.App.4th 1522, 1537-38	
20		[reply declarations "should not have addressed the substantive issues in the first	
21		instance but only filled gaps in the evidence created by the	
22		opposition"].) New evidence may not	
23		accompany a reply except in the most "exceptional case." (See <i>Plenger v. Alza</i>	
24		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
25		8.) The Willis Class has not made any showing whatsoever that there is an	
		exceptional circumstance warranting their introduction of new evidence with their	
26	Wood.AttysFees.Objx.Evid	reply. In the race case where new evidence	
27			

2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

1 2 3 4 5 6 7 8		accompanies a reply, the opposing party is entitled to notice and an opportunity to respond to the new material. (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8; see <i>Weiss v. Chevron, U.S.A., Inc.</i> (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been given no opportunity to respond to the new evidence, and it must be stricken.  Irrelevant to this motion. (Evid. Code §§ 210 & 350-351.)	
9	31. Exhibit 25	31. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	
10		(2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have	
11		addressed the substantive issues in the first	
12		instance but only filled gaps in the evidence created by the	
13		opposition"].) New evidence may not accompany a reply except in the most	
14		"exceptional case." (See Plenger v. Alza	
15		Corp. (1992) 11 Cal.App.4th 349, 362, fn. 8.) The Willis Class has not made any	
		showing whatsoever that there is an exceptional circumstance warranting their	
16		introduction of new evidence with their	
17		reply. In the rare case where new evidence accompanies a reply, the opposing party is	
18		entitled to notice and an opportunity to respond to the new material. (See <i>Plenger</i>	
19		v. Alza Corp. (1992) 11 Cal.App.4th 349, 362, fn. 8; see Weiss v. Chevron, U.S.A.,	
20		Inc. (1988) 204 Cal.App.3d 1094,	
21		1099.) Here the PWS parties have been given no opportunity to respond to the new	
22		evidence, and it must be stricken.	
23		Irrelevant to this motion. (Evid. Code §§	
24		210 & 350-351.)	
25	32. Exhibit 26	32. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	
26	Wood.AttysFees.Objx.Evid	(2013) 218 Cal.App.4th 1522, 1537-38	
27	Trocan acyst costobynic ria	[reply declarand not have	

2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

- 11			
1		addressed the substantive issues in the first instance but only filled gaps in the	
2		evidence created by the	
		opposition"].) New evidence may not accompany a reply except in the most	
3		"exceptional case." (See <i>Plenger v. Alza</i>	
4		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
5		8.) The Willis Class has not made any showing whatsoever that there is an	
6		exceptional circumstance warranting their	
		introduction of new evidence with their	
7		reply. In the rare case where new evidence accompanies a reply, the opposing party is	
8		entitled to notice and an opportunity to	
9		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349, 362, fn. 8; see Weiss v. Chevron, U.S.A.,	
10		Inc. (1988) 204 Cal.App.3d 1094,	
11		1099.) Here the PWS parties have been given no opportunity to respond to the new	
12		evidence, and it must be stricken.	
13		22 Untimely and improper new avidance	
	33. Exhibit 27	33. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	_
14		(2013) 218 Cal.App.4th 1522, 1537-38	
15		[reply declarations "should not have addressed the substantive issues in the first	
16		instance but only filled gaps in the	
17		evidence created by the	
1/		opposition"].) New evidence may not accompany a reply except in the most	
18		"exceptional case." (See Plenger v. Alza	
19		<i>Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8.) The Willis Class has not made any	
20		showing whatsoever that there is an	
		exceptional circumstance warranting their	
21		introduction of new evidence with their reply. In the rare case where new evidence	
22		accompanies a reply, the opposing party is	
23		entitled to notice and an opportunity to respond to the new material. (See <i>Plenger</i>	
24		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
<b>4</b>		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
- 11	1.1	Inc. (1988) 204 Cal.App.3d 1094,	
25		1099) Here the PWS parties have been	
25 26		1099.) Here the PWS parties have been given no opportunity to respond to the new	
	Wood.AttysFees.Objx.Evid		

