

“EXHIBIT D”

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 1 HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)	
SPECIAL TITLE (RULE 1550B))	
ANTELOPE VALLEY GROUNDWATER CASES))	JUDICIAL COUNCIL
)	COORDINATION NO. P4408
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PALMDALE WATER DISTRICT AND)	SANTA CLARA CASE NO.
QUARTZ HILL WATER DISTRICT,)	1-05-CV-049053
CROSS-COMPLAINANTS,)	
VS)	
LOS ANGELES COUNTY WATERWORKS,)	
DISTRICT NO. 40, ET AL,)	
CROSS-DEFENDANTS.)	
)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 12, 2007

APPEARANCES:

(SEE APPEARANCE PAGES)

ORIGINAL

CHARLOTTE NICHOLAS MOHAMED, CSR #2384
OFFICIAL REPORTER

1 OR NOT THERE NEED TO BE SUB CLASSES WITHIN THE CLASS
2 CERTIFICATION OR THE CLASS THAT IS CERTIFIED.

3 THE OTHER THING THAT -- WITH REGARD TO A
4 DEFENDANT CLASS, IT SEEMS TO ME THAT YOU HAVE TO NAME A CLASS
5 REPRESENTATIVE AS THE DEFENDANT. AND ONE WHO IS SIMILARLY
6 SITUATED TO THE MEMBERS OF THE CLASS, THAT THAT DEFENDANT
7 OUGHT TO REPRESENT. AND IT PROBABLY NEEDS THE CONCURRENCE OF
8 THAT CLASS MEMBER, BECAUSE I DON'T THINK YOU CAN MAKE SOMEBODY
9 AN INVOLUNTARY REPRESENTATIVE OF A CLASS. I DON'T THINK THAT
10 IS FUNCTIONALLY APPROPRIATE.

11 SO AS THE CLASS IS CONSTRUCTED HERE, IT SEEMS TO
12 ME THAT IT IS CERTAINLY POSSIBLE TO HAVE A DEFENDANT CLASS OR
13 A SUB CLASS OF ALL OVERLYING OWNERS WHO ARE OUTSIDE OF WATER
14 SERVICE DISTRICTS AND WHO ARE NOT PUMPING AND HAVE NOT PUMPED.
15 SO THAT IS BASICALLY A DORMANT CLASS.

16 SO THAT A CLASS, IT SEEMS TO ME, OF THAT NATURE,
17 COULD BE A SUB CLASS. AND I'M GOING TO ASK COUNSEL TO ADDRESS
18 THAT.

19 THE OTHER CLASS, WHICH I -- IT SEEMS TO ME IS NOT
20 EVEN A NECESSARY CLASS IN ORDER TO PROPERLY ADJUDICATE THIS
21 CASE, ARE THOSE INDIVIDUALS WHO RESIDE WITHIN THE WATER
22 SERVICE DISTRICT AND RECEIVE WATER FROM THAT WATER SERVICE
23 DISTRICT, DO NOT HAVE WELLS, AND DO NOT MAKE ANY CLAIM TO
24 WATER RIGHTS UNDERLYING THEIR LAND OR THE USE OF THE WATER
25 UNDERLYING THEIR LAND.

26 A THIRD GROUP COULD BE THOSE INDIVIDUALS WHO
27 INTEND TO PUMP, AND THAT IS OBVIOUSLY THE ADD-ON CASE THAT WE
28 HAVE HERE THIS MORNING, AN ASSERTION THAT THEY MAY WISH TO

1 PUMP IN THE FUTURE. AND IF THE INDIVIDUALS ARE PART OF AN
2 ADDITIONAL PLAINTIFF'S CLASS, THAT MIGHT SOLVE THAT PROBLEM.

3 NOW IT SEEMS TO ME THAT ANYBODY WHO IS A
4 SIGNIFICANT PUMPER NEEDS TO BE A PARTY AND THEY EITHER NEED TO
5 BE SERVED OR THEY HAVE TO HAVE FILED THEIR ACTIONS THEMSELVES.
6 AND THOSE ARE INDIVIDUALS WHO DON'T INTEND TO OR WHO ARE
7 NOMINAL PUMPERS OR WATER PRODUCERS WITH AN INDIVIDUAL WELL IN
8 THEIR BACKYARD. I DON'T KNOW HOW MANY OF THOSE THERE ARE.
9 THEY MIGHT WELL BE MINIMUM INDIVIDUALS AND MAY NOT NEED TO BE
10 A PART OF THIS ADJUDICATION BECAUSE THEY DON'T AFFECT THE
11 WATER SUPPLY IN ANY MEASURABLE AMOUNT AND WHATEVER HAPPENS
12 HERE IS GOING TO HAVE LITTLE IMPACT ON THEM.

13 SO IT SEEMS TO ME THAT THAT IS KIND OF THE BROAD
14 STRUCTURE THAT I ENVISION HERE AND I WOULD LIKE COUNSEL TO
15 ADDRESS THAT. AND I DON'T REALLY CARE WHO STARTS.

16 MR. DUNN: I THINK, IF MY NOTES ARE CORRECT, WE ARE
17 LOOKING AT RESPONDING HERE TO THREE POTENTIAL SUBCLASSES OR
18 CLASSES. ONE WOULD BE, FOR LACK OF A BETTER DESCRIPTION, THE
19 DORMANT CLASS OF ALL PERSONS OUTSIDE THE MUNICIPAL WATER
20 SERVICE AREAS AND THESE INDIVIDUALS OR ENTITIES DO NOT PUMP.

21 AND THE SECOND GROUP COULD BE THOSE INDIVIDUALS
22 WHO DO NOT HAVE WELLS BUT ARE WITHIN THE SERVICE AREA
23 DISTRICTS AND THE MUNICIPAL WATER SUPPLIER SERVICE AREAS BUT
24 DO NOT CLAIM TO PUMP OR PUMP.

25 AND THEN THE THIRD GROUP COULD POSSIBLY BE THOSE
26 INDIVIDUALS WHO MAY WISH TO PUMP IN THE FUTURE, BEING THINK
27 SORT OF GENERALLY DESCRIBED IN THE PUTATIVE CLASS MEMBER
28 WILLIS' PETITION.