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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

**SMALL PUMPER CLASS'
STATEMENT RE: MOTION TO
COMPEL AND OSC ON WATER USE
INFORMATION**

Date: February 14, 2012
Time: 9:00 a.m.
Dept.: 316 (CCW)

1
2 The public water suppliers, through counsel for Quartz Hill Water District, have
3 placed on calendar a motion to compel responses to certain discovery, and an application
4 for an order to show cause why certain parties' water rights should not be surrendered for
5 not having provided information on their water use.

6 Both the lists of targeted parties of these two motions contain numerous members
7 of the small pumper class. The exact reason for this is unknown, however class counsel
8 has provided public water supplier counsel with a fully searchable database of the current
9 small pumper class members.

10 Quartz Hill has offered to insist that any order issued on these two motions
11 expressly exclude small pumper class members. While this may help, it is a proposal that
12 does not fully address some flaws in the motions and proposed orders. Those flaws arise
13 from the fact that the parties are only identified by their individual names, without
14 reference to the property they own, or any other specific identifying information.

15 The first problem has to do with the fact that many landowners in the area of
16 adjudication own multiple parcels of land, not all of which fall into the same general
17 categories of use that have been established in this case. For example, David Mason,
18 who was included on these lists, owns multiple parcels, some of which are in the small
19 pumper class, and some of which are dormant and presumably in the Willis Class (we
20 cannot confirm this because no list of Willis class members and their parcels has ever
21 been submitted to the Court). If an order is entered against such a party, will it apply to
22 all of their parcels? If not, then how will the parties know which parcels are effected by
23 the order?

24 The second problem with just listing the names of individuals, without more, fails
25 to account for the fact that there are many landowners in the area of adjudication with the
26 same or very similar names. For example, there are two Richard Woods in the small
27 pumper class. There are also at least two David Mason's, one of which is a shareholder
28 in a mutual water company.

1 While the Court could enter orders on these motions in the fashion suggested by
2 public water supplier counsel, with express exclusions for the classes and perhaps other
3 represented groups such as the mutual water companies, doing so is likely to make it
4 difficult or perhaps impossible to enforce the parties' rights at a later date due to an
5 inability to identify the person and/or parcel of property subject to a particular order.
6 This could be avoided if such persons or entities were identified in such orders both by
7 name and Assessor's Parcel Number ("APN", or "AIN" in Kern County).

8 The water suppliers have large databases with all of the APN/AINs and the
9 associated owner names, so this should not be terribly difficult.

10
11 DATED: February 8, 2012

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

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14 By: _____ //s//

15 Michael D. McLachlan
16 Attorneys for Plaintiff
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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 10490 Santa Monica Blvd., Los
4 Angeles, California 90025.

5 On February 8, 2012, I caused the foregoing document(s) described as **SMALL PUMPER**
6 **CLASS' STATEMENT RE: MOTION TO COMPEL AND OSC ON WATER**
7 **USE INFORMATION** to be served on the parties in this action, as follows:

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

//s//
Michael McLachlan