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Attorneys for Plaintiff Richard Wood and the Class

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
(Honorable Jack Komar (ret.))

Lead Case No. BC 325201

Case No.: BC 391869

**STATEMENT OF
DISQUALIFICATION PURSUANT
TO C.C.P. § 170.3;
DECLARATION OF MICHAEL D.
MCLACHLAN**

Pursuant to Code of Civil Procedure section 170.1 and 170.3(c), Plaintiff Richard Wood, the Wood Class and its counsel (collectively “the Class”) submit the following Statement of Disqualification as to the Hon. Jack Komar (ret.).

I. INTRODUCTION

In Recent disclosure statements, Judge Komar has stated that he has taken paid mediation work in other matters from counsel and parties to this action, including County of Los Angeles and its counsel Best Best & Krieger (“BBK”). Los Angeles County Waterworks District No. 40 (“District 40”) is the sole remaining opponent to the Class in the *Wood* class case after settlements on appeal with all other remaining defendants.

II. FACTUAL BACKGROUND

After retirement from the Superior Court of California in 2009, Judge Jack Komar took a position working with JAMS (formerly known as Judicial Arbitration and Mediation Services) as a paid neutral. (McLachlan Decl. ¶ 3, Ex. 1 (Judge Komar Decl.), at 2:20-22.) The Class is not aware of any disclosures made by Judge Komar relative to his work as a paid neutral prior to September of 2021. (McLachlan Decl. ¶ 4.)

On August 31, 2021, the undersigned wrote to Judge Komar about his role as a paid neutral in the *Los Posas Valley* water dispute, in which he worked with and was paid by BBK. (McLachlan Decl. Ex. 2; Ex. 1 (Judge Komar Decl.) at 3:8-13.) This letter asked Judge Komar to provide disclosures regarding his paid work with the County and BBK in other matters but stated that the more prudent course was for Judge Komar to recuse himself. (Ex. 2 at p. 2.)

In response, on September 4, 2021, Judge Komar disclosed for the first time that “[he had] also mediated cases involving Los Angeles County . . . a party in Antelope.” (Ex. 1 (Judge Komar Decl.) at 3:15-16.) In his declaration, Judge

1 Komar indicated that he has worked with counsel for the parties in JCCP 4408
2 coordinated cases on multiple matters but appeared to only identify a couple of
3 matters as examples. (Id. at 3:8-18.) The declaration did not provide details of
4 the other engagements nor did in purport to represent a full disclosure of other
5 potentially conflicting paid assignments.

6 On September 8, 2021, the undersigned counsel wrote a second letter to
7 Judge Komar requesting full disclosures regarding paid work with the County
8 and BBK. (McLachlan Decl. Ex. 3.) On September 9, 2021, Judge Komar
9 responded by e-mail, but did not offer any further disclosures as requested.
10 (McLachlan Decl. Ex. 4.)

11 On September 15, 2021, the undersigned wrote another letter to Judge
12 Komar requesting adequate and complete disclosures of his paid work for the
13 County and BBK. (McLachlan Decl. ¶ 8, Ex. 5.) On September 16, 2021, Judge
14 Komar issued an email request to JAMS to provide disclosures regarding his paid
15 work for the County and BBK. (The correspondence of September 16 and 17,
16 2021, is collectively attached as Exhibit 6.)

17 On September 17, 2021, JAMS informally produced a disclosure regarding
18 four JAMS engagements, three of which involve paid mediations with BBK.
19 (McLachlan Decl. ¶ 10, Ex. 7.) On September 20, 2021, the Court formally
20 disclosed these matters to all parties by serving through the case e-service
21 provider. (McLachlan Decl. ¶ 11, Ex. 8.)

22 23 **III. ARGUMENT**

24 **A. Judge Komar is Disqualified Pursuant to C.C.P. §** 25 **170.1(a)(6)(A)(iii)**

26 **1. The Objective Disqualification Standard**

27 Code of Civil Procedure section 170.1(a)(6)(iii): “For any reason: . . . A
28 person aware of the facts might reasonably entertain a doubt that the judge

1 would be able to be impartial.”

2 The standard for disqualification under this section “is fundamentally an
3 objective one.” (*Jolie v. Sup. Ct.* (2021) 66 Cal.App.5th 1025, 1039.)

