

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
STEFANIE D. HEDLUND, Bar No. 239787
3 5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614
4 TELEPHONE: (949) 263-2600
TELECOPIER: (949) 260-0972
5 Attorneys for Cross-Complainants
ROSAMOND COMMUNITY SERVICES
6 DISTRICT and LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

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

7 OFFICE OF COUNTY COUNSEL
8 COUNTY OF LOS ANGELES
RAYMOND G. FORTNER, JR., Bar No. 42230
9 COUNTY COUNSEL
FREDERICK W. PFAEFFLE, Bar No. 145742
10 PRINCIPAL DEPUTY COUNTY COUNSEL
500 WEST TEMPLE STREET
11 LOS ANGELES, CALIFORNIA 90012
TELEPHONE: (213) 974-1901
12 TELECOPIER: (213) 458-4020
Attorneys for Cross-Complainant LOS ANGELES
13 COUNTY WATERWORKS DISTRICT NO. 40

14 [See Next Page For Additional Counsel]

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES – CENTRAL DISTRICT
17

18 **ANTELOPE VALLEY
GROUNDWATER CASES**

19 Included Actions:

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

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

25 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
26 Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
27 California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668
28

Judicial Council Coordination No. 4408

CLASS ACTION

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

[Code Civ. Proc., § 382]

**PUBLIC WATER SUPPLIERS'
PROPOSALS FOR CLASS DEFINITIONS
AND METHOD OF NOTICE**

1 STRADLING YOCCA CARLSON & RAUTH
Douglas J. Evertz, Bar No. 123066
2 660 Newport Center Drive, Ste. 1600
Newport Beach, CA 92660
3 (949) 737-4720 (916) 823-6720 fax
Attorneys for City of Lancaster

4 RICHARDS WATSON & GERSHON
5 James L. Markman, Bar No. 43536
Steven Orr, Bar No. 136615
6 355 S. Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
7 (213) 626-8484 (213) 626-0078 fax
Attorneys for City of Palmdale

8 LAGERLOF SENEAL BRADLEY GOSNEY &
9 KRUSE
Thomas Bunn III, Bar No. 89502
10 301 North Lake Avenue, 10th Floor
Pasadena, CA 91101-4108
11 (626) 793-9400 (626) 793-5900 fax
Attorneys for Palmdale Water District and Quartz
12 Hill Water District

13 CALIFORNIA WATER SERVICE COMPANY
John Tootle, Bar No. 181822
14 2632 West 237th Street
Torrance, CA 90505
15 (310) 257-1488; (310) 325-4605-fax

16
17
18
19
20
21
22
23
24
25
26
27
28

1 **PROPOSED CLASS DEFINITIONS**

2 Pursuant to this Court’s order dated, March 12, 2007, the Public Water Suppliers’ propose
3 the following class definitions:

4 Subject to the class exclusions below, there should be a single class divided into two
5 subclasses which include all property owners within the court-determined Adjudication Area:
6 Subclass A which can be generally described as a group of “dormant” landowners; and Subclass
7 B which can be generally described as a group of landowners with operational groundwater wells.
8 A single class consisting of two subclasses will allow class members without an operational
9 groundwater well to remain in the class if they later operate a groundwater well.

10 Subclass A: (1) All landowners with land that does not have a groundwater well;
11 and (2) all landowners with land that has or did have a groundwater well but it did not operate at
12 any time during the five years immediately before October 29, 1999 or anytime since that date. If
13 any class member owns land that connects to a Public Water Supplier's water service system and
14 does not operate a groundwater well, then such land ownership will no longer be a member of the
15 class and will be dismissed from the litigation. For purposes of this Subclass A definition, a
16 “Public Water Supplier” includes any public entity, state regulated water company or mutual
17 water company as organized and operating under applicable California law.

18 Subclass B: All landowners within the adjudication area with groundwater wells
19 on their land and who are not members of Subclass A

20 Subclass A and Subclass B Exclusions: All public entities; and any party that has
21 been or will be individually named and served in these coordinated groundwater adjudication
22 proceedings. Any excluded person or entity has the right to opt in to either Subclass as
23 appropriate.

24 Subclass Rules: All class members will be able to opt out of the class in order to
25 have separate representation. No member will be able to opt out of the litigation unless it (1)
26 connects to a public water supplier's system; and/or (2) disclaims its right to pump groundwater
27 from the land parcel. Any member of Subclass A that later operates a groundwater well will
28 automatically become a member of Subclass B with the right to opt out of the class in order to

1 have separate representation.

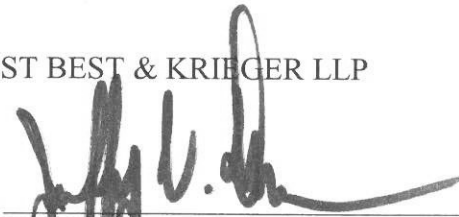
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROPOSED METHOD OF CLASS NOTICE

The Public Water Suppliers propose publication in local and regional newspapers as the method for class notification in the following newspapers: the Antelope Valley Press, Daily News – Antelope Valley, Los Angeles Times, and Bakersfield Californian. These newspapers not only cover the entire Antelope Valley but the Los Angeles Times covers all of Southern California.

Dated: March 16, 2007

BEST BEST & KRIEGER LLP

By 
ERIC L. GARNER
JEFFREY V. DUNN
STEFANIE D. HEDLUND
Attorneys for Cross-Complainants
ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT
NO. 40

ORANGE\34467.1

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

1 **PROOF OF SERVICE**

2 I, Kerry V. Keefe, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza,
Suite 1500, Irvine, California 92614. On March 16, 2007, I served the within document(s):

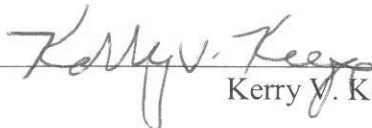
5 **PUBLIC WATER SUPPLIERS' PROPOSALS FOR CLASS DEFINITIONS AND**
6 **METHOD OF NOTICE**

- 7 by posting the document(s) listed above to the Santa Clara County Superior Court
8 website in regard to the Antelope Valley Groundwater matter.
- 9 by placing the document(s) listed above in a sealed envelope with postage thereon
10 fully prepaid, in the United States mail at Irvine, California addressed as set forth
below.
- 11 by causing personal delivery by ASAP Corporate Services of the document(s)
12 listed above to the person(s) at the address(es) set forth below.
- 13 by personally delivering the document(s) listed above to the person(s) at the
14 address(es) set forth below.
- 15 I caused such envelope to be delivered via overnight delivery addressed as
16 indicated on the attached service list. Such envelope was deposited for delivery
17 by Federal Express following the firm's ordinary business practices.

18 I am readily familiar with the firm's practice of collection and processing
19 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
20 Service on that same day with postage thereon fully prepaid in the ordinary course of business. 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.

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

22 Executed on March 17, 2007, at Irvine, California.

23
24 
25 _____
Kerry V. Keefe