1		Irrelevant (Evid. Code §§ 210 & 350-351.)	_
3	34. Exhibit 28	34. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	_
4		(2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have	
5		addressed the substantive issues in the first	
		instance but only filled gaps in the evidence created by the	
6		opposition"].) New evidence may not	
7		accompany a reply except in the most "exceptional case." (See <i>Plenger v. Alza</i>	
8		<i>Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8.) The Willis Class has not made any	
9		showing whatsoever that there is an	
10		exceptional circumstance warranting their introduction of new evidence with their	
11		reply. In the rare case where new evidence	
12		accompanies a reply, the opposing party is entitled to notice and an opportunity to	
13		respond to the new material. (See <i>Plenger</i> v. <i>Alza Corp</i> . (1992) 11 Cal.App.4th 349,	
14		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
		Inc. (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been	
15		given no opportunity to respond to the new	
16		evidence, and it must be stricken.	
17		Irrelevant (Evid. Code §§ 210 & 350-351.)	
18			
19	35. Exhibit 29	35. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i>	_
20		(2013) 218 Cal.App.4th 1522, 1537-38	
21		[reply declarations "should not have addressed the substantive issues in the first	
22		instance but only filled gaps in the evidence created by the	
23		opposition"].) New evidence may not	
24		accompany a reply except in the most "exceptional case." (See <i>Plenger v. Alza</i>	
		Corp. (1992) 11 Cal.App.4th 349, 362, fn. 8.) The Willis Class has not made any	
25		showing whatsoever that there is an	
26	Wood.AttysFees.Objx.Evid	exceptional circumstance warranting their introduction of hew evidence with their	
27		The state of the s	1

2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

1		reply. In the rare case where new evidence	
		accompanies a reply, the opposing party is entitled to notice and an opportunity to	
2		respond to the new material. (See <i>Plenger</i>	
3		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
4		Inc. (1988) 204 Cal.App.3d 1094,	
_		1099.) Here the PWS parties have been	
5		given no opportunity to respond to the new	
6		evidence, and it must be stricken.	
7		Irrelevant (Evid. Code §§ 210 & 350-351.)	
′			_
8		Hearsay. (Evid. Code § 1200.)	_
9		The Exhibit contains legal argument.	
10	36. Exhibit 30	36. Untimely and improper new evidence	
10	30. Exhibit 30	submitted with reply. (Jay v. Mahaffey	
11		(2013) 218 Cal.App.4th 1522, 1537-38	
10		[reply declarations "should not have	
12		addressed the substantive issues in the first instance but only filled gaps in the	
13		evidence created by the	
		opposition"].) New evidence may not	
14		accompany a reply except in the most	
15		"exceptional case." (See <i>Plenger v. Alza</i>	
13		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
16		8.) The Willis Class has not made any	
15		showing whatsoever that there is an	
17		exceptional circumstance warranting their	
18		introduction of new evidence with their reply. In the rare case where new evidence	
		accompanies a reply, the opposing party is	
19		entitled to notice and an opportunity to	
20		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
21		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> ,	
22		Inc. (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
23		evidence, and it must be stricken.	
24			
25		Irrelevant (Evid. Code §§ 210 & 350-351.)	
25		Contains hearsay. (Evid. Code § 1200.)	_
26		J. (	
27	Wood.AttysFees.Objx.Evid	The exhibit contains legal argument.	
<i>=</i> /			

EVIDENTIARY OBJECTIONS TO 2ND DECLARATION OF RALPH B. KALFAYAN IN SUPPORT OF 2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

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37. Exhibit 31	37. Untimely and improper new evidence	
	submitted with reply. (Jay v. Mahaffey	
	(2013) 218 Cal.App.4th 1522, 1537-38	
	[reply declarations "should not have	
	addressed the substantive issues in the first	
	instance but only filled gaps in the	
	evidence created by the	
	opposition"].) New evidence may not	
	accompany a reply except in the most	
	"exceptional case." (See Plenger v. Alza	
	Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
	8.) The Willis Class has not made any	
	showing whatsoever that there is an	
	exceptional circumstance warranting their	
	introduction of new evidence with their	
	reply. In the rare case where new evidence	
	accompanies a reply, the opposing party is	
	entitled to notice and an opportunity to	
	respond to the new material. (See <i>Plenger</i>	
	v. Alza Corp. (1992) 11 Cal.App.4th 349,	
	362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> ,	
	Inc. (1988) 204 Cal.App.3d 1094,	
	1099.) Here the PWS parties have been	
	given no opportunity to respond to the new	
	evidence, and it must be stricken.	
	evidence, and it must be stricken.	
	Irrelevant (Evid. Code §§ 210 & 350-351.)	
	intolevant (Livid. Code 38 210 & 330-331.)	
	Contains Hearsay. (Evid. Code § 1200.)	
	Contains Hoursay. (Dvid. Code § 1200.)	
	Exhibit contains legal argument.	_
	38. Untimely and improper new evidence	
38. Exhibit 32	submitted with reply. (Jay v. Mahaffey	_
	(2013) 218 Cal.App.4th 1522, 1537-38	
	[reply declarations "should not have	
	addressed the substantive issues in the first	
	instance but only filled gaps in the	
	evidence created by the	
	opposition"].) New evidence may not	
	accompany a reply except in the most	
	"exceptional case." (See <i>Plenger v. Alza</i>	
	Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
	8.) The Willis Class has not made any	
	showing whatsoever that there is an	
	exceptional circumstance warranting their	
	introduction of new evidence with their	
Wood.AttysFees.Objx.Evid	reply. In the rate case where new evidence	
	repry. In the lare case where new evidence	