4 It represents a legislative judgment that due to the sensitivity of the
5 question and inherent difficulties of proof as well as the importance of
6 public confidence in the judicial system, the issue is not limited to the
7 existence of an actual bias. Rather, if a reasonable man would entertain
8 doubts concerning the judge's impartiality, disqualification is
9 mandated. ‘To ensure that the proceedings appear to the public to be
10 impartial and hence worthy of their confidence, the situation must be
11 viewed through the eyes of the objective person.’ [Citations.] . . .
12 ‘a judge faced with a potential ground for disqualification ought to
13 consider how his participation in a given case looks to the average
14 person on the street.’”[citations omitted]

15 (*Id.* at 1039-40.)

16 The California Supreme Court stated that the statutory disqualification
17 scheme in the Code of Civil Procedure “is not *solely* concerned with the rights of
18 the parties before the court but is also ‘intended to ensure public confidence in
19 the judiciary.’” (*People v. Freeman* (2010) 47 Cal.4th 993, 1000-1001.) “Ethical
20 breaches by a privately compensated temporary judge serving as a public official
21 are far more disquieting than similar violations by private arbitrators.” (*Jolie*,
22 *infra*, at 626 (finding disqualification required under 170.1(a)(6) (A)(iii) based
23 upon the retention of the judge on other matters by counsel for one of the
24 parties).) Furthermore, the moving party need not establish actual bias.
25 (*Wechsler v. Superior Court* (2014) 224 Cal.App.4th 384, 390.)

26 2. Cal. Code of Judicial Ethics

27 The facts disclosed by the Court violate many provisions of the California
28 Code of Judicial Ethics. Canon 4D (Financial Activities) provides:

(1) A judge shall not engage in financial and business dealings that
(a) may reasonably be perceived to exploit the judge's judicial
position, or

(b) involve the judge in frequent transactions or continuing business
relationships with lawyers or other persons likely to appear before the
court on which the judge serves.¹

Canon 4F (Service as Arbitrator or Mediator) provides as follows: "A judge
shall not act as an arbitrator or mediator or otherwise perform judicial functions
in a private capacity unless expressly authorized by law."

Canon 4.A states in relevant part: "A judge shall conduct all of the judge's
extrajudicial activities so that they do not (1) cast reasonable doubt on the judge's
capacity to act impartially" (*See also* Canon 4H (Compensation,
Reimbursement, and Honoria).)

3. Application to the Facts At Hand

Given the Code of Judicial Ethics cited above, individually and collectively,
it cannot be the case that a sitting Superior Court judge can be taking money from
opposing counsel to act as a mediator. This issue can only be of greater concern
when it is occurring on a repeat basis, as is the case here. The average person will
hold a "reasonable doubt" that a Judge whose financial well-being depends upon

¹ The Advisory Committee Commentary for Canon 4D(1) reads, in part:

Participation by a judge in financial and business dealings is
subject to the general prohibitions in Canon 4A against activities that
tend to reflect adversely on impartiality,* demean the judicial office,
or interfere with the proper performance of judicial duties. Such
participation is also subject to the general prohibition in Canon 2
against activities involving impropriety* or the appearance of
impropriety* and the prohibition in Canon 2B against the misuse of
the prestige of judicial office.

1 his paid work as mediator, is likely to be biased in favor of the firm or party who
2 is regularly hiring him for such matters (and certainly so when the opposing
3 party or counsel has never hired that judge for such services). It is only natural
4 for that judge to wonder that if he or she disfavors the paying party of counsel –
5 in this case Best, Best & Krieger – will they continue to hire him or her for future
6 paid work. As the Court is no doubt aware, it generally true that counsel select,
7 hire, and pay neutrals. Hence, the paid work involving BBK is of at least equal if
8 not greater concern than had it involved the County.

9 In *Jolie*, the judge in question was disqualified under both the Code of
10 Judicial Ethics and Section 170.1(a)(6)(A)(iii) due to other paid work for counsel
11 for one of the parties. *Jolie, supra*, 66 Cal.App.5th at 1049-1050; *see also*
12 *Benjamin Weill & Mazer v. Kors* (2011) 195 Cal.App.4th 40, 66 (arbitrator
13 representation of opposing parties in different matter); *Advantage Medical*
14 *Services, LLC v. Hoffman* (2008) 160 Cal.App.4th 806, 809 (financial ties in
15 other matters to the insurer for one of the parties is disqualifying because a
16 person “could reasonably entertain doubts” of impartiality).) In this instance, the
17 Code of Judicial Ethics and Section 170.1(a)(6)(A)(iii) provide independent and
18 overlapping authority to determine the Judge Komar is disqualified in this matter
19 because of his financial dealings and mediations in 2019 and 2021 with BBK as
20 counsel. A sitting judge is clearly prohibited from acting as a paid neutral in
21 other matters involving counsel or party before him in the Superior Court
22 proceeding.

