

EXHIBIT A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 1

HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)	
SPECIAL TITLE (RULE 1550B))	
)	JUDICIAL COUNCIL
ANTELOPE VALLEY GROUNDWATER CASES))	COORDINATION
_____))	NO. JCCP4408
)	
PALMDALE WATER DISTRICT AND)	SANTA CLARA CASE NO.
QUARTZ HILL WATER DISTRICT,)	1-05-CV-049053
)	
CROSS-COMPLAINANTS,)	
)	
VS.)	
)	
LOS ANGELES COUNTY WATERWORKS,)	
DISTRICT NO. 40, ET AL,)	
)	
CROSS-DEFENDANTS.)	
_____))	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 24, 2009

APPEARANCES:

(SEE APPEARANCE PAGES)

GINGER WELKER, CSR #5585
OFFICIAL REPORTER

1 THE COURT: MR. KUNEY.

2 MR. KUNEY: THANK YOU, YOUR HONOR. THANK YOU,
3 YOUR HONOR. I APPRECIATE THAT THE PEOPLE WANT TO MOVE
4 THE CASE FORWARD, BUT I'M LOOKING AT MR. DUNN'S MOST
5 RECENT SUBMITTAL. AND JUST WITH REGARD TO THE WILLIS
6 CLASS ALONE, THEY ARE IDENTIFYING 1628 CLASS MEMBERS
7 THAT OPTED OUT THAT HAVEN'T BEEN SERVED AND THAT AREN'T
8 BEFORE THIS COURT.

9 AND I QUESTION WHETHER AT THIS JUNCTURE
10 GIVEN THAT FACT IT IS APPROPRIATE TO SET A TRIAL SETTING
11 DATE WITH ALL THE PARTICULARS AND ALL OF THE PROCEDURAL
12 EVENTS THAT HAVE TO OCCUR. BECAUSE IT IS OBVIOUSLY
13 GOING TO AFFECT POTENTIALLY AT LEAST 1600 PARTIES AND
14 MAYBE -- I DON'T KNOW HOW MANY OTHERS.

15 THE COURT: MR. DUNN.

16 MR. DUNN: I DON'T WANT TO DISAGREE WITH -- I'M
17 NOT GETTING INVOLVED IN THIS CONVERSATION ON SETTING
18 TRIAL NOW. I JUST WANT TO RESPOND TO MR. KUNEY'S
19 COMMENT ABOUT THE WILLIS CLASS MEMBERS WHO HAVE OPTED
20 OUT OF THE CLASS.

21 THE COURT PERHAPS WILL RECALL THERE WAS
22 EXTENSIVE DISCUSSION PRIMARILY INITIATED BY THE UNITED
23 STATES THAT THE OPT-OUT PORTION OR AVAILABILITY FOR THE
24 WILLIS CLASS MEMBERS WAS NOT TO OPT OUT OF THE CLASS.
25 IT WAS TO OPT OUT OF THE CLASS.

26 THE COURT DOES NOT LOSE JURISDICTION OVER
27 THEM. THAT WAS MADE VERY CLEAR BECAUSE OF THE CONSTANT
28 MCCARRAN CONCERNS PRESENT IN THIS CASE.

1 SO THEY ARE PRO PER. THEY ARE -- THEY
2 WERE -- THE COURT HAD ACQUIRED JURISDICTION OVER THEM
3 ONCE THE CLASS WAS CERTIFIED AND NOTICE WENT TO THEM.
4 THEY HAVE SIMPLY NOW DECIDED TO BECOME PRO PER
5 LITIGANTS.

6 WE COULD HAVE A CONVERSATION WITH THE COURT
7 AT SOME POINT, YOU KNOW, ABOUT WHAT IS -- WHAT MAILING
8 WE COULD SEND TO THEM ABOUT THE NEXT CLASS -- EXCUSE ME
9 ABOUT THE NEXT COURT HEARING AND HOW THEY ARE TO GET
10 NOTICE, BUT THERE IS NO -- TO THINK THAT WE ARE NOW
11 GOING TO GO THROUGH A PROCESS OF PERSONALLY SERVING
12 PEOPLE THAT IS NOT GOING TO HAPPEN.

