



By Overnight Delivery

December 28, 2021

Chief Justice Cantil-Sakauye  
Chair Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102

Attn: Appellate & Trial Court Judicial Services  
Civil Case Coordinator

Re: *Antelope Valley Groundwater Litigation*, JCCP 4408  
*Wood v. Los Angeles County Waterworks District No. 40*  
Hon. Jack Komar Replacement

Dear Chief Justice Cantil-Sakauye:

I am the attorney for Palmdale Water District in the Antelope Valley Groundwater Litigation. This is in response to a letter dated December 28, 2021, to you from Michael McLachlan, attorney for the Wood Class, requesting that the Judicial Council reassign the coordinated proceedings to a different judge. I write to request that only the proceeding on remand from the court of appeal in *Richard Wood v. Los Angeles County Waterworks District No. 40*, case number F083138, be reassigned to a different judge, and that Judge Komar be permitted to continue to preside over other proceedings under the trial court's continuing jurisdiction.

The case is a comprehensive adjudication of all the groundwater rights in the Antelope Valley groundwater basin. The case was extraordinarily complex, involving among other things a large, dramatically overpumped basin; a class consisting of a large number of property owners who had never exercised their overlying rights; a second class—the Wood Class—consisting of small pumpers, who mostly pumped for domestic use; and the reserved water rights of the federal government at Edwards Air Force Base. Judge Komar was assigned to the coordinated cases in 2005 by the chair of the Judicial Council. He presided over six phases of trial, eventually leading to a stipulated judgment approved by the vast majority of parties, including the Wood Class.

The judgment includes a physical solution, which provides for a court-appointed Watermaster to administer the judgment and manage the basin, subject to the supervision of the court under its continuing jurisdiction. Pursuant to that continuing jurisdiction, Judge Komar has heard several post-judgment motions, none of which involved the Wood Class.

Four appeals of the judgment were filed, but one was later dismissed. The court of appeal severed the remaining appeals, and affirmed the judgment in each case, twice with published opinions. (See *Antelope Valley Groundwater Cases (2020)* 58 Cal.App.5th 343, and *Antelope Valley Groundwater Cases (2021)* 62 Cal.App.5th 992.) The California Supreme Court denied review.

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There are also two appeals of post-judgment orders, which have not yet concluded. One of these is the Wood Class appeal from an order awarding attorneys' fees (F083138), which was recently remanded to the trial court, and which is the subject of this letter. This proceeding involves only two parties, the Wood Class and Los Angeles County Waterworks District No. 40. There are two issues, the amount of attorneys' fees at the trial court level and whether fees should be awarded for the successful appeal.

In his letter to you dated October 4, 2021, a copy of which is attached to Mr. McLachlan's letter, Judge Komar requested that he be permitted to withdraw from the Wood Class proceeding on remand. He said that he would be pleased to retain the assignment as to other posttrial motions.

As stated above, these posttrial motions do not involve the Wood Class. Rather, they involve the administration of the physical solution by the court-appointed Watermaster. They are entirely separate from the issues on remand in the Wood Class appeal, which was severed by the appellate court. The resolution of the issues on remand is expected to end the involvement of the Wood Class in the case. The counsel for the other class in the case, the Willis Class, has already moved to be relieved as counsel, and the court granted his motion.

No other party has objected to Judge Komar's continuing assignment. Even though the judgment is now six years old, the parties and the Watermaster are just gaining their footing. It is valuable to have a judge overseeing the case who has experience with the parties and the issues over the course of 17 years, and the ability to bring fairness and equity to the management of the basin. I know we won't have Judge Komar forever, but we should keep him as long as we can.

Thank you for your consideration of this request.

Very truly yours,

Thomas S. Bunn III

cc: All counsel (via GloTrans)