

ATTORNEY OR PARTY WITHOUT ATTORNEY: 228923 NAME: Eric L. Garner / Jeffrey V. Dunn / Wendy Y. Wang FIRM NAME: Best Best & Krieger LLP STREET ADDRESS: 300 South Grand Avenue CITY: Los Angeles STATE: CA ZIP CODE: 90071 TELEPHONE NO.: (213) 617-8100 FAX NO.: (213) 617-7480 E-MAIL ADDRESS: eric.garner@bbklaw.com; jeffrey.dunn@bbklaw.com; wendy.wang@bbklaw.com ATTORNEY FOR (name): Los Angeles County Waterworks District No. 40	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk	
PLAINTIFF/PETITIONER: Richard A. Wood DEFENDANT/RESPONDENT Los Angeles County Waterworks District No. 40	
<input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)	CASE NUMBER: Judicial Council Coordination Proceeding No. 4408 (BC391869)

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.

1. NOTICE IS HEREBY GIVEN that (name): Los Angeles County Waterworks District No. 40
 appeals from the following judgment or order in this case, which was entered on (date): September 29, 2022 (See Exhibit 1)
- ☐ Judgment after jury trial
☐ Judgment after court trial
☐ Default judgment
☐ Judgment after an order granting a summary judgment motion
☐ Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
☐ Judgment of dismissal after an order sustaining a demurrer
☒ An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
☐ An order or judgment under Code of Civil Procedure, § 904.1(a)(3)–(13)
☐ Other (describe and specify code section that authorizes this appeal):
2. For cross-appeals only:
- a. Date notice of appeal was filed in original appeal:
 b. Date superior court clerk mailed notice of original appeal:
 c. Court of Appeal case number (if known):

Date: November 23, 2022

Wendy Y. Wang

(TYPE OR PRINT NAME)


► 
 (SIGNATURE OF PARTY OR ATTORNEY)

Exhibit 1

Michael D. McLachlan (State Bar No. 181705)
McLACHLAN LAW, APC
2447 Pacific Coast Highway, Suite 100
Hermosa Beach, California 90254
Telephone: (310) 954-8270
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Daniel M. O'Leary (State Bar No. 175128)
LAW OFFICE OF DANIEL M. O'LEARY
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dan@danolearylaw.com

Attorneys for Plaintiff Richard Wood and the Class

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et
al.

Defendants.

Judicial Council Coordination
Proceeding No. 4408

Lead Case No. BC 325201

Case No.: BC 391869
(Hon. David S. Cunningham, Dept. 11)

NOTICE OF ENTRY OF ORDERS

1 **ALL PARTIES, AND THEIR ATTORNEYS OR RECORD:**

2 On September 29, 2022, the Court entered two orders, a copy of both of
3 which are attached to this notice.

4
5 DATED: September 29, 2022 McLACHLAN LAW, APC
6 LAW OFFICE OF DANIEL M. O'LEARY

7
8 By: /s/ Michael D. McLachlan
9 Michael D. McLachlan
10 Daniel O'Leary
11 Attorneys for Plaintiff and the Class
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Exhibit 1

Electronically Received 09/15/2022 02:39 PM

FILED
Superior Court of California
County of Los Angeles

09/29/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: T. Lewis Deputy

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

Coordination Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et
al.

Defendants.

Judicial Council Coordination
Proceeding No. 4408

Lead Case No. BC 325201

Case No.: BC 391869
(Hon. David S. Cunningham, Dept. 11)

**[proposed] ORDER GRANTING
SMALL PUMPER CLASS'
MOTION FOR APPELLATE AND
POST-JUDGMENT ATTORNEYS
FEES**

Date: September 9, 2022
Time: 11:00 a.m.
Dept.: 11

**ORDER RE: MOTION FOR POST-JUDGEMENT AND APPELLATE
ATTORNEYS' FEES AWARD**

After considering the moving and opposing papers regarding Richard Wood and the “Small Pumper” Class’ Motion for Appellate and Post-Judgment Attorneys’ Fees, and after hearing oral argument of the parties on September 9, 2022, the Court hereby grants the motion for the reasons set forth in the written ruling filed by the Court on September 9, 2022. The Court’s award of attorneys’ fees and costs to class counsel, Michael McLachlan and Daniel O’Leary, and as against Los Angeles County Waterworks District No. 40, on this motion, is as follows:


The Court rules that the reasonable hourly rates and reasonably incurred hours, are as follows:

Attorney Name	Admission Date	Hourly Rate	Hours	Lodestar
Michael D. McLachlan	1995	\$800.00	737.4	\$589,920
Daniel M. O’Leary	1994	\$800.00	151.6	\$121,280
Marybeth LippSmith	2002	\$650.00	67.9	\$44,135
Rolando Gutierrez	2011	\$550.00	10.0	\$5,500
Paralegal		\$150.00	102.3	\$15,345
Total				\$776,180.00

For the reasons set forth in the Court’s written ruling on this motion, the Court awards a positive fee multiplier of 1.5 to the lodestar of \$766,180. The total recoverable appellate costs are \$5,020.78. The total attorneys’ fees and cost award set forth herein is subject to seven percent post-judgment interest running from September 9, 2022. The rulings on District 40’s evidentiary objections are set forth in the Court’s ruling on this motion.