1 2 3 4 5		accompanies a reply, the opposing party is entitled to notice and an opportunity to respond to the new material. (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8; see <i>Weiss v. Chevron, U.S.A., Inc.</i> (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been given no opportunity to respond to the new evidence, and it must be stricken.	
6	39. Exhibit 33	39. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have addressed the substantive issues in the first instance but only filled gaps in the evidence created by the opposition"].) New evidence may not accompany a reply except in the most "exceptional case." (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8.) The Willis Class has not made any showing whatsoever that there is an exceptional circumstance warranting their introduction of new evidence with their reply. In the rare case where new evidence accompanies a reply, the opposing party is entitled to notice and an opportunity to respond to the new material. (See <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> , <i>Inc.</i> (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been given no opportunity to respond to the new evidence, and it must be stricken.	
21 22 23 24 25 26	40. Exhibit 34	40. Untimely and improper new evidence submitted with reply. ( <i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537-38 [reply declarations "should not have addressed the substantive issues in the first instance but only filled gaps in the evidence created by the opposition"].) New evidence may not	
27	Wood.AttysFees.Objx.Evid	accompany a reply except in the most	
		AND DESC. 1 D. MICH. CE D. 1 DIED. 17.1 T.	

2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

		"exceptional case." (See Plenger v. Alza	
		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
<u>.</u>		8.) The Willis Class has not made any	
		showing whatsoever that there is an	
<b>;</b>		exceptional circumstance warranting their	
,		introduction of new evidence with their	
'		reply. In the rare case where new evidence accompanies a reply, the opposing party is	
5		entitled to notice and an opportunity to	
		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
		362, fn. 8; see Weiss v. Chevron, U.S.A.,	
		Inc. (1988) 204 Cal.App.3d 1094,	
		1099.) Here the PWS parties have been given no opportunity to respond to the new	
		evidence, and it must be stricken.	
		Irrelevant (Evid. Code §§ 210 & 350-351.)	
		41. Untimely and improper new evidence	
	41. Exhibit 35	submitted with reply. (Jay v. Mahaffey	
		(2013) 218 Cal.App.4th 1522, 1537-38	
		[reply declarations "should not have	
		addressed the substantive issues in the first	
		instance but only filled gaps in the	
		evidence created by the opposition"].) New evidence may not	
		accompany a reply except in the most	
		"exceptional case." (See <i>Plenger v. Alza</i>	
		Corp. (1992) 11 Cal.App.4th 349, 362, fn.	
		8.) The Willis Class has not made any	
		showing whatsoever that there is an	
		exceptional circumstance warranting their	
		introduction of new evidence with their reply. In the rare case where new evidence	
		accompanies a reply, the opposing party is	
		entitled to notice and an opportunity to	
		respond to the new material. (See <i>Plenger</i>	
		v. Alza Corp. (1992) 11 Cal.App.4th 349,	
		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.</i> ,	
		Inc. (1988) 204 Cal.App.3d 1094, 1099.) Here the PWS parties have been	
		given no opportunity to respond to the new	
		evidence, and it must be stricken.	
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2ND SUPPL. MOTION FOR ATTORNEYS' FEES, AND OBJECTIONS TO NOTICE OF LODGEMENT

1	DATED: March 31, 2016	LEMIEUX & O'NEILL
2		/s/ Christine Carson
3		By: CHRISTINE CARSON
4		Attorneys for Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Quartz Hill Water District, North
5		Edwards Water District, Desert Lake Community Services District
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26	Wood.AttysFees.Objx.Evid	- 28 -
27	EVIDENTIARY OBJECTIONS TO	O 2ND DECLARATION OF RALPH B. KALFAYAN IN SUPPORT OF