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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

**RICHARD WOOD'S STATUS
CONFERENCE STATEMENT AND
NOTICE RE: CHANGE OF HEARING
ON EXPERT FEE ALLOCATION
MOTION**

Date: August 17, 2009
Time: 10:00 a.m.
Dept.: 17C

1 **A. STATUS OF CLASS NOTICE AND MEMBERSHIP**

2 *Wood v. Los Angeles County Waterworks District No. 40 et al.* will likely not be at
3 issue for at least three more months, and perhaps longer.

4 The initial mailing of approximately 9,800 class notices produced a substantial
5 number of returned mailings, as is typically the case in such class notice mailings.
6 Plaintiff does not know the total number of these notices, but there are hundreds of them,
7 and perhaps as many as a thousand. As with the *Willis* class, additional research must be
8 done to identify proper addresses for these potential class members, and new notices will
9 need to be printed and mailed. Plaintiff is informed that Best, Best & Krieger has not
10 commenced this process.

11 The further problem with the Small Pumper class is that a large portion of those
12 who received the class notice appear not to be class members. Indeed, a substantial
13 number of these potential class members appear to public water supplier (“PWS”)
14 customers. It is possible that as many as 1,000 of the potential class members may be
15 customers of District No. 40, who were erroneously included on the class member lists.
16 Additionally, it appears that another error by Palmdale Water District led to the inclusion
17 of an unknown number of parcels that are outside the adjudication boundary. There are
18 other defects in the potential class list that have yet to be investigated.

19 Based on the limited data currently available, it appears that a substantial portion
20 of those parcels on the Small Pumper Class notice list that are not class members. This
21 situation must be fully assessed, and significant errors need to be corrected before the
22 class can be considered properly formed. The class notice response forms are being
23 inputted, but thus far there are less than 300 entries. This number does not constitute a
24 sufficiently sizeable data set from which to form reliable conclusions.

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B. COURT-APPOINTED EXPERT ALLOCATION HEARING

The further hearing on Richard Wood’s motion for allocation of the expert witness fees has been continued to September 14, 2009, at 10:00 a.m., in Department 17C of the Santa Clara Superior Court.

DATED: August 11, 2009

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

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

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18
3 and am not a party to the within action. My business address is 523 West Sixth Street, Suite 215,
4 Los Angeles, California 90014.

5 On August 11, 2009, I caused the foregoing document(s) described as **RICHARD WOOD'S**
6 **STATUS CONFERENCE STATEMENT AND NOTICE RE: CHANGE OF**
7 **HEARING ON EXPERT FEE ALLOCATION MOTION**

8 to be served on the parties in this action, as follows:

- 9 (X) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa
10 Clara County Superior Court website: www.scefiling.org regarding the Antelope Valley
11 Groundwater matter.
- 12 () (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and
13 processing of documents for mailing. Under that practice, the above-referenced
14 document(s) were placed in sealed envelope(s) addressed to the parties as noted above,
15 with postage thereon fully prepaid and deposited such envelope(s) with the United States
16 Postal Service on the same date at Los Angeles, California, addressed to:
- 17 () (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other
18 overnight delivery service, for delivery on the next business day. Each copy was
19 enclosed in an envelope or package designed by the express service carrier; deposited in a
20 facility regularly maintained by the express service carrier or delivered to a courier or
21 driver authorized to receive documents on its behalf; with delivery fees paid or provided
22 for; addressed as shown on the accompanying service list.
- 23 () (BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of
24 facsimile transmission of documents. It is transmitted to the recipient on the same day in
25 the ordinary course of business.
- 26 (X) (STATE) I declare under penalty of perjury under the laws of the State of California that
27 the above is true and correct.
- 28 () (FEDERAL) I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

//s//
Carol Delgado