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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'**  
) **RESPONSE TO PROPOSED ORDER OF**  
) **CONSOLIDATION**  
)

15 Plaintiff,

16 vs.  
17

18 **LOS ANGELES COUNTY WATERWORKS**  
**DISTRICT NO. 40; CITY OF LANCASTER;**  
**CITY OF LOS ANGELES; CITY OF**  
19 **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;**

) **Date: February 5, 2010**  
) **Time: 9:00 a.m.**  
) **Dept: 17 (Santa Clara)**  
) **Judge: Hon. Jack Komar**  
) **Coordination Trial Judge**  
)

24 Defendants.  
25

26 The Willis Class respectfully submits the following response to the Proposed Order  
27 consolidating this matter with the other coordinated proceedings, which was submitted on behalf  
28 of the Public Water Suppliers on January 25, 2010.

1 Willis has opposed complete consolidation because we view complete consolidation as  
2 unnecessary and potentially jeopardizing the proposed Class settlements. We appreciate the  
3 Public Water Suppliers' efforts to address those concerns, as reflected in paragraph 5 of their  
4 revised Proposed Order. Although we continue to believe that complete consolidation is  
5 unnecessary at this time, the revised Order alleviates some of our concern that consolidation of  
6 this action with the other pending cases will interfere with the Court's ability to enter a final  
7 judgment approving the Willis settlement.

8 Willis continues to prefer, however, that, at present, the Court consolidate these matters  
9 solely for purposes of a safe yield trial, rather than for all purposes, which may create unforeseen  
10 complications. In addition, Willis believes that one sentence should be added to the Proposed  
11 Order to make clear that consolidation is a procedural mechanism that does not create any new  
12 claims or affect the substantive rights of any party. Among other reasons, we believe such  
13 language would reinforce the fact that the consolidation Order does not renew any parties' rights  
14 under Section 170.6 to recuse this Court. We suggest the following language be added at the  
15 end of the Proposed Order:

16 "Consolidation is a procedural mechanism intended to facilitate the fair and efficient  
17 adjudication of these related matters. This Order shall not be construed to create any  
18 new claims or defenses among the affected parties nor shall it be construed to expand,  
19 abridge, or otherwise affect the substantive rights of any party to these proceedings."

20 The court should also consider not entering any Consolidation Order until after hearings  
21 are held on the approvals of the class action settlements. The Court may then enter the order of  
22 complete consolidation concurrently with the order on approval of class action settlement.

23 Dated: January 29, 2010

KRAUSE KALFAYAN BENINK  
& SLAVENS LLP

26  
27 /s/Ralph B. Kalfayan  
Ralph B. Kalfayan, Esq.  
David B. Zlotnick, Esq.  
Attorneys for Plaintiff and the Class