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Attorneys for Defendant and 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
Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
No. 4408

**ANTELOPE VALLEY
GROUNDWATER CASES**

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

Included Actions:

Assigned to the Honorable Jack Komar,
Department 17

*Los Angeles County Waterworks District
No. 40 v.*

*Diamond Farming Co., et al.,
Los Angeles County Superior Court, Case
No. BC 325 201*

LIMITED CONSENT BY PHELAN PIÑON
HILLS COMMUNITY SERVICES
DISTRICT TO TRIAL WITHOUT JURY,
AND JOINDER IN THE POSITION OF
THE PUBLIC WATER SUPPLIERS IN
OPPOSITION TO THE CLAIM OF RIGHT
TO A JURY TRIAL

*Los Angeles County Waterworks District
No. 40 v.*

*Diamond Farming Co., et al.,
Kern County Superior Court, Case No.
S-1500-CV-254-348*

*Wm. Bolthouse Farms, Inc. v. City of
Lancaster*

*Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water
Dist.*

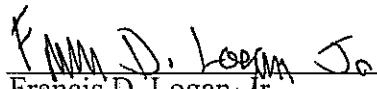
*Riverside County Superior Court,
Consolidated Action, Case Nos. RIC 353
840, RIC 344 436, RIC 344 668*

AND RELATED CROSS-ACTIONS

1 PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT ("PPHCSD"), pursuant
2 to Code of Civil Procedure section 631, subdivision (d)(2), hereby files its written consent to trial
3 by the court alone in the Phase III trial on the issues of overdraft and safe yield. PPHCSD joins
4 in the briefing of the Public Water Suppliers regarding trial phasing and the right to jury trial, and
5 requests that the Phase III trial be tried to the court alone.
6

7 Dated: April 1, 2009

SmithTrager LLP

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9 By 
10 Francis D. Logan, Jr.
11 Attorneys for Defendant and Cross-
12 Complainant Phelan Piñon Hills
13 Community Services District
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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 April 1, 2009, I served the foregoing document(s) described as **LIMITED CONSENT BY PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT TO TRIAL WITHOUT JURY, AND JOINDER IN THE POSITION OF THE PUBLIC WATER SUPPLIERS IN OPPOSITION TO THE CLAIM OF RIGHT TO A JURY TRIAL**, 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.scefilings.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 1st day of April, 2009, in Irvine, California.

/s/
Carol J. Hamel