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WATERWORKS DISTRICT NO. 40

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

15 **ANTELOPE VALLEY GROUNDWATER**  
16 **CASES**

Judicial Council Coordination Proceeding  
No. 4408

17 **Included Actions:**  
Los Angeles County Waterworks District No.  
18 40 v. Diamond Farming Co., Superior Court of  
California, County of Los Angeles, Case No.  
19 BC 325201;

**CLASS ACTION**

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

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

**LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40'S  
OPPOSITION TO THE WILLIS CLASS  
RENEWED MOTION TO ADD LEAD  
PLAINTIFF**

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

Date: December 22, 2014  
Time: 9:00 a.m.  
Dept. 1

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

1 Los Angeles County Waterworks District No. 40 (“District No. 40”) hereby responds to  
2 the Willis Class Renewed Motion to Add Lead Plaintiff (“Motion”) as follows:

3 **I. THE ARCHDIOCESE CANNOT SERVE AS A CLASS REPRESENTATIVE**  
4 **BECAUSE OF A CONFLICT OF INTEREST**

5 Proposed class representatives must not have a conflict of interest with members of the  
6 class. (*La Sala v. American Sav. & Loan Assn.* (1971) 5 Cal.3d 864, 872-874.) The party seeking  
7 class certification has the burden of proving that its named representative does not have a conflict  
8 of interest. (*Richmond v. Dart Industries, Inc.* (1981) 29 Cal.3d 462, 470-471.) Moreover, a trial  
9 court is to deny class certification if the proposed class representative is simply lending its name  
10 to a lawsuit that is controlled entirely by the attorney for the proposed class. (*Howard Gunty*  
11 *Profit Sharing Plan v. Superior Court* (2001) 88 Cal.App.4th 572, 577-580.) As shown below,  
12 the proposed additional class representative Archdiocese owns properties within the Adjudication  
13 Area that are within Public Water Supplier service areas, and those properties receive public  
14 water supply service.

15 **A. The Archdiocese Owns Schools And Parishes That Depend Upon**  
16 **Groundwater Provided By Public Water Suppliers.**

17 The Archdiocese owns the following schools and parishes within the Adjudication Area:

- 18 1. Sacred Heart Catholic Church, 625 West Kettering Street,  
19 Lancaster, CA 93534
- 20 2. Blessed Junipero Serra Catholic Church, 42121 North 60th  
21 Street West, Lancaster, CA 93536
- 22 3. St. Mary Catholic Church, 1600 East Avenue R4, Palmdale,  
23 CA 93550
- 24 4. Sacred Heart Elementary School, 45002 North Date  
25 Avenue, Lancaster, CA 93534
- 26 5. Mission Bell Preschool, 42121 North 60th Street West,  
27 Lancaster, CA 93536
- 28 6. Paraclete High School, 42145 North 30th Street, Lancaster,  
CA 93536
7. St. Mary Elementary, 1600 East Avenue R4, Palmdale, CA  
93550

1 (Declaration of Wendy Wang (“Wang Decl.”), Exs. “D” and “E”, ¶¶ 5-7.)

2 District No. 40 is informed and believes that each of the above Archdiocese properties  
3 receives water from a Public Water Supplier. Thus, the Archdiocese properties depend upon the  
4 Public Water Suppliers’ water supply and the Archdiocese cannot represent a class or dormant  
5 landowner parties who are adverse to the Public Water Suppliers.

6 **B. The Archdiocese has Church Members Whom Depend Upon Groundwater**  
7 **Provided By Public Water Suppliers.**

8 The Archdiocese has church members who reside in the Antelope Valley. They, in  
9 all likelihood, own or rent homes that depend upon the Public Water Suppliers to provide a public  
10 water supply. If the Archdiocese were to become a class representative, it would be adverse to  
11 the Public Water Suppliers who provide public water service to Archdiocese members.

