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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 **ANTELOPE VALLEY GROUNDWATER**
11 **CASES**

12 This Pleading Relates to Included Action:
13 REBECCA LEE WILLIS and DAVID
14 ESTRADA, on behalf of themselves and all
others similarly situated,

15 *Plaintiffs,*

16 v.

17 LOS ANGELES COUNTY WATERWORKS
18 DISTRICT NO. 40; CITY OF LANCASTER;
CITY OF PALMDALE; PALMDALE
19 WATER DISTRICT; LITTLEROCK CREEK
IRRIGATION DISTRICT; PALM RANCH
20 IRRIGATION DISTRICT; QUARTZ HILL
WATER DISTRICT; ANTELOPE VALLEY
21 WATER CO.; ROSAMOND COMMUNITY
SERVICE DISTRICT; PHELAN PINON
22 HILL COMMUNITY SERVICE DISTRICT;
23 and DOES 1 through 1,000;

24 *Defendants.*
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RELATED CASE TO JUDICIAL COUNCIL
COORDINATION PROCEEDING NO. 4408

**WILLIS CLASS' REPLY MOTION FOR
COURT ORDER FOR PAYMENT OF
EXPERT WITNESS FEES FOR THE
WILLIS CLASS FOR PHYSICAL
SOLUTION PROCEEDINGS**

Date: June 15, 2015

Time: 1:30 PM

Place: Santa Clara County Superior Court,
191 N. 1st St., San Jose, CA 95113, Dept. 1

Judge: Hon. Judge Komar

1 Judgment are incorporated into the Physical Solution ultimately adopted by this Court. Had the
2 Public Water Suppliers not reneged on their agreement in the Stipulation of Settlement to support
3 the Willis Class' correlative right to share in the Native Safe Yield up to 85% free of replacement
4 assessment, then the Willis Class would not need expert witnesses to oppose the SPPS and to
5 support its right to pump groundwater in the future as part of an amended SPPS or as part of an
6 alternative proposed physical solution. Alternatively, the Wood Class required an expert to
7 address the groundwater needs of the 3700-Member Wood Class in the context of the Physical
8 Solution proceedings and therefore an expert was appointed by the Court. The Court thus far has
9 denied the Willis Class' repeated requests for a Court-appointed expert.
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11 In order to adequately represent the Willis Class in the upcoming Court-mandated
12 Physical Solution proceedings, Willis Class Counsel must employ expert witnesses. Plain and
13 simple. Every other party to this adjudication will employ expert witnesses to prove up or oppose
14 the SPPS. This fact is not the least bit surprising given the highly complex technical and
15 scientific issues involved in a Physical Solution proceeding. The 65,000-Member Willis Class
16 cannot be treated as second class citizens. Because the Court did not appoint an expert and
17 because there will likely be no common fund from which to reimburse Willis Class Counsel for
18 fronting expert witness fees, the Court must issue an Order providing that the expert witness fees
19 expended by the Willis Class must be paid. In so doing, the expert witness fees will become
20 recoverable by Willis Class Counsel pursuant to C.C.P. Section 1033.5(a)(8). This motion is
21 necessary as expert witness fees are not recoverable under CCP section 1021.5.
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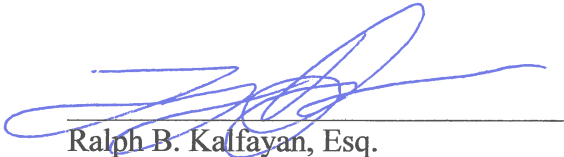
24 Willis Class Counsel recognizes that they should not be afforded "carte blanche" to
25 expend expert witness fees under the Court's Order. Accordingly, Willis Class Counsel has
26 attached as Exhibit A to the moving papers a very conservative budget for expert witness fee
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1 expenditures for the upcoming Physical Solution proceeding. Willis Class Counsel is willing to
2 “cap” these fees at the budgeted amount of \$140,000.

3 Dated: June 8, 2015

Respectfully submitted,

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5 KRAUSE KALFAYAN BENINK &
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8 Ralph B. Kalfayan, Esq.
9 Lynne M. Brennan, Esq.
Class Counsel for the Willis Class

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