

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**
12 **GROUNDWATER CASES**

) RELATED CASE TO JUDICIAL
) COUNCIL COORDINATION
) PROCEEDING NO. 4408
)

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

)
)
) PLAINTIFF REBECCA WILLIS'
) STATUS CONFERENCE STATEMENT
)

15 Plaintiff,
16

17 vs.

) Date: February 27, 2009
) Time: 10:30 a.m.
) Dept: 1
) Judge: Hon. Jack Komar
Coordination Trial Judge

18 LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40; CITY OF LANCASTER;
19 CITY OF LOS ANGELES; CITY OF
PALMDALE; PALMDALE WATER
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 In preparation for the next Case Management Conference, the Willis class provides
27 herein a brief status report regarding class members' response to the recently
28 mailed notice. This report also updates the court with issues being discussed by the

1 parties in their effort toward ensuring all potential members in the class have been
2 given notice of this adjudication proceeding and certification of the class. For the
3 benefit of the court and counsel, statistics regarding the 800 help line are attached
4 to this report. The attached report was prepared by Krause, Kalfayan, Benink &
5 Slavens (KKBS). It is anticipated that the statistics regarding response received
6 forms from class members will be provided by Best, Best, & Krieger (BBK), counsel
7 administrating the class notice.

8 The Willis class counsel has been working diligently in responding to phone
9 and email inquiries from class members. Over 1,200 phone calls and over 200
10 emails were received since notice was originally mailed. On average, the firm has
11 experienced approximately 25 calls per day and approximately 5 emails per day. It
12 is estimated that all inquiries will be responded to by the end of February, 2009.
13 However, many calls were returned without contact with the class member and
14 messages were left on the members' voice mail indicating that their call had been
15 returned. Due to the volume of work and flurry of activity close to the end of the
16 opt-out period, we proposed to BBK to extend the deadline for members to send in
17 their response form to April 1, 2009. This will give counsel a further period of time
18 to make another round of calls to those members where messages have been left
19 and give class members an opportunity to complete the response forms. BBK has
20 taken the request under consideration and will inform counsel shortly of their
21 decision.

22 KKBS is informed that over 17,000 members have responded to the class
23 notice; class counsel considers this numbers significant. It underscores the
24 significant nature of these proceedings and the potential affect on the value of real
25 property to all affected landowners in the class. Class members have expressed
26 concern about their right to pump groundwater in the future, the potential affect on
27 the fair market value of their property, and the potential duration of this case. The
28 great majority have elected to join the class after learning of its objectives.

1 Other issues raised with BBK and under consideration include: (1) whether
2 class members within the service areas of all Public Water Suppliers but not
3 connected to water supply have been mailed notice as required by this Court's class
4 certification Order; (2) whether all potential class members that were included in
5 the assessor's database were indeed noticed; (3) whether members with incomplete
6 address information were researched for accurate address information and then
7 mailed a class notice; it is estimated that 5,000 to 10,000 landowners may fall in
8 this category; (4) the status of BBK's effort to separate landowners that pump from
9 those member that do not pump; and (5) whether class members with both dormant
10 and exercised parcels should be included in the Wood or Willis class. It is hoped that
11 some of these issues will be resolved by counsel before the next status conference
12 scheduled on February 27, 2009. Finally, it is expected that BBK or their expert
13 will furnish a declaration outlining the methodologies employed in identifying class
14 members, detailing their effort in processing the response forms, and attaching a
15 list of those members included in the Willis class.

16
17
18 Dated: February 23, 2009

KRAUSE KALFAYAN BENINK
& SLAVENS LLP

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

Antelope Valley Groundwater Litigation Statistics
 As of 2/20/09
 Initial Mailing: (NCOA complete prior to mailing)

<u>TOTALS</u>	<u>PUMPERS</u>	<u>NON-PUMPERS</u>
	73,766	BBK

HELPLINE CALLS

Total number of calls received on helpline: (866) 302-4225
 ----Calls with messages left on recording **869**
 ----Calls without messages left on recording 384
 KKBS returned calls **778**
 ---KKBS returned calls with conference 570
 ---KKBS returned calls and left a message 187
 ---KKBS returned calls but found # was wrong or disconnected 21
 ---KKBS calls to be returned 91

Web Site: www.avgroundwater.com

Total number of hits to website **BBK**

E-Mail: info@avgroundwater.com

Total Number of Received E-Mails (est.) 100
 Total Number of Returned E-Mails (est.) 80

REPONSE FORMS PER BBK

Total number of response forms received and processed manually 3,984
 Total number of response forms entered via on line 1,016
 Total number of response forms received but not processed (est.) 12,000
 Sub-total 17,000

Total number of packets returned with new address **BBK**
 Total number of packets returned with no forward address **BBK**
 Total number of packets returned with forward address **BBK**
 Total number of packets mailed **BBK**

OPT-OUTS

Total number of requests for exclusions received **BBK**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Ashley Polyascko, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 625 Broadway, Suite 635, San Diego, California, 92101. On **February 23, 2009**, I served the within document(s):

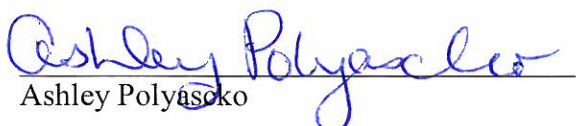
PLAINTIFF REBECCA LEE WILLIS' STATUS CONFERNECE STATEMENT.

- by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below:
- by causing personal delivery by Cal Express of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by UPS following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with the postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on **February 23, 2009**, at San Diego, California.


Ashley Polyascko