

WAYNE K. LEMIEUX (SBN 43501)
W. KEITH LEMIEUX (SBN 161850)
CHRISTINE CARSON (SBN 188603)
LEMIEUX & O'NEILL
4165 E. Thousand Oaks Blvd., Suite 350
Westlake Village, CA 91362
Telephone: (805) 495-4770
Facsimile: (805) 495-2787

Attorneys for
Quartz Hill Water District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Defendants
North Edwards Water District, Desert Lake Community Services District, Llano del Rio Water Company,
Llano Mutual Water Co., Big Rock Mutual Water Co.
[See next page for additional counsel]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

Coordinated Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:

Los Angeles County Waterworks District No. 40
v. Diamond Farming Co. Los Angeles County
Superior Court Case No. BC 325201;

Los Angeles County Waterworks District No. 40
v. Diamond Farming Co., Kern County Superior
Court, Case No. S-1500-CV-234348;

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster v.
Palmdale Water District, Riverside County
Superior Court, Consolidated Actions, Case Nos.
RIC 353840, RIC 344436, RIC 344668

AND RELATED CROSS-ACTIONS

Judicial Council Coordination No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar – Dept. 12

**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 LODGEMENT**

**DATE: April 1, 2016
TIME: 1:30 p.m.
DEPT: TBA**

1 Best Best & Krieger LLP
2 ERIC L. GARNER, Bar No. 130665
3 JEFFREY V. DUNN, Bar No. 131926
4 WENDY Y. WANG, Bar No. 228923
5 18101 von karman avenue, suite 1000
6 IRVINE, CALIFORNIA 92612
7 Telephone: (949) 263-2600
8 Telecopier: (949) 260-0972
9 Attorneys for Cross-Complainant
10 LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40

11 OFFICE OF COUNTY COUNSEL
12 COUNTY OF LOS ANGELES
13 Mary Wickham, Bar No. 145664
14 COUNTY COUNSEL
15 WARREN WELLEN, Bar No. 139152
16 PRINCIPAL DEPUTY COUNTY COUNSEL
17 500 WEST TEMPLE STREET
18 LOS ANGELES, California 90012
19 Telephone: (213) 974-8407
20 Telecopier: (213) 687-7337
21 Attorneys for Cross-Complainant
22 LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40

23 John Tootle, Esq. (SBN. 181822)
24 2632 West 237th Street
25 Torrance, CA 90505
26 Tel: (310) 257-1488
27 Fax: (310) 325-4605
28 Counsel for CALIFORNIA WATER SERVICE COMPANY

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:

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

<p>Order, docket #9428, dated October 29, 2014.”</p>	<p>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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	<p>_____</p>
<p>3. Paragraph 3 to the 2nd Kalfayan Declaration: “Attached as Exhibit 17 is a true and correct copy of the November 4, 2014 Reporter’s Transcript from the hearing on November 4, 2014.”</p>	<p>3. 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.</p>	<p>_____</p>

Wood.AttysFees.Objx.Evid

1		Irrelevant (Evid. Code §§ 210 & 350-351.)	_____
2	4. Paragraph 4 of the 2 nd	4. Untimely and improper new evidence	_____
3	Kalfayan Declaration, which	submitted with reply. (<i>Jay v. Mahaffey</i>	
4	states, “Attached as Exhibit 18 is	(2013) 218 Cal.App.4th 1522, 1537-38	
5	a true and correct copy of the	[reply declarations “should not have	
6	Willis Class Notice and Motion	addressed the substantive issues in the first	
7	to Obtain Court Order	instance but only filled gaps in the	
8	Permitting Willis Class Counsel	evidence created by the . . .	
9	to Seek Additional Attorneys’	opposition”].) New evidence may not	
10	Fees, docket #9626, dated march	accompany a reply except in the most	
11	4, 2015.”	“exceptional case.” (See <i>Plenger v. Alza</i>	
12		<i>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	
15		exceptional circumstance warranting their	
16		introduction of new evidence with their	
17		reply. In the rare case where new evidence	
18		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>	
21		<i>v. Alza Corp.</i> (1992) 11 Cal.App.4th 349,	
22		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.,</i>	
23		<i>Inc.</i> (1988) 204 Cal.App.3d 1094,	
24		1099.) Here the PWS parties have been	
25		given no opportunity to respond to the new	
26		evidence, and it must be stricken.	
27		Irrelevant (Evid. Code §§ 210 & 350-351.)	_____
28	5. Paragraph 5 of the 2 nd	5. Untimely and improper new evidence	_____
	Kalfayan Declaration, which	submitted with reply. (<i>Jay v. Mahaffey</i>	
	states, “Attached as Exhibit 19 is	(2013) 218 Cal.App.4th 1522, 1537-38	
	a true and correct copy of the	[reply declarations “should not have	
	Public Water Suppliers’	addressed the substantive issues in the first	
	Opposition to Willis Class’	instance but only filled gaps in the	
	Motion to Obtain Court Order	evidence created by the . . .	
	Permitting Willis Class Counsel	opposition”].) New evidence may not	
	to Seek Additional Attorneys’	accompany a reply except in the most	
	Fees, docket #9643, dated March	“exceptional case.” (See <i>Plenger v. Alza</i>	
	13, 2015.”	<i>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	

