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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))

20 ANTELOPE VALLEY GROUNDWATER  
21 CASES

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

25 Plaintiff,

26 v.

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

Defendants.

Judicial Council Coordination  
Proceeding No. 4408

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

Case No.: BC 391869

**SUPPLEMENTAL CASE  
MANAGEMENT CONFERENCE  
STATEMENT RE: CLASS NOTICE**

Date: November 25, 2008  
Time: 10:30 a.m.  
Dept.: 17 (Santa Clara County)

1 Plaintiff Richard Wood (“the Small Pumpers Class”) submits this supplemental  
2 case management statement on the issue of class notice. The Small Pumpers Class  
3 submits its position on other relevant issues in the joint case management statement  
4 submitted by counsel for Bolthouse Properties, LLC.

5  
6 **I. THE CLASS**

7 On September 2, 2008, the Court issued its order certifying the Small Pumpers  
8 Class, which is defined as follows:

9 All private (i.e., non-governmental) persons and entities that own real property  
10 within the Basin, as adjudicated, and that have been pumping less than 25 acre-fee  
11 per year on their property during any year from 1946 to the present. The Class  
12 excludes the defendants herein, any person, firm, trust, corporation, or other entity  
13 in which any defendant has a controlling interest or which is related to or affiliated  
14 with any of the defendants, and the representatives, heirs, affiliates, successors-in-  
15 interest or assigns of any such excluded party. The Class also excludes all persons  
16 and entities that are shareholders of a mutual water company.

17 **II. CLASS NOTICE**

18 Now that the Court has issued its ruling on phase 2 issues, the class notices should  
19 issue to all potential class members. A proposed class notice based on the class definition  
20 adopted by the Court is attached to this case management statement. Unfortunately,  
21 several differences in the two class definitions make it very difficult to craft a joint notice  
22 for both classes. In particular, the Willis class definition does not use 1946 as a time  
23 parameter, and excludes customers of the purveyors. At the insistence of the United  
24 States, the Small Pumpers Class was modified to include all customers of the purveyors.  
25 For these reasons, class counsel contemplate sending two notices to all of the property  
26 owners outside the service areas.

27 The property owners inside the service areas will receive only the Small Pumpers

1 notice. In other words, the Small Pumpers notice must also be mailed to an additional  
2 group of purveyors customers that class counsel is told exceeds 300,000 in number. Due  
3 to the size of the class notice project, the court should order the purveyors to retain a third  
4 party administrator to issue the notices, and receive and process the responses, either in  
5 writing or by website.

6 The Court should issue an order clearly defining a protocol to be followed for  
7 service of class notice, handling of the responses, establishment of a website, and service  
8 of class members who opt out. All potential class members should have 90 days from the  
9 date of mailing to respond to the notice, either online or by mail. All notices returned as  
10 bad addresses should be run through the national change of address database and reserved  
11 within 10 days. All opt-outs should be served within 60 days from the date their notice is  
12 received.

13  
14 DATED: November 21, 2008

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

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17 By: \_\_\_\_\_ //s//

18 Michael D. McLachlan  
19 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:  
**SUPPLEMENTAL CASE MANAGEMENT CONFERENCE STATEMENT RE: CLASS NOTICE**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 21, 2008, at Los Angeles, California.

\_\_\_\_\_  
Carol Delgado