

SmithTrager LLP
Susan M. Trager, Esq. (SBN 58497)
Laurel E. Adcock, Esq. (SBN 234201)
19712 MacArthur Blvd., Suite 120
Irvine, CA 92612
Telephone: (949) 752-8971
Facsimile: (949) 863-9804
smt@smithtrager.com

Attorneys for Cross-Complainant
Phelan Piñon Hills Community Services District

**EXEMPT FROM FILING FEES UNDER
GOVERNMENT CODE § 6103**

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

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included Actions:

*Los Angeles County Waterworks District
No. 40 v.
Diamond Farming Co., et al.,
Los Angeles County Superior Court, Case
No. BC 325 201*

*Los Angeles County Waterworks District
No. 40 v.
Diamond Farming Co., et al.,
Kern County Superior Court, Case No.
S-1500-CV-254-348*

*Wm. Bolthouse Farms, Inc. v. City of
Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water
Dist.
Riverside County Superior Court,
Consolidated Action, Case Nos. RIC 353
840, RIC 344 436, RIC 344 668*

AND RELATED CROSS-ACTIONS

Judicial Council Coordination Proceeding
No. 4408

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

Assigned to the Honorable Jack Komar,
Department 17

**PHELAN PINON HILLS COMMUNITY
SERVICES DISTRICT'S CASE
MANAGEMENT STATEMENT
AND SUBMISSION OF ISSUES FOR
PHASE 3 TRIAL**

Date: March 22, 2010
Time: 9:00 a.m.
Dept: 1, Los Angeles Superior Court

1 Cross-Complainant Phelan Piñon Hills Community Services District ("Phelan Pinon Hills
2 CSD") hereby submits this Case Management Statement in response to the Amended Order and
3 Notice to all Counsel regarding Phase 3 Trial on Status of Aquifer and Issue of Overdraft, issued
4 March 11, 2010.

5 **Introduction and Procedural Background**

6 Phelan Pinon Hills CSD is a community services district located in western San
7 Bernardino County. It serves approximately 21,000 residents of the unincorporated communities
8 of Phelan and Piñon Hills in a 128 square-mile area, the western edge of which overlies the
9 county line between Los Angeles and San Bernardino counties.

10 One of Phelan Pinon Hills CSD's principal ground water production wells is located
11 within the boundaries of the Antelope Valley Ground Water Basin ("Basin"), as determined by
12 the Court in its "revised Order After Hearing on Jurisdictional Boundaries" issued March 12,
13 2007.

14 On December 6, 2008, cross-complainants Rosamond Community Services District and
15 Los Angeles Waterworks District (collectively, "LA Waterworks District 40") filed an
16 amendment to their First Amended Cross-Complaint naming Phelan CSD as Roe 624, and
17 shortly thereafter served Phelan Pinon Hills CSD with a copy of that complaint.

18 On or about December 30, 2008, Phelan Pinon Hills CSD filed its cross-complaint and its
19 answer.

20 On January 19, 2009, Bolthouse Properties, LLC cross-complained against Phelan Pinon
21 Hills CSD. Phelan Pinon Hills CSD answered that cross-complaint on February 17, 2009.

22 On March 10, 2009, A. V. United Mutual Group cross-complained against Phelan Pinon
23 Hills CSD. Phelan Pinon Hills CSD answered that cross-complaint on April 7, 2009.

24 On April 16, 2009, Diamond Farming Company and Crystal Organic Farms jointly cross-
25 complained against Phelan Pinon Hills CSD for monetary and equitable relief. Phelan Pinon
26 Hills CSD answered that cross-complaint on May 15, 2009

27 On April 24, 2009, Grimmway Enterprises, Inc., and Lapis Land Company, LLC, jointly
28 cross-complained against Phelan Pinon Hills CSD for monetary and equitable relief. Phelan

1 Pinon Hills CSD answered that cross-complaint on May 24, 2009.

2
3 **Discovery Issues**

4 On May 29, 2009, the Plaintiff Rebecca Lee Willis propounded sets one of form
5 interrogatories, special interrogatories, demand for production of documents, and request for
6 admissions. Phelan Pinon Hills CSD responded to said discovery on August 6, and 10, 2009.

7 Phelan Pinon Hills CSD anticipates conducting discovery on the issues raised in the
8 above described cross complaints by and against Phelan Pinon Hills CSD as well as the issues
9 raised in Phelan Pinon Hills CSD's answers to cross complaints. Issues for discovery include,
10 but are not limited to, the injuries and damages claimed by cross complainants and causation of
11 same.

12
13 **Phelan Pinon Hills CSD's Proposed Issues for Phase 3 Trial**

14 Based upon its review of the transcripts of the evidence introduced during the Phase 1 and
15 2 trials, Phelan Pinon Hills CSD contends that the some portions of the Basin are in a state of
16 overdraft, other areas in the Basin may be at risk of being overdrafted, and yet other areas of the
17 Basin may be in a condition of equilibrium, at least for the purposes of managing the Basin.
18 Phelan Pinon Hills CSD intends to present evidence on these issues, as well as the currently
19 existing condition of the southwestern portion of the Basin in the vicinity of its Well 14. Phelan
20 Pinon Hills CSD also intends to present evidence of the geographic and hydrogeologic setting of
21 its Well 14, as well as evidence of production and return flow.

22 In addition, Phelan Pinon Hills CSD intends to present appropriate rebuttal
23 evidence in response to evidence submitted by cross complainants and others in Phase 3 and, if
24 necessary, issues relating to the boundary of the Basin and groundwater conditions applicable to

25 //

26 //

27 //

28 //

//

1 the Southeastern portion of the designated adjudicated area which give rise to management
2 considerations.
3

4 Dated: March 15, 2010

SmithTrager LLP

5
6
7 By 

8 Laurel A. Adcock
9 Attorneys for Defendant and Cross-
10 Complainants Phelan Pifon Hills
11 Community Services District
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Marie W. Young, 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 March 15, 2010, I served the foregoing document(s) described as **PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT'S CASE MANAGEMENT STATEMENT AND SUBMISSION OF ISSUES FOR PHASE 3 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.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.

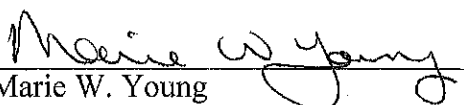
(FEDERAL EXPRESS) By placing the document(s) listed above in a sealed overnight envelope, with delivery fees paid or provided for; addressed as shown below, and depositing it for overnight delivery at a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized 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 15TH day of March, 2010, in Irvine, California.


Marie W. Young