

1 Ralph B. Kalfayan, SBN133464  
David B. Zlotnick, SBN 195607  
2 KRAUSE, KALFAYAN, BENINK  
& SLAVENS LLP  
3 625 Broadway, Suite 635  
San Diego, CA 92101  
4 Tel: (619) 232-0331  
Fax: (619) 232-4019

5 Attorneys for Plaintiff and the Class  
6  
7  
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11 **ANTELOPE VALLEY** ) **RELATED CASE TO JUDICIAL**  
12 **GROUNDWATER CASES** ) **COUNCIL COORDINATION**  
13 ) **PROCEEDING NO. 4408**  
14 )  
14 This Pleading Relates to Included Action: )  
REBECCA LEE WILLIS, on behalf of herself ) **PLAINTIFF REBECCA WILLIS' CASE**  
and all others similarly situated, ) **MANAGEMENT CONFERENCE**  
15 ) **STATEMENT**  
16 )  
Plaintiff, )  
17 )  
vs. )  
18 ) **Date: January 9, 2009**  
**LOS ANGELES COUNTY WATERWORKS** ) **Time: 1:30 p.m.**  
**DISTRICT NO. 40; CITY OF LANCASTER;** ) **Dept: 1**  
**CITY OF LOS ANGELES; CITY OF** ) **Judge: Hon. Jack Komar**  
19 **PALMDALE; PALMDALE WATER** ) **Coordination Trial Judge**  
**DISTRICT; LITTLEROCK CREEK** )  
20 **IRRIGATION DISTRICT; PALM RANCH** )  
**IRRIGATION DISTRICT; QUARTZ HILL** )  
21 **WATER DISTRICT; ANTELOPE VALLEY** )  
**WATER CO.; ROSAMOND COMMUNITY** )  
22 **SERVICE DISTRICT; MOJAVE PUBLIC** )  
**UTILITY DISTRICT; and DOES 1 through** )  
23 **1,000;** )  
24 **Defendants.** )

25  
26 The Willis Class respectfully submits the following case management conference  
27 statement updating the Court and parties with respect to the status of Class Notice and outlining  
28 its position relative to the next phase of trial. Willis is separately submitting a memorandum

1 asserting her right to a jury trial.

2 **I.**

3 **CLASS NOTICE**

4 It is Willis' understanding that the Class Notice was very recently mailed by District 40  
5 to the Willis Class. The web site is established at [www.avgroundwater.com](http://www.avgroundwater.com); the summary notice  
6 will be published over the next several weeks.

7 **II.**

8 **NEXT PHASE OF TRIAL**

9 As Willis has previously expressed, the next phase of trial should encompass all elements  
10 of prescription. Prescription issues should be included in the next phase for the following  
11 reasons:

- 12 (1) As various counsel have articulated, the trial will be much more manageable and  
13 meaningful if the parties try a "cause of action," such as prescription, not a mere  
14 element of that cause of action.
- 15 (2) The parties are entitled to a jury trial on the issue of prescription and all matters  
16 directly underlying that, including overdraft. Hence, a single trial for those issues is  
17 imperative.
- 18 (3) It will be much more efficient and more likely to lead to a prompt resolution of this  
19 matter if prescription claims are tried in the next phase. In particular, from the point  
20 of view of the Willis Class, prescription is the critical issue in this case. A resolution  
21 of yield and overdraft issues will not solve that.
- 22 (4) The incremental effort necessary to prepare for and try the prescription claims will be  
23 modest. Because the "notice" issue will perforce be decided on the basis of  
24 constructive notice and is intertwined with the evidence relating to overdraft, there is  
25 no reason to hold defer prescription until a later phase.

26 A critical factor from the Class' perspective is the speed and efficiency in which the  
27 case is ultimately tried. Injury to the Class increases each day the adjudication is delayed as the  
28 basin potentially suffer from an overdraft and there may not be a legally effective way to enjoin

1 the continued uncontrolled and unrestricted pumping by overlying landowners and purveyors  
2 alike. Second, the government entities have shown that they have the financial resources to  
3 prolong this litigation to the point where it may become economically infeasible for any  
4 landowner to pursue the case to trial. Delay clearly works in favor of those who pump and it  
5 alone may create an ultimate victory for the defendants. The Court must move swiftly to protect  
6 the basin and to ensure that the dormant Class' property interests are preserved for their future  
7 use and enjoyment.

8 **CONCLUSION**

9 Willis contends that it will be difficult if not impossible for the purveyors to make out  
10 their prescription claims as against the Class she represents. Separating the prescription issue  
11 into multiple phases for trial purposes will force the Class to suffer delay and unnecessary  
12 expense before we reach the point of bringing a dispositive summary judgment motion. Further,  
13 the parties' rights to a jury trial will be compromised by separating out the underlying elements  
14 of the purveyors' prescription claims. Now that Class Notice has been sent to the Willis Class  
15 and will soon be sent to the Wood Class, it is time to address the merits of those claims and bring  
16 this litigation to a conclusion.

17 Dated: January 2, 2009

KRAUSE KALFAYAN BENINK  
& SLAVENS LLP

18  
19  
20  
21  
22 /s/Ralph B. Kalfayan  
Ralph B. Kalfayan, Esq.  
David B. Zlotnick, Esq.  
Attorneys for Plaintiff and the Class  
23  
24  
25  
26  
27  
28