

EXHIBIT K

1 Michael D. McLachlan (State Bar No. 181705)
2 **LAW OFFICES OF MICHAEL D. McLACHLAN, APC**
3 10490 Santa Monica Boulevard
4 Los Angeles, California 90025
5 Telephone: (310) 954-8270
6 Facsimile: (310) 954-8271
7 mike@mclachlanlaw.com

8 Daniel M. O'Leary (State Bar No. 175128)
9 **LAW OFFICE OF DANIEL M. O'LEARY**
10 10490 Santa Monica Boulevard
11 Los Angeles, California 90025
12 Telephone: (310) 481-2020
13 Facsimile: (310) 481-0049
14 dan@danolearylaw.com

15 Attorneys for Plaintiff

16 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
17 **COUNTY OF LOS ANGELES**

18 Coordination Proceeding
19 Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

20 ANTELOPE VALLEY GROUNDWATER
21 CASES

(Santa Clara Case No. 1-05-CV-049053,
Honorable Jack Komar)

22 RICHARD A. WOOD, an individual, on
23 behalf of himself and all others similarly
24 situated,

Case No.: BC 391869

25 Plaintiff,

**RICHARD WOOD'S REPLY IN
SUPPORT OF MOTION FOR ORDER
AUTHORIZING COURT-
APPOINTED EXPERT WITNESS
WORK**

26 v.

27 LOS ANGELES COUNTY
28 WATERWORKS DISTRICT NO. 40; et al.

Date: April 17, 2012
Time: 8:30 a.m.
Dept.: 316 (Room 1515)

Defendants.

1
**RICHARD WOOD'S NOTICE OF MOTION AND MOTION FOR ORDER
AUTHORIZING COURT-APPOINTED EXPERT WITNESS WORK**

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

MEMORANDUM OF POINTS AND AUTHORITIES

Richard Wood submits the following reply brief in support of his motion to authorize the court-appointed expert to commence work.

The Public Water Suppliers' acknowledge the stipulation and order authorizing the expert work of Entrix to proceed. (Exhibit 1.) That Stipulation is still operative, as are this Court's orders appointing Entrix as a court-appointed expert. (Exhibit 2.) But due the stay on this work, none of the substantive work has been conducted to date.

The suppliers next argue that the Entrix is not neutral. This Court's prior orders appointing Mr. Thompson and Entrix as a court-appointed expert dispose of these arguments. (Exhibit 1.)

The suppliers and a number of other parties have suggested that the next phase of trial involve allocation of water rights or a prove-up of such rights as set forth in a settlement agreement potentially in the offing. Either scenario involves the determination of water rights of the Class, unless the parties and the Court would agree to a *de minimis* exemption. As noted many times from May of 2008 going forward, the expert issue puts class counsel at risk per the holding of *Olson v. Automobile Club of Southern California*, 42 Cal.4th 1142, 1150-51 (*citing* C.C.P. § 1033.5(b)(1).)

Finally, the Class has only sued the water suppliers. These are the parties who should pay these costs, consistent with the Court's prior orders in this case, and the Willis case.

DATED: April 12, 2012

LAW OFFICES OF MICHAEL D. McLACHLAN
LAW OFFICE OF DANIEL M. O'LEARY

By: _____ //s//
Michael D. McLachlan
Attorneys for Plaintiff