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8 Class Counsel for the Willis Class

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES**

11 ANTELOPE VALLEY GROUNDWATER
12 CASES

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

16 *Plaintiffs,*

17 v.

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

Defendants.

RELATED CASE TO JUDICIAL COUNCIL
COORDINATION PROCEEDING NO. 4408

**NOTICE OF MOTION AND MOTION FOR
ORDER TERMINATING WILLIS CLASS
COUNSEL'S APPOINTMENT AS CLASS
COUNSEL**

Date: November 12, 2021

Time: 9:00 a.m.

Place: Superior Court of California, County of
Los Angeles, 111 North Hill Street, Los Angeles,
CA 90012

Judge: Hon. Jack Komar

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on November 12, 2021 at 9:00 a.m. or as soon thereafter
3 as the matter may be heard, before the Honorable Judge Komar, Superior Court of California, Santa
4 Clara County Superior Court, 191 N. 1st Street, San Jose, CA 95113, Dept. 1, the undersigned law
5 firm, Class Counsel for the Willis Class, will and hereby does move for an Order Terminating
6 Willis Class Counsel’s Appointment as Class Counsel. This Motion is based on this Notice, the
7 Memorandum of Points and Authorities, the Declaration of Ralph B. Kalfayan with exhibits, and
8 such other and further evidence as may be presented at the hearing.
9

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 **I. INTRODUCTION**

12 Krause Kalfayan Benink & Slavens, LLP was appointed class counsel for the Willis Class.
13 Mr. Ralph Kalfayan and Mr. Greg James actively pursued the class claims on behalf of the Class
14 throughout the adjudication. In 2015, this Court entered a Judgment adopting a Physical Solution for
15 the management of the Antelope Valley basin. Now that the Judgment has become final after appeal,
16 Court of Appeal and Supreme Court, Class Counsel seek an order terminating their appointment as
17 Class Counsel.
18

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20 **II. FACTUAL BACKGROUND**

21 On September 11, 2007, the Court issued an order certifying the Willis Class of dormant
22 landowners, defined as follows:

23 “All private (i.e., non-governmental) persons and entities that own real property
24 within the Basin, as adjudicated, that are not presently pumping water on their
25 property and did not do so at any time during the five years preceding January 18,
26 2006 (“the Class”). The Class includes the successors-in-interest by way of
27 purchase, gift, inheritance, or otherwise of such landowners...” (Doc. No. 841).
28

1 The same order appointed the law firm of Krause, Kalfayan, Benink & Slavens LLP¹ as
2 class counsel. (*Id.*) After phase six of the coordinated proceedings, on December 28, 2015, the
3 Court entered a Judgment which adopted a Physical Solution for the management of the Antelope
4 Valley Basin (“2015 Judgment”). (Doc. No. 11020). On February 25, 2016, the Willis Class filed
5 a Notice of Appeal of the trial court’s 2015 Judgment (“Merits Appeal”). (Doc. No. 11207).

6
7 After the 2015 Judgment was entered, the Willis Class moved for an order of attorneys’
8 fees. (Doc. No. 11117). In its April 25, 2016 order, the Court denied Willis Class’ motion. (“Fee
9 Order”). (Doc. No. 11389). On March 16, 2021, the Court of Appeal affirmed the trial court’s
10 2015 Judgment. (*Willis v LA District 40 etc. et. Al.*, (2021) 62 Cal.App.5th 992). The Court of
11 Appeal also separately affirmed the trial court’s Fee Order.

12
13 On July 21, 2021, the California Supreme Court denied the Willis Class’ petition for review
14 of the Merits Appeal, thereby also denying the petition for review of the fee appeal. (See Denial of
15 Petition for Review attached as Exhibit 1 to the Declaration of Ralph B. Kalfayan). The trial court’s
16 2015 Judgment and Fee Order therefore became final judgments as to the Willis Class.

17 **III. ARGUMENT**

18 Despite the finality of the underlying Judgment as to the Willis Class, the administration
19 of the 2015 Judgment by the Watermaster and this Court will continue in perpetuity and
20 proceedings unrelated to the merits action and/or fee petition of the Willis Class will continue
21 without the participation of the Willis Class. For example, the docket reflects filing by the
22 Watermaster of changes to the Watermaster rules and regulations, status conference set by the trial
23 court, and the filing by various parties of motions to intervene. With respect to the Willis Class
24 members, the Physical Solution adopted by the trial court in the 2015 Judgment sets forth provisions
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28 ¹ The law firm of Krause, Kalfayan, Benink & Slavens no longer exists. Class Counsel Ralph B. Kalfayan has since opened his own practice, The Kalfayan Law Firm, APC.

1 for the continued and future management of the Antelope Valley Basin, including an application
2 procedure under which individual Willis Class landowners may apply to pump groundwater. The
3 Physical Solution also provides individual Class members the ability to seek Court review in an
4 individual capacity of the Watermaster's decisions. Those issues are limited to the individual's
5 interests and are not applicable class wide.
6

7 Class counsel "owe absent class members a fiduciary duty to protect the absentees' interests
8 throughout the litigation." (*Barboza v. West Coast Digital GSM, Inc.* (2009) 179 Cal.App.4th 540,
9 546). That duty has been fulfilled in this litigation. There must be a clearly defined terminus to
10 the continued representation of the Willis Class by Class Counsel. Accordingly, Class Counsel
11 believe they should now be relieved of their duties to represent the Class. For clarity and to ensure
12 that Mr. Kalfayan or Mr. James do not have a continued obligation to represent the Willis Class, an
13 order terminating counsel's future participation is necessary.
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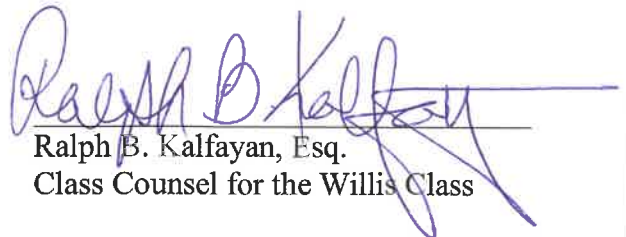
15 **IV. CONCLUSION**

16 For the foregoing reasons, Class Counsel respectfully request this Court enter an order
17 terminating the role of Class Counsel of the Willis Class.

18 Dated: October 14, 2021

Respectfully submitted,

THE KALFAYAN LAW FIRM, APC

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22 Ralph B. Kalfayan, Esq.
23 Class Counsel for the Willis Class
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