Wood.AttysFees.Objx.Evid

		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 (Evid. Code §§ 210 & 350-351.)	_____
6.	Paragraph 6 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 20 is a true and correct copy of the Willis Class’ Reply Brief in Support of Motion to Obtain Court Order Permitting Class Counsel to Seek Additional Attorneys’ Fees, docket #9661, dated March 19, 2015.”	6. 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.	_____
		Irrelevant (Evid. Code §§ 210 & 350-351.)	_____
7.	Paragraph 7 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 21 is a true and correct copy of the March 26, 2015 Reporter’s Transcript from the hearing on March 26, 2015.”	7. 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.	_____

Wood.AttysFees.Objx.Evid

		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.	
		Irrelevant (Evid. Code §§ 210 & 350-351.)	_____
	8. Paragraph 8 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 22 is a true and correct copy of the Minute Order, docket #9701, dated March 26, 2015.”	8. 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.	_____
		Irrelevant (Evid. Code §§ 210 & 350-351.)	_____
	9. Paragraph 9 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 23 is a true and correct copy of the	9. 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	_____

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

<p>Willis Class’ Notice Motion to Enforce Settlement Agreement with Public Water Supplier, docket #9949, dated May 21, 2015.”</p>	<p>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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	<p>_____</p>
<p>10. Paragraph 10 of the 2nd Kalfayan Declaration, which states, “Attached as Exhibit 24 is a true and correct copy of Public Water Suppliers’ Opposition to Willis Class’ Motion to Enforce Settlement Agreement with Defendant Public Water Suppliers, docket #9961, dated June 2, 2015.”</p>	<p>10. 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</p>	<p>_____</p>

Wood.AttysFees.Objx.Evid

	given no opportunity to respond to the new evidence, and it must be stricken.	
	Irrelevant (Evid. Code §§ 210 & 350-351.)	_____
11. Paragraph 11 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 25 is a true and correct copy of the Public Water Suppliers’ Case management Conference Statement, docket #10010, dated June 12, 2015.”	11. 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.	_____
	Irrelevant (Evid. Code §§ 210 & 350-351.)	_____
12. Paragraph 26 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 26 is a true and correct copy of the Minute Order, docket #10031, dated June 15, 2015.”	12. 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	_____

Wood.AttysFees.Objx.Evid

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

	<p>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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	—————
<p>13. Paragraph 27 of the 2nd Kalfayan Declaration, which states, “Attached as Exhibit 27 is a true and correct copy of the Public Water Suppliers’ Case Management Conference Statement, docket #10095, dated July 7, 2015.”</p>	<p>13. 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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	—————
<p>14. Paragraph 28 of the 2nd Kalfayan Declaration, which states, “Attached as Exhibit 28 is a true and correct copy of the Minute Order, docket #10136, dated July 10, 2015.”</p>	<p>14. 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</p>	—————

Wood.AttysFees.Objx.Evid1017

Wood.AttysFees.Objx.Evid

	<p>“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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	<p>_____</p>
<p>15. Paragraph 15 of the 2nd Kalfayan Declaration, which states, “Attached as Exhibit 29 is a true and correct copy of the Willis Class Second Motion to Enforce Settlement Agreement with Defendant Public Water Suppliers, docket #10172, dated July 15, 2015.”</p>	<p>15. 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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	<p>_____</p>

Wood:AttysFees:Objx:Evid

16. Paragraph 16 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 30 is a true and correct copy of the 3 rd Motion to Enforce/2 nd re-noticed motion to enforce, docket #10390, dated September 3, 2015.”	16. 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.	—
	Irrelevant (Evid. Code §§ 210 & 350-351.)	—
17. Paragraph 17 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 31 is a true and correct copy of the Joint Case Management Conference Report, docket #10500, dated September 17, 2015.”	17. 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>	—

Wood.AttysFees.Objx.Evid

		<p><i>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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	
	<p>18. Paragraph 18 of the 2nd Kalfayan Declaration, which states, “Attached as Exhibit 32 is a true and correct copy of the 2nd Amended Final Willis Judgment, docket #10972, dated September 29, 2015 nunc pro tunc September 22, 2011.”</p>	<p>18. 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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	
	<p>19. Paragraph 19 of the 2nd Kalfayan Declaration, which states, “Attached as Exhibit 33 is a true and correct copy of the Exhibit A to December 2015 Judgment (SPPS).”</p>	<p>19. 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.</p>	

Wood.AttysFees.Objx.Evid

		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.	
		Irrelevant (Evid. Code §§ 210 & 350-351.)	_____
	20. Paragraph 20 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 34 is a true and correct copy of the Notice of Entry of Judgment and December 2015 Judgment.”	20. 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.	_____
		Irrelevant (Evid. Code §§ 210 & 350-351.)	_____
	21. Paragraph 21 of the 2 nd Kalfayan Declaration, which states, “Attached as Exhibit 35 is a true and correct copy of the	21. 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	_____

