

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

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

12 **ANTELOPE VALLEY**  
13 **GROUNDWATER CASES**

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

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

) PLAINTIFF REBECCA WILLIS`  
) SUPPLEMENTAL CASE  
) MANAGEMENT CONFERENCE  
) STATEMENT  
)

16 Plaintiff,

17 vs.

18 LOS ANGELES COUNTY WATERWORKS  
19 DISTRICT NO. 40; CITY OF LANCASTER;  
CITY OF LOS ANGELES; CITY OF  
20 PALMDALE; PALMDALE WATER  
DISTRICT; LITTLEROCK CREEK  
21 IRRIGATION DISTRICT; PALM RANCH  
IRRIGATION DISTRICT; QUARTZ HILL  
22 WATER DISTRICT; ANTELOPE VALLEY  
WATER CO.; ROSAMOND COMMUNITY  
23 SERVICE DISTRICT; MOJAVE PUBLIC  
UTILITY DISTRICT; and DOES 1 through  
24 1,000;

) Date: January 22, 2010  
) Time: 9:00 a.m.  
) Dept: 17 (Santa Clara)  
) Judge: Hon. Jack Komar  
) Coordination Trial Judge  
)

25 Defendants.  
26

27 The Willis Class respectfully submits the following supplemental status conference  
28 statement. As we have previously advised the Court, Willis` concern with the proposed Order  
of Consolidation is that it might complicate entry of a Judgment finally approving the proposed

1 settlement of the claims between and among the Willis Class and the Public Water Suppliers,  
2 which is required by the Rules of Court. As the Court is aware, Rule 3.769(h) of the Rules of  
3 Court provides that “[i]f the court approves the [class action] settlement agreement after the final  
4 approval hearing, the court must make and enter judgment. The judgment must include a  
5 provision for the retention of the court’s jurisdiction over the parties to enforce the terms of the  
6 judgment.”

7 Over the course of the last week, we have worked with Counsel for the Suppliers in an  
8 effort to satisfy our respective concerns. We have proposed that the following language be  
9 added to the proposed Order of Consolidation:

10 This Order of Consolidation shall not preclude any parties from settling any or all  
11 claims between or among them, as long as any such settlement expressly provides  
12 for the Court to retain jurisdiction over the settling parties for purposes of entering  
13 a physical solution resolving all claims to water rights in the Basin. Upon  
14 appropriate motion and the opportunity for all parties in interest to be heard, the  
15 Court may enter a Final Judgment approving any settlements, including the Willis  
16 and Wood class settlements, that finally compromise all claims between or among  
particular parties, but any such Judgment must expressly retain jurisdiction over  
the settling parties for purposes of incorporating the settlement into such a  
physical solution. Complete consolidation shall not prejudice or impair the class’  
right to seek the entry of a final judgment after settlement.

17 In addition, we have proposed that paragraph 3 of the Proposed Order be revised to provide as  
18 follows: “Complete consolidation will not adversely affect the substantive rights of any of the  
19 parties herein.”

20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1           We believe that the addition of the foregoing language is necessary to enable the Class  
2 Settlements to go forward. It is our understanding that the Suppliers and the United States have  
3 some concerns with the above language and are working on slightly different language, which  
4 we will certainly consider.

5           In the alternative, we continue to believe that the Court could simply consolidate these  
6 cases for the next phase of trial and leave the troublesome issue of complete consolidation for  
7 resolution at a later date. The court can always incorporate the class action judgment in a  
8 subsequent complete consolidation order or subsequent final judgment.

9 Dated: January 21, 2010

KRAUSE KALFAYAN BENINK  
& SLAVENS LLP

*/s/Ralph B. Kalfayan*  
Ralph B. Kalfayan, Esq.  
David B. Zlotnick, Esq.  
Attorneys for Plaintiff and the Class

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28