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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES

12 ANTELOPE VALLEY)
GROUNDWATER CASES)

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

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

) The Honorable Jack Komar
) Coordination Trial Judge
)

16 Plaintiff,

) **REBECCA WILLIS' AND THE**
) **CLASS'SUPPLEMENTAL**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES IN OPPOSITION TO**
) **MOTION TO CONSOLIDATE**
)

17 vs.

18 LOS ANGELES COUNTY WATERWORKS)
DISTRICT NO. 40; CITY OF LANCASTER;)
19 CITY OF LOS ANGELES; CITY OF)
PALMDALE; PALMDALE WATER)
20 DISTRICT; LITTLEROCK CREEK)
IRRIGATION DISTRICT; PALM RANCH)
21 IRRIGATION DISTRICT; QUARTZ HILL)
WATER DISTRICT; ANTELOPE VALLEY)
22 WATER CO.; ROSAMOND COMMUNITY)
SERVICE DISTRICT; MOJAVE PUBLIC)
23 UTILITY DISTRICT; and DOES 1 through)
1,000;)

) DATE: October 13, 2009
) TIME: 9:00 a.m.
) PLACE: Dept. 17C
)

24 Defendants.
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) JUDGE: Hon. Jack Komar
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1 Class Plaintiff Rebecca Lee Willis (Willis) respectfully submits this supplemental
2 memorandum in opposition to the pending Motion to Consolidate these coordinated cases for all
3 purposes. Based on recent developments, consolidation is not merely unnecessary, but would be
4 counterproductive to the prompt resolution of these cases. In the event the Court believes that
5 some consolidation is necessary, any Order of Consolidation should be expressly limited to the
6 upcoming trial of yield and overdraft issues and not address any further proceedings.
7 Consolidation for that limited purpose would allow the yield trial to proceed, but would avoid the
8 problems that would be created by complete consolidation.
9

10 **THE PROPOSED SETTLEMENT OF THE CLASS CASES RENDERS**
11 **CONSOLIDATION UNNECESSARY, AND CONSOLIDATION WOULD JEOPARDIZE**
12 **THAT PROPOSED SETTLEMENT.**

13 We are pleased to report that the recent mediation before Justice Robie resulted in an
14 agreement in principal to settle this matter between and among the Classes, the Public Water
15 Suppliers, and the United States. That proposed settlement renders consolidation unnecessary.
16 Consolidation was suggested as a means to achieve a comprehensive resolution of this matter, as
17 required by the McCarran Amendment. But the only issue in that regard arose from the fact that
18 the Classes were not named as defendants in the Suppliers' cross-complaint. The proposed
19 settlement among the United States, the Suppliers, and the Classes makes consolidation
20 unnecessary as the Classes will no longer have any claims at issue and their rights and
21 obligations will be defined. Hence , the Court should deny the consolidation motion or at least
22 defer any decision pending the finalization of the Class settlement.
23

24 Indeed, if the Court were to consolidate these cases, it would be counterproductive and
25 would jeopardize the proposed settlement. Consolidation would render it much more difficult, if
26 not impossible, to effect a settlement of the Class cases because any such settlement could likely
27 not be finalized until the claims of all of the other landowners had been determined. Without
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1 revealing the confidential terms of the proposed settlement, we note that nothing in it prejudices
2 the rights of other landowners to a full and fair adjudication of their rights. The proposed Class
3 settlement should not be held captive for years to the disputes between the Suppliers and other
4 overlying landowners. Rather, allowing that settlement to proceed will help simplify this
5 litigation and be a major step forward in bringing the case to a more prompt resolution.

6
7 For the reasons stated above, the Court should deny the pending motion to consolidate.
8 At a minimum, the Court should defer any decision on the issue of consolidation until after the
9 Class settlement has been finalized.

10 Dated: September 18, 2009

KRAUSE KALFAYAN BENINK
& SLAVENS LLP

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14 /s/ Ralph B. Kalfayan
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16 David B. Zlotnick, Esq.
17 Attorneys for Plaintiff Willis and the Class
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