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**EXEMPT FROM FILING FEES
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SECTION 6103**

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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

17 **ANTELOPE VALLEY GROUNDWATER CASES**

18 **Included Actions:**

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

20 Los Angeles County Waterworks District No. 40 v.
Diamond Farming Co., Superior Court of
California, County of Kern, Case No. S-1500-CV-
254-348;

21 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
Diamond Farming Co. v. City of Lancaster,
22 Diamond Farming Co. v. Palmdale Water Dist.,
Superior Court of California, County of Riverside,
23 Case Nos. RIC 353 840, RIC 344 436, RIC 344
668;

24 RICHARD WOOD, on behalf of himself and all
25 other similarly situated v. A.V. Materials, Inc., et
26 al., Superior Court of California, County of Los
27 Angeles, Case No. BC509546

Judicial Council Coordination
Proceeding No. 4408

18 **CLASS ACTION**

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

**PUBLIC WATER SUPPLIERS'
REPLY TO WILLIS CLASS'
OPPOSITION TO MOTION FOR
PRELIMINARY APPROVAL OF
WOOD CLASS SETTLEMENT**

Date: March 26, 2015
Time: 10 :00 a.m.
Place: Superior Court of California
County of Los Angeles
111 N. Hill Street, Rm. 222
Los Angeles, CA 90012

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1 Los Angeles County Waterworks District No. 40, City of Palmdale, City of Lancaster,
2 Rosamond Community Services District, Littlerock Creek Irrigation District, Palm Ranch
3 Irrigation District, Desert Lake Community Services District, North Edwards Water District,
4 Llano Del Rio Water Company, Llano Mutual Water Company, Big Rock Mutual Water
5 Company, Palmdale Water District, Quartz Hill Water District, and California Water Service
6 Company (collectively “Public Water Suppliers”) hereby submit their reply to the Willis Class’
7 Opposition to Motion for Preliminary Approval of Class Settlement.

8 The issue before the Court is whether the proposed Wood Class settlement agreement “is
9 within the ‘range of reasonableness’ for possible [court] approval, and thus whether it is
10 worthwhile to issue notice to the class of the terms and conditions as well as schedule a formal
11 fairness hearing.” (1-14 Cabraser, California Class Actions and Coordinated Proceedings (2d ed),
12 § 14.02 (2014) [citations omitted]; *see also*, *Holden v. Burlington N., Inc.* (D. Minn. 1987) 665 F.
13 Supp. 1398, 1402; *In re Traffic Executive Asso.--Eastern Railroads* (2d Cir. 1980) 627 F.2d 631,
14 634 [a court’s preliminary approval of a proposed class settlement “is at most a determination that
15 there is what might be termed ‘probable cause’” of fairness and reasonableness]; *In re*
16 *Montgomery County Real Estate Antitrust Litigation* (D. Md. 1979) 83 F.R.D. 305, 313.)¹

17 A proposed settlement is presumed to be reasonable and fair, if: “(1) the settlement is
18 reached through arm’s-length bargaining; (2) investigation and discovery are sufficient to allow
19 counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4)
20 the percentage of [class member] objectors is small.” (*Wershba v. Apple Computer, Inc.* (2001)
21 91 Cal.App.4th 224, 245-46.) The Willis Class does not present evidence that the Wood Class
22 has not met its burden of establishing a presumption of a reasonable and fair settlement *for the*
23 *Wood Class members*. Rather, the Willis Class’ Opposition is merely an objection to the
24 proposed Wood Class settlement agreement.

25
26 ¹ California courts may look to federal rules of procedure regarding class actions and the federal cases interpreting
27 them for guidance or “where California precedent is lacking.” (*Wershba, supra*, 91 Cal. App. 4th at 239-240; *see*
28 *also*, *Apple Computer, Inc. v. Superior Court* (2005) 126 Cal. App. 4th 1253, 1264 [“California courts may look to
federal authority for guidance on matters involving class action procedures.”] [citation and quotation marks
omitted].)

1 While the Public Water Suppliers disagree with Willis Class' contentions, the preliminary
2 approval hearing is not the time or the place to hear Willis Class' objections to the proposed
3 Wood Class settlement agreement or the proposed Stipulated Judgment and Physical Solution.
4 The Court has scheduled a deadline (April 1, 2015) for parties to object to the proposed Stipulated
5 Judgment and Physical Solution, a deadline (July 17, 2015) for discovery relating to objections to
6 the proposed Stipulated Judgment and Physical Solution, and a hearing date (August 3, 2015) for
7 the final approval of the proposed Wood Class settlement agreement and the proposed Stipulated
8 Judgment and Physical Solution. Willis Class' objections to the proposed physical solution
9 should be heard at the same time as other objections to the proposed Wood Class settlement
10 agreement and the proposed Stipulated Judgment and Physical Solution, which is not set to occur
11 for several months.

12 As the Willis Class objections are premature and should not be considered at the
13 upcoming hearing, the Public Water Suppliers hereby reserve their rights to respond to the Willis
14 Class' objections at a later time.

15 For the reasons stated above, the Public Water Suppliers respectfully request that the
16 Court preliminarily approve the Wood Class Settlement.

17
18 Dated: March 19, 2015

BEST BEST & KRIEGER LLP

19
20 By 

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PROOF OF SERVICE

I, Rosanna R. Pérez, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 South Grand Avenue, 25th Floor, Los Angeles, California 0 90071. On March 19, 2015, I served the within document(s):

PUBLIC WATER SUPPLIERS' REPLY TO WILLIS CLASS' OPPOSITION TO MOTION FOR PRELIMINARY APPROVAL OF WOOD CLASS SETTLEMENT

by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 19, 2015, at Los Angeles, California.


Rosanna R. Pérez

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