IT IS SO ORDERED.

DATED: 09/29/2022, 2022

BY: 
Hon. David S. Cunningham
Judge, Los Angeles Superior Court

1 Submitted by:

2 Michael D. McLachlan (State Bar No. 181705)

3 **McLACHLAN LAW, APC**

4 2447 Pacific Coast Highway, Suite 100

5 Hermosa Beach, California 90254

6 Telephone: (310) 954-8270

7 Facsimile: (310) 954-8271

8 *mike@mclachlan-law.com*

Exhibit 2

FILED
Superior Court of California
County of Los Angeles

09/29/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: T. Lewis Deputy

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

Coordination Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et
al.

Defendants.

Judicial Council Coordination
Proceeding No. 4408

Lead Case No. BC 325201

Case No.: BC 391869
(Hon. David S. Cunningham, Dept. 11)

**[proposed] ORDER GRANTING
SMALL PUMPER CLASS'
MOTION FOR MODIFIED
ATTORNEYS' FEES AWARD
CONSISTENT WITH COURT OF
APPEAL OPINION**

Date: September 9, 2022
Time: 11:00 a.m.
Dept.: 11

1 After considering the moving and opposing papers regarding Richard
2 Wood and the “Small Pumper” Class’ Motion for Modified Attorneys’ Fees Award
3 Consistent with Court of Appeal Opinion, and after hearing oral argument of the
4 parties on September 9, 2022, the Court hereby grants the motion for the reasons
5 set forth in the written ruling filed by the Court on September 9, 2022. The
6 Court’s award of attorneys’ fees and costs to class counsel, Michael McLachlan
7 and Daniel O’Leary, and as against Los Angeles County Waterworks District No.
8 40, on this motion, is as follows:

9 With respect to the lodestar, the court rules that the reasonable hourly rate
10 is \$720 per hour for attorney time for the 4,799.4 of reasonable hours of attorney
11 time worked by attorneys McLachlan and O’Leary on behalf of the Class. The
12 paralegal time awarded totals \$84,586.50. Hence the total gross lodestar is
13 \$3,540,154.50. The Order of Judge Komar dated June 28, 2016, allocates 74.76
14 percent of the responsibility for this fee award to Los Angeles County Waterworks
15 District No. 40 (“District 40”). Hence, portion of the lodestar that District 40 is
16 responsible to pay is \$2,646,619.50.

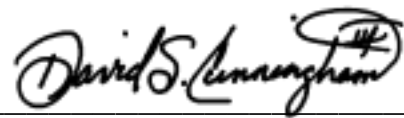
17 For the reasons set forth in the Court’s written ruling on this motion, the
18 Court awards a positive fee multiplier of 2.0 to the lodestar. The total recoverable
19 amount of costs is \$42,795.24. District 40’s 74.76 percent share of those costs is
20 \$31,993.72.

21 The total attorneys’ fees and cost award set forth herein is subject to seven
22 percent post-judgment interest running from the date of entry of Judgment,
23 which occurred on December 28, 2015.

24 **IT IS SO ORDERED.**

25
26 DATED: 09/29/2022, ~~2022~~

BY:



Hon. David S. Cunningham
Judge, Los Angeles Superior Court

1 Submitted by:

2 Michael D. McLachlan (State Bar No. 181705)

3 **McLACHLAN LAW, APC**

4 2447 Pacific Coast Highway, Suite 100

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On September 29, 2022, I caused the foregoing document(s) described as: **NOTICE OF ENTRY OF ORDERS**, to be served on the parties in this action, as follows:

Eric L. Garner
Jeffrey V. Dunn
Wendy Y. Wang
BEST BEST & KRIEGER LLP
18101 Von Karman Avenue, Suite 1000
Irvine, CA 92612
eric.garner@bbklaw.com
jeff.dunn@bbklaw.com
wendy.wang@bbklaw.com
Attorneys for Appellant,
Respondent, Defendant and Cross-
Complainant Los Angeles County
Water Works District No. 40

- (X) (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced document(s) were placed in sealed envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at Hermosa Beach, California, addressed as above.
- (X) (BY ELECTRONIC SERVICE) Pursuant to the consent of the parties to email service, and pursuant to the California Rules of Court, I electronically served the above-referenced document(s) to the e-mail addresses listed above. A true and correct copy of the transmittal will be produced if requested by any party or the Court.
- (X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Katelyn Furman
Katelyn Furman

PROOF OF SERVICE

I, Houda Matar, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 South Grand Avenue, 25th Floor, Los Angeles, California 90071. On November 23, 2022, I served a copy of the within document(s):

NOTICE OF APPEAL



BY ELECTRONIC TRANSMISSION. I caused such document(s) to be electronically served, via Antelope Valley Groundwater portal, to all parties appearing on the www.scefiling.org electronic service list for the Antelope Valley Groundwater Cases; proof of electronic-filing through One Legal is then printed and maintained with the original documents in our office. Electronic service is complete at the time of transmission. My electronic notification email address is Houda.matar@bbklaw.com.



by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.



by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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

Executed on November 23, 2022, at Los Angeles, California.



Houda Matar