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Attorneys for Cross-Complainant  
Phelan Piñon Hills Community Services District

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

Coordination Proceeding	)	Judicial Council Coordination Proceeding
Special Title (Rule 1550(b))	)	No. 4408
<b>ANTELOPE VALLEY</b>	)	
<b>GROUNDWATER CASES</b>	)	For Filing Purposes Only: Santa Clara
	)	County Case No.: 1-05-CV-049053
Included Actions:	)	
	)	Assigned to the Honorable Jack Komar,
	)	Department 17
<i>Los Angeles County Waterworks District</i>	)	
<i>No. 40 v.</i>	)	JOINDER OF PHELAN PIÑON HILLS
<i>Diamond Farming Co., et al.,</i>	)	COMMUNITY SERVICES DISTRICT IN
Los Angeles County Superior Court, Case	)	STIPULATION AND PROTECTIVE
No. BC 325 201	)	ORDER RE CONFIDENTIALITY OF
	)	SETTLEMENT DISCUSSIONS
<i>Los Angeles County Waterworks District</i>	)	
<i>No. 40 v.</i>	)	
<i>Diamond Farming Co., et al.,</i>	)	
Kern County Superior Court, Case No.	)	
S-1500-CV-254-348	)	
	)	
<i>Wm. Bolthouse Farms, Inc. v. City of</i>	)	
<i>Lancaster</i>	)	
<i>Diamond Farming Co. v. City of Lancaster</i>	)	
<i>Diamond Farming Co. v. Palmdale Water</i>	)	
<i>Dist.</i>	)	
Riverside County Superior Court,	)	
Consolidated Action, Case Nos. RIC 353	)	
840, RIC 344 436, RIC 344 668	)	
	)	
AND RELATED CROSS-ACTIONS	)	

1 NOW, THEREFORE, the undersigned parties agree as follows:

2 1. Participation by attorneys, parties, or expert consultants in meetings,  
3 correspondence, or discussions in which they attempt to settle or resolve any factual or legal issue  
4 ("settlement communications"), including disclosures of material or information protected by the  
5 attorney-client privilege or work product protection, shall not waive any privilege, work product  
6 protection, or other legal protection.

7 2. Any oral or written communication made in the course of such settlement  
8 communications shall: (a) be inadmissible for any purpose in the litigation, (b) shall not be discoverable  
9 by any means, and (c) shall be subject to all protections and privileges accorded settlement discussions  
10 by California law. However, if a document or other piece of evidence that would otherwise be  
11 discoverable or admissible is exchanged in the course of such settlement communications, such evidence  
12 shall remain discoverable and/or admissible.

13 3. The parties are advised to mark or identify those writings that are protected by  
14 this stipulation/protective order with an identifying legend such as: "CONFIDENTIAL SETTLEMENT  
15 COMMUNICATION".

16 4. Participation by an expert in settlement communications shall not constitute  
17 designation of that expert under CCP § 2034, et seq. No expert witness who testifies in this case shall  
18 rely or base his/her opinion on any opinion or other communication received from another party's expert  
19 or attorney in the course of settlement communications.

20 5. This stipulation may be signed in counterparts. If approved by the Court, this  
21 protective order shall be binding on all current and future parties to these cases. This stipulation/order  
22 shall be effective from March 24, 2006 until terminated by the Court.

23 NOSSAMAN, GUTHNER, KNOX  
24 & ELLIOTT, LLP

Law Firm: SmithTrager LLP

25  
26 By: \_\_\_\_\_  
27 Fred Fudacz  
28 Attorneys for Tejon Ranchcorp

By: Susan M. Trager  
Name: Susan M. Trager  
Attorneys for Phelan Pinon Hills  
Community Services  
District

Judicial Council Coordination Proceeding No. 4408  
For Filing Purposes Only: Santa Clara County Case No.: 1-05-CV-049053

### PROOF OF SERVICE

I, Carol J. Hamel, declare:

I am employed in the County of Orange, State of California. I am over the age of 18 and am not a party to the within action; my business address is 19712 MacArthur Blvd., Suite 120, Irvine, California 92612.

On February 11, 2009, I served the foregoing document(s) described as  
**JOINDER OF PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT IN  
STIPULATION AND PROTECTIVE ORDER RE CONFIDENTIALITY OF  
SETTLEMENT DISCUSSIONS** as follows:

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

— **(REGULAR MAIL)** By enclosing the document(s) listed in sealed envelope(s), addressing as shown below, and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this firm's practice for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

— **(FEDERAL EXPRESS)** By placing the document(s) listed above in a sealed overnight envelope, with delivery fees paid or provided for; addressed as shown below, and depositing it for overnight delivery at a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf, for delivery on the next business day.

— **(FACSIMILE)** by transmitting the document(s) listed above via facsimile to the office of the addressee(s) shown below. A true and correct copy of the transmission report indicating transmission without error is attached hereto.

— **(PERSONAL SERVICE)** By delivering the document(s) listed above in a sealed envelope addressed to the parties as noted by hand to the offices of the addressee.

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

Executed this 11th day of February, 2009, in Irvine, California.

/s/  
Carol J. Hamel