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**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

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.

Judicial Council Coordination
Proceeding No. 4408

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

Case No.: BC 391869

**[proposed] ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT AND
NOTICE TO THE CLASS**

1 On June 16, 2011, this matter has come before the Court on the Motion of Plaintiff
2 Richard Wood and Los Angeles County Waterworks District No. 40 (“District 40”) (the
3 “Motion”) for Preliminary Approval of Class Action Settlement (the “Stipulation” or the
4 “Settlement”) between and among Richard Wood and the Wood Class, on the one hand,
5 and Los Angeles County Waterworks District No. 40 (“District 40”), California Water
6 Service Company, City of Lancaster, City of Palmdale, Littlerock Creek Irrigation
7 District, Palmdale Water District, Palm Ranch Irrigation District, Rosamond Community
8 Services District, Quartz Hill Water District, Phelan Pinon Hills Community Services
9 District, Desert Lake Community Services District, and North Edwards Water District
10 (collectively, “Settling Defendants”) on the other hand, all of whom are referred to herein
11 as the “Settling Parties.”

12 The Motion having come on for hearing before the above Court; the Court having
13 reviewed and considered all documents, evidence and arguments presented by counsel in
14 support of and opposition to said Motion; the Court being fully advised in the premises
15 and good cause appearing, the Court enters its order and, subject to final determination by
16 the Court as to the fairness, reasonableness, and adequacy of the Settlement following
17 Notice to the Class and a final fairness hearing, finds and orders as follows:

18 The Stipulation of Settlement (filed as Exhibit “F” to the Motion) and the Settlement
19 set forth therein are *preliminarily* approved as fair, reasonable, and adequate, subject to a
20 final fairness hearing to be held after notice has been provided to the Class.

- 21 1. The Court finds that the form and content of the notice of the proposed Settlement
22 (as set forth in the Notice of Proposed Wood Class Action Settlement lodged as
23 Exhibit “G” to the Motion) (the “Class Notice”) will provide the best practicable
24 notice to Class Members, certified by this Court’s Order of September 2, 2008.
25 Accordingly, District 40 and class counsel shall cause the administrator to provide
26 notice of the proposed Settlement by mailing the Class Notice via first class U.S.
27 mail to the last known address of Class Members and by posting the Class Notice

1 on the Class website. Any further mailed notice, if necessary, shall occur as set
2 forth in paragraph VI.B of the Settlement.

3 2. District 40 shall also cause to be published a Summary Notice of Proposed Class
4 Action Settlement (“Summary Notice”) in three widely read newspapers papers in
5 the area. The costs and expenses of said Class Notice and Summary Notice shall
6 be paid by District 40. The Court authorizes the Settling Parties to make minor,
7 non-substantive revisions to the Class Notice as they may jointly deem necessary
8 or appropriate, without the necessity of further Court action or approval.

9 3. A final approval hearing shall be held by this Court on _____, 2011 at 9:00
10 A.M. in Department 316 to consider and finally determine:

11 a. Whether the Settlement should be finally approved as fair, reasonable, and
12 adequate;

13 b. The merits of any objections to the Stipulation and the Settlement set forth
14 therein, or any of its terms; and

15 c. Whether attorneys’ fees, costs and expenses should be awarded to
16 Plaintiff’s Counsel and an incentive award made to the Representative
17 Plaintiff.

18 4. Any Class Member who objects to approval of the proposed Settlement may
19 appear at the final approval hearing in person or through counsel to show cause
20 why the proposed Settlement should or should not be approved as fair, reasonable,
21 or adequate. Any member of the Class who seeks to intervene in the Action may
22 file and serve a motion to intervene in accordance with applicable law.

23 5. However, no person may be heard at the final approval hearing nor file any papers
24 or briefs with respect thereto, unless at least 14 days before the hearing, such
25 person files with the Clerk of the Court and serves on counsel for the Class and
26 Settling Defendants a timely written objection and notice of intent to appear, in
27 accordance with the procedures specified in the Class Notice. Any Class Member
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1 who does not make his or her objection to the Settlement or request for
2 intervention in the manner provided herein and in the Class Notice, shall be
3 deemed to have waived such objection or right to intervene for purposes of appeal,
4 collateral attack, or otherwise.

- 5 6. The dissemination of the Class Notice, as directed by this Order, constitutes the
6 best notice practicable under the circumstances and sufficient notice to all Class
7 Members. The contents of the Class Notice and the manner of its dissemination
8 satisfy the requirements of Rule 3.769 of the California Rules of Court, other
9 applicable California laws, and state and federal due process.
- 10 7. Any and all persons who timely excluded themselves from the Class and did not
11 rejoin the Class shall *not* be Class Members and shall have no rights and
12 obligations with respect to the Settlement.
- 13 8. If the Settlement is finally approved, the Court shall enter a Final Judgment
14 approving the Settlement, which shall be binding on the Settling Parties, including
15 all Class Members.
- 16 9. In the event, for any reason, the proposed Settlement as provided in the Stipulation
17 is not approved by the Court, or the Court does not enter the Final Judgment, then
18 the Stipulation, and all drafts, negotiations, discussions, and documentation
19 relating thereto, shall become null and void.
- 20 10. The dates of performance of this Order are as follows:
- 21 a. The Class Notice shall be disseminated by website posting and U.S. mail. A
22 Summary Notice shall also be published in three widely read newspapers in
23 the area. District 40 shall its best effort to complete such publication and
24 dissemination by July 1, 2011.
- 25 b. By August 1, 2011, District 40 shall certify to the Court that it has complied
26 with the notice requirements set forth in this Order.
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- c. Plaintiff shall file a motion for final approval of the Settlement and supporting papers by _____, 2011.
- d. Any objections or oppositions to the Settlement, requests for intervention and notices of intention to appear and be heard at the final approval hearing shall be deemed timely only if filed with the Court and served on counsel for the parties by _____, 2011.
- e. The Final Settlement Hearing shall take place in Courtroom 316 of the above Court on _____, 2011, at 9:00 A.M.

IT IS SO ORDERED.

Dated: _____, 2011

Judge of the Superior Court

