

1 Michael D. McLachlan (State Bar No. 181705)
2 **LAW OFFICES OF MICHAEL D. McLACHLAN, APC**
3 10490 Santa Monica Boulevard
4 Los Angeles, California 90025
5 Telephone: (310) 954-8270
6 Facsimile: (310) 954-8271
7 mike@mclachlanlaw.com

8 Daniel M. O'Leary (State Bar No. 175128)
9 **LAW OFFICE OF DANIEL M. O'LEARY**
10 10490 Santa Monica Boulevard
11 Los Angeles, California 90025
12 Telephone: (310) 481-2020
13 Facsimile: (310) 481-0049
14 dan@danolearylaw.com

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 OPPOSITION
TO EX PARTE APPLICATION FOR
AN ORDER MODIFYING THE
ORDER RE: PAYMENT OF THE
COURT-APPOINTED EXPERT
WITNESS FEES**

Date: June 27, 2013
Time: 9:00 a.m.
Dept.: Telephonic

1 Plaintiff Richard Wood (“Plaintiff”) opposes the *Ex Parte* Application of several
2 water supplier clients of the Lemieux & O’Neill firm. These four water suppliers seek to
3 amend an order of this Court granting a noticed motion heard in late 2012 – an Order that
4 they did not challenge originally. Such relief cannot be pursued on an *ex parte* basis;
5 instead, it must be requested through a properly notice motion. (*Weil et al., Civil Proc.*
6 *Before Trial* (Rutter, 2013) ¶ 9:347-49; *St. Paul Fire & Marine Ins. Co. v. Sup. Ct* (1984)
7 156 Cal.App.3d 82, 86.)

8 While Plaintiff does not object to the substantive relief, he does oppose a change
9 in the Order that may result in a protracted dispute among and between the water
10 suppliers. Such a dispute could risk cessation of the Court-appointed expert work due to
11 non-payment. The Application at issue makes clear that only two of the other six water
12 suppliers have agreed to the request. The three largest water suppliers have not voiced
13 their positions.

14 Absent a Stipulation, the Court should deny the request and order the matter re-
15 filed by noticed motion.

16
17 DATED: June 26, 2013

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

18
19
20 By: //s// Michael D. McLachlan

21 Michael D. McLachlan
22 Attorneys for Plaintiff
23
24
25
26
27
28