WM. MATTHEW DITZHAZY
CITY ATTORNEY
CITY OF PALMDALE

RICHARDS, WATSON & GERSHON
A Professional Corporation
JAMES L. MARKMAN (Bar No. 43536)
jmarkman@rwglaw.com
STEVEN R. ORR (Bar No. 136615)
sorr@rwglaw.com
355 South Grand Avenue, 40th Floor
Los Angeles, California 90071-3101
Telephone: 213.626.8484
Facsimile: 213.626.0078

Attorneys for Defendant, Cross-Complainant, and Cross-Defendant
CITY OF PALMDALE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

ANTELOPE VALLEY GROUNDWATER CASES	Judicial Council Coordination Proceeding No. 4408 **JOINDER AND STATEMENT OF POSITION IN OPPOSITION TO WILLIS CLASS' MOTION FOR ATTORNEY'S FEES** Date: March 22, 2011 Time: 9:00 a.m. Dept: CCW Hon. Jack Komar

The City of Palmdale hereby joins in the various briefs of the Public Water Suppliers and the City of Lancaster and Rosamond Community Services District submitted in opposition to the Willis Class' motion for attorney's fees, and submits its statement of position with regard to allocation of any attorney's fees that may be awarded.

STATEMENT OF POSITION

For the reasons set forth in the concurrently filed briefs of the Public Water Suppliers and the City of Lancaster and Rosamond Community Services District, the Willis Class' motion for attorney's fees should be denied outright or severely reduced in amount. Should the Court be inclined to award attorney's fees, that award should not be made against the City of Palmdale for the following reasons:

First, all concerned agree on two key facts: (1) the City of Palmdale has not and does not pump groundwater from the basin, and (2) the City of Palmdale does not seek prescriptive rights against the Willis Class or any person or entity in these proceedings.

Second, consistent with principles of equity, the most sensible way of allocating any attorney's fees to be awarded is by historic pumping, including other overlying producers. The City of Palmdale is not a groundwater producer.

Third, the residents and businesses of the City of Palmdale should not have to pay attorney's fees twice. Palmdale Water District and Los Angeles County Waterworks District No. 40 serve water in the City of Palmdale. Any attorney's fees awarded against those Public Water Suppliers will be borne proportionately by the residents and businesses of the City of Palmdale through their water bills. A separate award against the City of Palmdale would mean those citizens and businesses would be charged twice.

Fourth, the City of Palmdale, for the same reasons, was not required to bear any of the attorney's fees to be paid to the Wood Class. The same reasoning applies herein.

Dated: March 9, 2011

RICHARDS, WATSON & GERSHON
A Professional Corporation
JAMES L. MARKMAN
STEVEN R. ORR

By: _____
STEVEN R. ORR
Attorneys for Defendant, Cross-Complainant, and Cross-Defendant
CITY OF PALMDALE