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		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			
3			
4		Irrelevant (Evid. Code §§ 210 & 350-351.)	—
5		Hearsay. (Evid. Code § 1200.)	—
6		The Exhibit contains legal argument.	—
7	23. Exhibit 17	23. 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 . . .	—
8		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.	
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22		Irrelevant (Evid. Code §§ 210 & 350-351.)	—
23		The Exhibit contains legal argument.	—
24	24. Exhibit 18	24. 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	—
25		evidence created by the . . .	
26	Wood.AttysFees.Objx.Evid		
27			

	<p>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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p> <p>Hearsay. (Evid. Code § 1200.)</p> <p>The Exhibit contains legal argument.</p>	<p>—</p> <p>—</p> <p>—</p>
<p>25. Exhibit 19</p> <p>Wood.AttysFees.Objx.Evid</p>	<p>25. 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</p>	<p>—</p>

		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 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 (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 accompany a reply except in the most “exceptional case.” (See <i>Plenger v. Alza</i>		—

Wood.AttysFees.Objx.Evid

	<p><i>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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	<p>—</p>
<p>28. Exhibit 22</p>	<p>28. 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.</p>	<p>—</p>

29. Exhibit 23	<p>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. 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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p> <p>Hearsay. (Evid. Code § 1200.)</p> <p>The exhibit contains legal argument.</p>	<p>—</p> <p>—</p> <p>—</p>
30. Exhibit 24	<p>30. 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</p>	<p>—</p>

Wood.AttysFees.Objx.Evid

	<p>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.</p> <p>Irrelevant to this motion. (Evid. Code §§ 210 & 350-351.)</p>	<p>—</p>
31. Exhibit 25	<p>31. 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.</p> <p>Irrelevant to this motion. (Evid. Code §§ 210 & 350-351.)</p>	<p>—</p> <p>—</p>
32. Exhibit 26	<p>32. 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</p>	<p>—</p>

Wood.AttysFees.Objx.Evid

	<p>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.</p>	
<p>33. Exhibit 27</p> <p>Wood.AttysFees.Objx.Evid</p>	<p>33. 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.</p>	<p>—</p>

	Irrelevant (Evid. Code §§ 210 & 350-351.)	—
34. Exhibit 28	<p>34. 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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	—
35. Exhibit 29	<p>35. 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</p>	—

Wood.AttysFees.Objx.Evid

Wood.AttysFees.Objx.Evid

1		reply. In the rare case where new evidence	
2		accompanies a reply, the opposing party is	
3		entitled to notice and an opportunity to	
4		respond to the new material. (See <i>Plenger</i>	
5		<i>v. Alza Corp.</i> (1992) 11 Cal.App.4th 349,	
6		362, fn. 8; see <i>Weiss v. Chevron, U.S.A.,</i>	
7		<i>Inc.</i> (1988) 204 Cal.App.3d 1094,	
8		1099.) Here the PWS parties have been	
9		given no opportunity to respond to the new	
10		evidence, and it must be stricken.	
11		Irrelevant (Evid. Code §§ 210 & 350-351.)	—
12		Hearsay. (Evid. Code § 1200.)	—
13		The Exhibit contains legal argument.	—
14	36. Exhibit 30	36. Untimely and improper new evidence	—
15		submitted with reply. (<i>Jay v. Mahaffey</i>	
16		(2013) 218 Cal.App.4th 1522, 1537-38	
17		[reply declarations “should not have	
18		addressed the substantive issues in the first	
19		instance but only filled gaps in the	
20		evidence created by the . . .	
21		opposition”].) New evidence may not	
22		accompany a reply except in the most	
23		“exceptional case.” (See <i>Plenger v. Alza</i>	
24		<i>Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn.	
25		8.) The Willis Class has not made any	
26		showing whatsoever that there is an	
27		exceptional circumstance warranting their	
28		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>	
		<i>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.	
		Irrelevant (Evid. Code §§ 210 & 350-351.)	—
		Contains hearsay. (Evid. Code § 1200.)	—
	Wood.AttysFees.Objx.Evid	The exhibit contains legal argument.	—

37. Exhibit 31	<p>37. 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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p> <p>Contains Hearsay. (Evid. Code § 1200.)</p> <p>Exhibit contains legal argument.</p>	<p>—</p> <p>—</p> <p>—</p>
38. Exhibit 32	<p>38. 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</p>	<p>—</p>

Wood.AttysFees.Objx.Evid

	<p>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.</p>	
39. Exhibit 33	<p>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., 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.</p>	—
40. Exhibit 34	<p>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 accompany a reply except in the most</p>	—

Wood.AttysFees.Objx.Evid

2617

Wood.AttysFees.Objx.Evid

	<p>“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.</p> <p>Irrelevant (Evid. Code §§ 210 & 350-351.)</p>	—
41. Exhibit 35	<p>41. 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.</p>	—

1 DATED: March 31, 2016

LEMIEUX & O'NEILL

2 /s/ Christine Carson

3 By: _____

4 CHRISTINE CARSON

5 Attorneys for Littlerock Creek Irrigation District, Palm
6 Ranch Irrigation District, Quartz Hill Water District, North
7 Edwards Water District, Desert Lake Community Services
8 District
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26