

1 Ralph B. Kalfayan (SBN 133464)  
Lynne M. Brennan (SBN 149131)  
2 KRAUSE KALFAYAN BENINK &  
SLAVENS, LLP  
3 550 West C Street, Suite 530  
San Diego, CA 92101  
4 Tel: (619) 232-0331  
Fax: (619) 232-4019

5 Class Counsel for the Willis Class  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10 ANTELOPE VALLEY  
11 GROUNDWATER CASES

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

14 *Plaintiffs,*

15 v.  
16

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

25 *Defendants.*  
26  
27  
28

RELATED CASE TO JUDICIAL COUNCIL  
COORDINATION PROCEEDING NO. 4408

**WILLIS CLASS' RESPONSE TO CASE  
MANAGEMENT STATEMENT OF THE  
PUBLIC WATER SUPPLIERS**

Date: September 4, 2015

Time: 1:30 P.M.

Place: Telephonic Appearance Only

1           The Willis Class hereby responds to the following issues raised by the Public Water  
2 Suppliers' Case Management Statement.

3           First, nowhere in the PWS' CMC does it mention allocating trial time for the Willis Class'  
4 expert and percipient witnesses who will testify in opposition to the SPPS and in support of a  
5 modified SPPS. Therefore, the proposed order for the presentation of evidence at trial submitted  
6 by the PWS must be altered to include the Willis Class' trial witnesses.

7  
8           Second, the Willis Class has the right to cross-examine witnesses at trial, pure and simple.  
9 The PWS cannot unilaterally state that they intend to submit declarations to the trial court in lieu  
10 of live testimony and then set a briefing schedule for any "objections" to the intended submission  
11 of declarations. The Willis Class should not be required to file yet another opposition or "objection"  
12 to the PWS' plan to submit declarations when the Willis Class has the absolute right to cross-  
13 examine witnesses at trial. The Willis Class will avail itself of its right to cross-examine any and  
14 all witnesses at trial and will not agree to the PWS' attempt to take away that fundamental right.  
15 Reasonable and beneficial use is a fundamental element to the claim of a water right and is an  
16 individualized inquiry. Because the SPPS permanently allocates the Native Safe Yield to 140  
17 Stipulating Parties, it violates the reasonable and beneficial use principles under the Constitution.  
18 Furthermore, reasonable and beneficial use has a macro and micro level. Willis Class Counsel plan  
19 to cross-examine witnesses on their reasonable and beneficial use of water.  
20

21  
22           Third, the PWS propose to have their claims for prescriptive rights heard first at trial. The  
23 Willis Class requests clarification regarding certain Landowner Stipulating Parties' original  
24 objection to this proposed order of evidence at trial because they were concerned that if the trial  
25 court or, more likely, the appellate court changes even one provision in the SPPS, the entire SPPS  
26 becomes *void ab initio* pursuant to the "Dynamite" provision in the Stipulation, i.e., Paragraph 4.  
27 The concern was that if the PWS can prove their prescriptive claims against certain landowners at  
28

1 the Phase VI trial and the SPPS is later rendered *void ab initio* pursuant to the Dynamite provision  
2 either by the trial court or the appellate court, the PWS will already have established claims of  
3 prescription that they can later assert against the Landowner Stipulating Parties on remand from  
4 the appellate court or even later on in the Phase VI trial if the Court changes even one provision in  
5 the SPPS. Of course, the PWS are prohibited from ever asserting claims of prescription against the  
6 Willis Class based on the binding Release of Claims in the Willis Stipulation of Settlement and  
7 Willis Judgment.  
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10 Dated: September 3, 2015

Respectfully submitted,

11 KRAUSE KALFAYAN BENINK & SLAVENS, LLP

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13  
14 By: 

Ralph B. Kalfayan, Esq.

Lynne M. Brennan, Esq.

Class Counsel for the Willis Class