12 **II. THE WILLIS CLASS HAS BEEN REPRESENTED BY AN INDIVIDUAL CLASS**  
13 **MEMBER AND THE MOTION MAKES NO SHOWING THAT MR. ESTRADA**  
14 **CANNOT BE AN ADEQUATE CLASS MEMBER WITHOUT THE**  
15 **ARCHDIOCESE**

16 Ms. Rebecca Willis was a single class representative for the Willis Class. At no time  
17 throughout the adjudication proceedings did Ms. Willis or the Willis Class counsel claim any  
18 other class representative was needed. Even now, the Motion makes no showing that the  
19 Archdiocese is needed as a class representative or that Mr. Estrada cannot adequately represent  
20 the Class.

21 **III. THE WILLIS CLASS HAS NOT COMPLIED WITH THE COURT’S**  
22 **NOVEMBER 4, 2014 INSTRUCTIONS**

23 During the November 4, 2014 hearing on the first Willis Class’ motion to add the  
24 Archdiocese as a class representative, counsel for District No. 40 indicated that Mr. Allan J.  
25 Graf—counsel for the Archdiocese—had appeared in this coordinated proceeding on behalf of the  
26 Archdiocese. (See Wang Decl., Exs. “A” [Transcript of Hearing on July 20, 2007] [“Allan Graf  
27 on behalf of the Leslie Property and the Archdiocese of Los Angeles”] & “B” [Transcript of  
28 Hearing on August 20, 2007] [“Allan Graff, of Carlsmith and Ball, on behalf of the Archdiocese  
of Los Angeles,”].) In denying the Willis Class’s request to add the Archdiocese as an additional

1 class plaintiff, the Court stated that there are a number of procedural tasks that the Willis Class  
2 should accomplish before the court consider a motion to add the Archdiocese as an additional  
3 class representative:

- 4 1. Opting in properties that are currently owned by the Archdiocese in the Antelope  
5 Valley;
- 6 2. A declaration that the Leslie Property was sold;
- 7 3. Alerting the new owner(s) of Leslie Property of the status of its property; and
- 8 4. Dismissing the Answer. (Wang Decl., Ex. "F" [Transcript of Hearing on  
9 November 4, 2014].)

10 While the declaration accompanying the Motion did specify that the Leslie Property was  
11 sold, it is questionable whether the Willis Class accomplished the other tasks. For example, the  
12 Archdiocese appears to own other properties in the Antelope Valley Adjudication Area that are  
13 not listed in its declaration filed in support of the motion. The Willis Class has not presented any  
14 evidence that it had contacted the new owner(s) of the Leslie property, nor has it identified the  
15 new owners. Lastly, in lieu of filing a request to dismiss the answer filed by Leslie property, the  
16 Willis Class submitted a declaration in which the Archdiocese's representative indicated that it  
17 withdrew the answer submitted on behalf of Leslie property. No request has been made to the  
18 Court to withdraw or dismiss the Leslie answer. Until the Willis Class complies with the Court's  
19 requests, this Motion is premature and should be denied.

20 **IV. CONCLUSION**

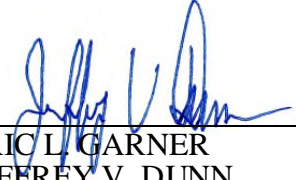
21 For the above reasons, the Court should deny the Willis Class' Motion to add the  
22 Archdiocese as an additional class representative.

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Dated: December 8, 2014

BEST BEST & KRIEGER LLP

By   
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**PROOF OF SERVICE**

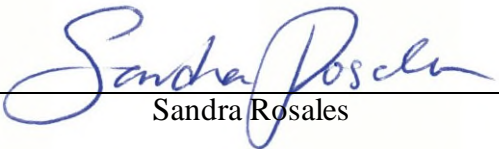
I, Sandra Rosales, declare:

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, CA 90071. On, I served the within document(s):

**LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S OPPOSITION  
TO THE WILLIS CLASS RENEWED MOTION TO ADD LEAD PLAINTIFF**

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 December 8, 2014, at Los Angeles, California.

  
Sandra Rosales

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