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

11 **ANTELOPE VALLEY** ) **JUDICIAL COUNCIL COORDINATION**  
12 **GROUNDWATER CASES** ) **PROCEEDING NO. 4408**  
13 )  
14 This Pleading Relates to Included Action: ) **CASE NO. BC 364553**  
REBECCA LEE WILLIS, on behalf of )  
15 herself and all others similarly situated, )  
16 **Plaintiff,** ) **DECLARATION OF RALPH B.**  
vs. ) **KALFAYAN IN SUPPORT OF**  
17 ) **PLAINTIFF'S REPLY MEMORANDUM**  
LOS ANGELES COUNTY WATERWORKS ) **IN SUPPORT OF APPLICATION FOR**  
18 DISTRICT NO. 40; CITY OF LANCASTER; ) **ATTORNEYS' FEES, COSTS, AND**  
CITY OF LOS ANGELES; CITY OF ) **INCENTIVE AWARD**  
19 PALMDALE; PALMDALE WATER )  
DISTRICT; LITTLEROCK CREEK )  
20 IRRIGATION DISTRICT; PALM RANCH ) **Date: March 22, 2011**  
IRRIGATION DISTRICT; QUARTZ HILL ) **Time: 9:00 a.m.**  
21 WATER DISTRICT; ANTELOPE VALLEY ) **Dept: 15 (CCW)**  
WATER CO.; ROSAMOND COMMUNITY ) **Judge: Hon. Jack Komar**  
22 SERVICE DISTRICT; MOJAVE PUBLIC ) **Coordination Trial Judge**  
UTILITY DISTRICT; and DOES 1 through )  
23 1,000; )  
24 **Defendants.** )

1 I, Ralph B. Kalfayan, declare and state as follows:

2 1. I am a partner at the law firm of Krause Kalfayan Benink & Slavens LLP  
3 (“KKBS”), counsel for the Willis Class in the above captioned matter. I submit this declaration  
4 in support of Plaintiff’s Reply Memorandum in Support of Motion for an Award of Attorney’s  
5 Fees, Reimbursement of Expenses, and Class Representative Incentive Award.

6 2. On or about April 22, 2008, I had conversations with Mr. Jeff Dunn of Best, Best  
7 & Krieger regarding the extent of the Public Water Suppliers’ claim of prescription. He stated  
8 that the PWS believed the native safe yield of the Antelope Valley groundwater basin should be  
9 split approximately one-third in favor of the PWS and two-thirds in favor of the overlying  
10 landowners. Plaintiffs have now settled with Defendants and have secured a correlative share to  
11 at least 85% of the Basin’s yield for the Willis Class, while limiting Defendant’s share to a  
12 maximum of 15%.

13 3. On or about June 19, 2008, the Willis class proposed a split of the native safe  
14 yield on terms very similar to the terms outlined in the Stipulation of Settlement. The proposal  
15 was rejected.

16 4. Plaintiff’s counsel have billed at reasonable hourly rates that track below the  
17 prevailing rates in the community for complex litigation and are comparable to the rates  
18 normally billed by Defendants’ counsel. . The reasonable market rates for attorney’s services are  
19 based on prevailing rates in the community where the services are rendered. The National Law  
20 Journal’s (“NLJ”) survey of billing rates of the largest U.S. law firms provides the high and low  
21 rates for partners and associates at various firms, which report their own rates. *Attached to my*  
22 *declaration as Exhibit A is a true and correct copy of the 2010 NLJ survey.* It reveals that Best  
23 Best and Krieger’s partners bill between \$550 per hour and \$310 per hour in the relevant  
24 geographic community. While it is unknown what Best Best and Krieger charges their client in  
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1 the current case, the question is immaterial as the NLJ rates are indicative of the prevailing  
2 market rate in the community.

3 5. In addition, the Laffey Matrix, which is prepared by the Civil Division for the  
4 United States Attorney's Office for the District of Columbia, provides reasonable hourly rates for  
5 attorneys of varying experience levels. The matrix, which is commonly used by courts making  
6 fee awards, has established the current hourly rate for attorneys practicing over 20 years at \$709  
7 per hour. *Attached to my declaration as Exhibit B is a true and correct copy of the Laffey*  
8 *Martrix.* Plaintiff's counsels' rates of \$400 and \$450 per hour fall squarely in the mid range of  
9 Best Best and Krieger's rates and are well below rates determined under the Laffey Matrix.

11 6. A lodestar multiplier is reasonable here because Plaintiff's counsel provided legal  
12 services for over four years and bore the risk of not being paid. . Plaintiff's counsel zealously  
13 represented their clients against competent counsel and ultimately preserved and enhanced their  
14 client's groundwater rights. While any particular motion or issue, from any case, can be  
15 evaluated in retrospect, it would be improper to use the clarity of perfect hindsight to reduce fees  
16 from the totality of competent and reasonable representation that collectively resulted in  
17 Plaintiff's success.

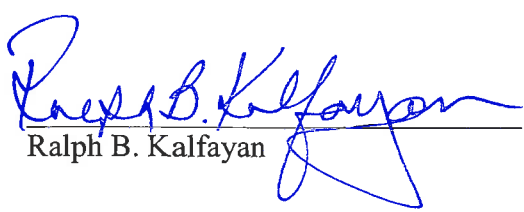
19 7. Plaintiff's counsels' submitted itemized billings do not include every task that we  
20 completed through the course of the litigation. At times, at the end of the day, I may not hhave  
21 completed my time-slip entries with all the tasks that I performed throughout the day. The hours  
22 were incurred notwithstanding the fact that the descriptions may not have been complete. If  
23 necessary, I can supplement and reconstruct the entries based on my notes. The submitted bills  
24 provide a summary of tasks that were completed.

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I declare under penalty of perjury and under the laws of the State of California that the foregoing is true and correct. Executed this 15th day of March, 2011, in San Diego, California.

  
Ralph B. Kalfayan