13 THE COURT: OKAY. MR. KALFAYAN.

14 MR. KALFAYAN: YOUR HONOR, THE COURT CERTIFIED A
15 CLASS. THE NOTICE WENT OUT TO THE CLASS. NOW, WE HAVE
16 A LIST OF MEMBERS IN THE WILLIS CLASS. THERE ARE
17 INDIVIDUALS THAT HAVE OPTED OUT OF THE WILLIS CLASS.
18 THEY ARE NO LONGER IN THE WILLIS CLASS.

19 AND I DON'T BELIEVE THE COURT -- THEY ARE
20 NOT MY CLIENTS. I DON'T BELIEVE THE COURT HAS
21 JURISDICTION OVER THEM UNTIL SOMEONE SERVES THEM. SO I
22 THINK THEY HAVE TO BE SERVED WITH PROCESS. AND MY
23 UNDERSTANDING IS THAT MR. DUNN WAS GOING TO SERVE THEM
24 WITH PROCESS. SO I'M NOT SURE WHERE THAT LEAVES US.

25 MR. JOYCE: AGAIN, THIS IS BOB JOYCE. I REMIND
26 THE COURT THAT AT THE HEARING ON CLASS CERTIFICATION
27 THAT THE COURT ITSELF MADE CLEAR THAT IN THE EVENT THAT
28 MEMBERS OF THE WILLIS CLASS WERE TO OPT OUT THAT THE

1 PURVEYORS WOULD OF NECESSITY BE COMPELLED TO SERVE THEM
2 WITH THE AMENDED CROSS-COMPLAINT ASSERTING THEREIN THE
3 CLAIM. THAT IS THE PRIMARY ISSUE IN THIS CASE AS FAR AS
4 I'M CONCERNED.

5 THAT IS WHERE WE ARE NOW.

6 MR. DUNN: I DON'T HAVE A PROBLEM OR FORESEE A
7 PROBLEM IN MAILING THESE INDIVIDUALS WHO HAVE OPTED OUT
8 A COPY OF THE RELEVANT PLEADING.

9 THE COURT: NOTICE OF SERVICE --

10 MR. JOYCE: MAILING IS NOT --

11 THE COURT: MR. JOYCE, JUST A MOMENT. MAILING
12 WITH A NOTICE OF ACKNOWLEDGMENT OF SERVICE THAT THEY CAN
13 RETURN GIVES THE COURT JURISDICTION AS EFFECTIVE
14 SERVICE. TO THE EXTENT THAT THEY DO NOT RETURN THE

15 NOTICE AND ACKNOWLEDGE THE SERVICE, THEN I THINK WE HAVE
16 TO SERVE THEM PERSONALLY, UNFORTUNATELY, IN ORDER FOR
17 THE COURT TO HAVE JURISDICTION OVER THEM.

18 IF THEY HAVE OPTED OUT OF THE CLASS, THEY
19 ARE NO LONGER CLASS MEMBERS. THE COURT DOES NOT HAVE
20 JURISDICTION OVER THEM. ALL WE SENT THEM WAS A NOTICE
21 OF THE CLASS.

22 SO, UNFORTUNATELY, I UNDERSTAND THE COST AND
23 ALL THE REST OF IT, BUT IT HAS TO BE DONE.

24 MR. DUNN: THANK YOU, YOUR HONOR.

25 MR. JOYCE: THANK YOU, YOUR HONOR.

26 MR. LEMIEUX: I DON'T HEAR ANY ARGUMENT THAT CAN'T
27 BE COMPLETED ON SEVERAL MONTHS WE HAVE GOT AHEAD OF US.
28 SO BASED ON EVERYTHING THAT I HAVE HEARD, I WOULD AGAIN