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15 Attorneys for Plaintiff

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

18 Coordination Proceeding Special Title (Rule  
19 1550(b))

JUDICIAL COUNCIL COORDINATION  
PROCEEDING No. 4408

20 ANTELOPE VALLEY GROUNDWATER  
21 CASES

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

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

Case No.: BC391869

25 Plaintiff,

**RICHARD WOOD'S OBJECTION TO  
STIPULATION AND [proposed]  
ORDER RE: MOTION FOR AN ORER  
AUTHORIZING COURT-APPOINTED  
EXPERT WORK**

26 v.

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

Defendants.

1 Plaintiff Richard Wood submits the following objection to the purported  
2 Stipulation and Proposed Amended Order Re: Motion for and Order Authorizing Court-  
3 Appointed Expert Work.

4 By Stipulation among only some of the parties to *Wood v. Los Angeles County*  
5 *Waterworks District No. 40 et al.*, various water suppliers are attempting and end-run on  
6 C.C.P. section 1008's prohibition against re-litigating decided matters, and further, are  
7 doing so without filing a new motion or even an a properly notice *ex parte* application.  
8 While this might have been possible had Plaintiff been included in the Stipulation, that  
9 did not occur for reasons unknown to Plaintiff.

10 The Stipulation fails to comply with the Court's direction that it must be  
11 "approved as to form and substance by all affected parties, including other water  
12 suppliers." (Minute Order, July 29, 2013 [Doc No. 7076].). Richard Wood is the one  
13 party to *Wood v. Los Angeles County Waterworks District No. 40 et al.* who is most  
14 affected by the Stipulation, but his counsel is not party to it. Indeed, the Stipulation was  
15 not even presented to nor discussed with Class Counsel prior to its filing.

16 Furthermore, the water supplier defendants have attempted to sneak several  
17 provisions into the proposed Order that are not found in the purported Stipulation, where  
18 not raised when the Motion was originally briefed in 2012, and that were not part of the  
19 Court's December 11, 2012 Order ("the Order") which the water suppliers seek to  
20 amend. Specifically, at the bottom of page five, the following sentence has been added:  
21 "The total aggregated court-appointed bills shall not exceed \$80,000." This was not in  
22 the Order nor addressed in the Motion. The Court set no such cap. Indeed, this sum is  
23 below the estimate provided by the expert over three and half years ago and, as phrased,  
24 would include the initial work paid for prior to the current project.

25 At the end of the proposed order, the water suppliers have added a paragraph  
26 purporting to make these expenditures taxable costs. The nature and extent of what are  
27 taxable costs in a lawsuit are matter for the California Legislature, and have been  
28

1 addressed in the Code of Civil Procedure. It is inappropriate for the water suppliers to  
2 suggest that this Court should make rulings on matter such as this.

3 Finally, the Stipulation also fails to provide for the sum of \$2,614.96 still owing  
4 on Cardno-Entrix's invoices from January and February of 2013 (see Ex Parte  
5 Application for OSC, filed September 4, 2013). Who will pay that, and when? Plaintiff  
6 and Class counsel are concerned that the Court-appointed expert will cease work  
7 midstream do to the non-payment of these invoices.

8 For all of the foregoing reasons, Plaintiff respectfully requests that the Court reject  
9 the one-sided stipulation.

10  
11 DATED: September 5, 2013

LAW OFFICES OF MICHAEL D. McLACHLAN  
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14 By: \_\_\_\_\_  
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