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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

Plaintiff,

v.

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

Defendants.

Case No.: BC 391869

(JCCP No. 4408; Santa Clara Case No. 1-
05-CV-049053, Honorable Jack Komar)

**REPLY BRIEF IN SUPPORT OF
MOTION FOR TO CERTIFY SMALL
PUMPERS CLASS ACTION**

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 First, it must again be underscored that the purpose of the proposed class and the
3 existing class of dormant landowners is not to satisfy all jurisdictional issues. The class
4 vehicle can go along way to doing that, but some excluded parties will have to be served
5 in a traditional manner. Trying to pack to many sub-groups with divergent interests into
6 just two classes will not work.

7 **A. Timeframe**

8 Plaintiff is amenable to modifying the timeframe for the pumping class, as
9 outlined in Bolthouse’s proposal, so long as the *Willis* class is modified exclude any
10 member who pumped on their property at any time during the prescriptive period.

11 **B. Large Pumpers must be Excluded**

12 The purveyors object to excluding those who pump over 25 acre feet a year.
13 Those people can be identified from public records and through the class notice process.
14 Counsel for the proposed class does not intend to represent larger economic concerns.
15 The purpose of this class is to protect the interests of small parties, not those who have
16 the means to represent themselves. Most of those who pump in excess of this threshold
17 will be agricultural interests. There is a good argument to be made that if conditions of
18 overdraft exist, they were caused by the farmers, large business, and the development, not
19 by small homesteaders. The interests of these two groups are not served by joining them
20 in one class.

21 **C. Other Issues Raised**

22 The United States suggests that the class definition be modified to include
23 landowners that receive water from the purveyors through public supply lines. That is
24 not an acceptable modification. The class definition as is simplifies as much as possible,
25 the issues of prescription and self-help, and counsel for the class is not inclined to
26 complicate these matters further by adding a sub-group of landowners in privity with the
27 purveyors. These people are easily identified and can be served and added to the case in
28 that manner.

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Finally, Plaintiff does not object to excluding shareholders in the mutual water companies.

DATED: August 6, 2008

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

By: _____
Michael D. McLachlan
Attorneys for Plaintiff

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PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action. My business address is 523 West Sixth Street, Suite 215, Los Angeles, CA, 90014. On the date set forth below, I served the within document(s) by posting the document(s) listed below to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter: **REPLY BRIEF IN SUPPORT OF MOTION FOR TO CERTIFY SMALL PUMPERS CLASS ACTION**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 20, 2008, at Los Angeles, California.

Carol Delgado