

1 GREGORY L. JAMES (055760)  
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5 Attorney for Plaintiff and the Class

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7  
8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

10 ANTELOPE VALLEY GROUNDWATER  
11 CASES

12 This Pleading Relates to Included Action:  
13 REBECCA LEE WILLIS and DAVID  
14 ESTRADA, on behalf of themselves and all  
15 others similarly situated,

16 *Plaintiff,*

17 v.

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

24 *Defendants.*

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4408

Case No. BC 364553

**DECLARATION OF GREGORY L.  
JAMES IN SUPPORT OF WILLIS  
CLASS' SECOND SUPPLEMENTAL  
MOTION FOR AN AWARD OF  
ATTORNEYS' FEES**

Date: March 21, 2016

Time: 1:30 P.M.

Place: San Jose Superior Court  
191 North First Street  
San Jose, CA 95113

Judge: Hon. Jack Komar

25  
26 **I, GREGORY L. JAMES declare:**

27 1. The facts set forth in this Declaration are based on my personal knowledge and  
28 if called as a witness, I could and would competently testify thereto under oath. As to those

1 matters that reflect and opinion, they reflect my personal opinion and judgment upon the  
2 matter.

3 2. This Declaration is made in support of the Willis Class' Second Supplemental  
4 Motion for an Award of Attorneys' Fees.

5 3. Since April 4, 2008, I have served as consulting attorney and attorney, on water  
6 law and other issues involved in this litigation, to Krause, Kalfayan, Benink & Slavens LLP,  
7 attorneys for the Plaintiff Class.

8 4. I am an attorney admitted to practice before all courts of the State of California,  
9 the United States Supreme Court, the Ninth Circuit Court of Appeals, the Federal District  
10 Court for the Central District of California, the Federal District Court for the Eastern District of  
11 California and the Federal District Court for the Southern District of California.

12 5. My office is located in Bishop, California where my practice includes  
13 representation of public agencies, individuals and organizations.

14 6. I am a 1972 graduate of the University of California Los Angeles, School of  
15 Law.

16 7. Since 1977, a large part of my practice has been devoted to water rights and  
17 water resources law. From 1977 to 2004, I primarily represented the County of Inyo in  
18 litigation with the City of Los Angeles concerning water rights and water resources issues in  
19 the Owens Valley of California. I also represented the County of Inyo on other water rights  
20 and water resources issues including proposals for the export of groundwater from the Eastern  
21 Sierra region and applications by the Southern Nevada Water District to extract and export  
22 groundwater from Southern and Eastern Nevada. During this period, I served as a Deputy  
23 District Attorney-Civil, Assistant County Counsel, County Counsel and Special Counsel for  
24 Natural Resources. From 1981 until 2004, in addition to serving as an attorney for the County  
25 of Inyo, I served as Director of the Inyo County Water Department.

26 8. At the end of 2004, I retired as the Director of the Inyo County Water  
27 Department; however, since then, I have continued to represent the County of Inyo on water  
28 rights and water resource issues involving the City of Los Angeles and other as well as on

1 other natural resource and environmental issues. Also, since 2004, I have represented other  
2 organizations and individuals on water rights, water resource, environmental and other issues.

3 9. Krause, Kalfayan, Benink & Slavens' ability to recover the reasonable value of  
4 their services is contingent upon this Court awarding a fully compensatory fee award.  
5 Consequently, the financial arrangements between me and Krause, Kalfayan, Benink &  
6 Slavens are primarily contingent. In accepting work in this litigation, I understood that Krause,  
7 Kalfayan, Benink & Slavens had limited financial resources to pay the costs and fees  
8 associated with this litigation. Krause, Kalfayan, Benink & Slavens' ability to pay the  
9 reasonable market value of my services is contingent upon this Court awarding a fully  
10 compensatory fee award.

11 10. I was aware that, due to Krause, Kalfayan, Benink & Slavens' limited ability to  
12 pay, the only way that I would be fairly compensated for my work on this litigation was to  
13 achieve a successful result in the litigation that conferred a substantial public benefit. Thus, I  
14 recognized in accepting work on this litigation that there was a risk of sustaining financial  
15 losses if the Plaintiff Class did not prevail. Despite the risk involved in accepting work on this  
16 litigation, I decided to accept the work because of the public interest nature of the litigation and  
17 the importance of the issues in the litigation.

18 11. With regard to public interest litigation dependent upon a contingent fee with  
19 which I have been involved, beginning in 2005, I served as co-counsel in the case of *Save Our*  
20 *Peninsula v. County of Monterey*. This large land development case involved violations of the  
21 California Environmental Quality Act, the California General Planning Law, and involved  
22 water and other issues. My co-counsel and I received no fees from our client, and the payment  
23 of attorneys' fees was contingent on an award of fees under section 1021.5 of the California  
24 Code of Civil Procedure. In 2008, the case settled, and I received a fee payment of  
25 approximately \$52,000.00 based upon an hourly rate of \$435.00 per hour.

26 12. In non-contingency, non-litigation legal matters, since 2004, my legal fees for  
27 assisting, mutual water companies, community service districts supplying water and large land  
28 owners on water rights issues have ranged from \$150.00 per hour to \$225.00 per hour.

