

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
16 v.

17 LOS ANGELES COUNTY
18 WATERWORKS DISTRICT NO. 40;
CITY OF LANCASTER; CITY OF
19 PALMDALE; PALMDALE WATER
DISTRICT; LITTLEROCK 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
DOES 1 through 1,000;

24 *Defendants.*
25
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RELATED CASE TO JUDICIAL COUNCIL
COORDINATION PROCEEDING NO. 4408

**WILLIS CLASS' ALTERNATIVE PROPOSED
PHYSICAL SOLUTION: [PROPOSED]
JUDGMENT AND PHYSICAL SOLUTION
MODIFIED TO INCORPORATE WILLIS
CLASS PUMPING**

1 The Willis Class respectfully submits its [Proposed] Judgment and Physical Solution
2 Modified to Incorporate Willis Class Pumping, attached hereto as Exhibit A.

3
4 The stipulation and proposed physical solution (“SPPS”) filed by the Stipulating Parties
5 on March 4, 2015, includes a quantification of groundwater rights. If the Court seeks to approve
6 a physical solution that quantifies groundwater rights, the Willis Class submits the attached
7 [Proposed] Judgment and Physical Solution which incorporates the groundwater rights of the
8 Willis Class and also modifies the SPPS to comply with California and Federal law.

9
10 The California Supreme Court has ruled that the trial court must admit evidence regarding
11 possible physical solutions even where, as here, certain parties object or attempt to prevent the
12 trial court from considering alternative physical solutions:

13
14 Other suggestions as to possible physical solutions were made during the trial. The
15 trial court apparently took the view that none of them could be enforced by it
16 unless the interested parties both agreed thereto. That is not the law. Since the
17 adoption of the 1928 constitutional amendment, **it is not only within the power**
18 **but it is also the duty of the trial court to admit evidence relating to possible**
19 **physical solutions**, and if none is satisfactory to it to suggest on its own motion
20 such physical solution. (*Tulare Irr. Dist. v. Lindsay-Strathmore Irr. Dist.*, [3
21 *Cal.2d 489, 574 (1935)*].) The court possesses the power to enforce such solution
22 regardless of whether the parties agree.

23
24 *City of Lodi v. E. Bay Mun. Util. Dist.*, 7 Cal. 2d 316, 341 (1936) (emphasis supplied).

25 Dated: October 13, 2015

26 Respectfully submitted,

27 KRAUSE KALFAYAN BENINK & SLAVENS, LLP

28 By: 

Ralph B. Kalfayan, Esq.

Lynne M. Brennan, Esq.

Class Counsel for the Willis Class

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Lynne M. Brennan (SBN 149131)
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SLAVENS, LLP
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PROOF OF SERVICE

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I, Lynne M. Brennan, declare:

I am a citizen of the United States and employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Krause Kalfayan Benink & Slavens, LLP 550 West C Street, Suite 530, San Diego, California, 92101. On October 13, 2015, I caused the following document(s) to be served on the parties in this action, as follows:

WILLIS CLASS' ALTERNATIVE PROPOSED PHYSICAL SOLUTION: [PROPOSED] JUDGMENT AND PHYSICAL SOLUTION MODIFIED TO INCORPORATE WILLIS CLASS PUMPING

(BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: www.scefiling.org regarding the Antelope Valley Groundwater matter.


(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 documents(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 San Diego, California, addressed to:

(BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for the delivery on the next business day. Each copy was enclosed in an envelope or package designed by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.

(BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.

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

(FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Lynne M. Brennan