23 The Class will also note that it is of no moment that a judge has been paid
24 by the opposing party or their counsel through an intermediary like JAMS, i.e.
25 the law makes no distinction, nor should it, between direct or indirect conflicting
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27
28 In addition, a judge must maintain high standards of conduct in
all of the judge’s activities, as set forth in Canon 1.

relationships. Such an argument would turn the Code of Judicial Ethics and the general law on disqualification and judicial neutrality on its head. For that reason, this is not a distinction that any California published opinion has endorsed. Indeed, the opposite is true. (*See, e.g., Jolie, supra*, 66 Cal.App.5th at 1045-1046 (disqualifying judge who worked through ARC, noting that work through ARC does not obviate a judge's ethical obligations under the Code of Judicial Ethics).)

B. Trial Court Jurisdiction and Timing.

Remittitur has not issued but it is the Class's conclusion that the filing of this Statement of Disqualification is properly down now because it does not affect the matters on appeal. The trial court has jurisdiction to "proceed upon any other matter embraced in the action and not affected by the judgment or order" on appeal. (C.C.P. § 916(a).) The question of whether a particular matter is "affected by" or "embraced in" an appealed order so as to be subject to the stay turns on whether the particular matter would have any impact on the "effectiveness" of the appeal. (*Marriage of Varner* (1998) 68 Cal.App.4th 932, 936; *Varian Med. Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 189.)

At least one court has addressed the question and held that a statement under Section 170.3 may be filed during the stay on appeal:

[I]t is our view that petitioner could have filed a statement of objection even while the stay was in effect. Our general stay of proceedings was obviously directed to the *underlying proceedings between the parties to the action (i.e., to the litigation itself)*, not to questions of the judge's qualification to preside over those proceedings. A judge's qualification to preside as judge in a particular case is foundational to, and hence distinct from, the ordinary proceedings between the parties that would be tried or heard by the judge. (See § 170.5, subd. (f).) Because of this basic distinction between a judge's qualification and the underlying litigation, we do not

1 believe that our stay could reasonably be understood as barring petitioner
2 from promptly filing a statement of objection in the trial court.
3 (*Tri Counties Bank v. Superior Court* (2008) 167 Cal.App.4th 1332, 1338-39
4 (holding arguably dicta).)

5 Because the general standard for timely filing a statement of
6 disqualification under Section 170.3 is that it should occur after knowledge of all
7 of the facts giving rise to disqualification, but not after the Court has ruled on a
8 substantive issue in the case. (*Alhusainy v. Superior Court* (2006) 143
9 Cal.App.4th 385, 394; *People v. Scott* (1997) 15 Cal.4th 1188, 1207; *Hayward v.*
10 *Superior Court* (2016) 2 Cal.App.5th 10, 49 (“parties can waive disqualification by
11 their conduct where they are aware of the grounds for disqualification but
12 continued to participate in the proceedings without raising the objection.”) For
13 these reasons, the Class believes this matter is presently ripe for determination.

14 **C. Procedure for Ruling on Disqualification.**

15 After service of the Statement of Disqualification, the judge has ten days to
16 file a consent to disqualification or to file a written verified answer admitting or
17 denying the relevant allegations. (C.C.P. § 1703.(c)(3).)

18 A judge who refused to recuse himself or herself shall not pass upon his or
19 her own disqualification or upon the sufficiency in law, fact, or otherwise,
20 of the statement of disqualification filed by the party. In that case the
21 question of disqualification shall be heard and determined by another
22 judge agreed upon by all the parties who appeared or in the event they
23 were unable to agree within five days of notification of the judge’s answer,
24 by a judge selected by the chairperson of the judicial council, or if the
25 chairperson is unable to act, the vice chairperson. . . .
26 (C.C.P. § 1703.(c)(5).)

1 **IV. CONCLUSION**

2 For the foregoing reasons, the Class respectfully requests that Judge Jack
3 Komar recuse himself in this matter.

4
5 DATED: September 29, 2021 McLACHLAN LAW, APC
6 LAW OFFICE OF DANIEL M. O'LEARY

7
8 By: /s/ Michael D. McLachlan
9 MICHAEL D. MCLACHLAN
10 Attorneys for Plaintiff and the Class
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1 **DECLARATION OF MICHAEL D. MCLACHLAN**

2 I, Michael D. McLachlan, declare:

3 1. I make this declaration of my own personal knowledge, except where
4 stated on information and belief, and if called to testify in Court on these matters,
5 I could do so competently.

6 2. I am co-counsel of record of record for Plaintiff Richard Wood and
7 the Class and have been so since 2008. I am duly licensed to practice law in
8 California.

9 3. After retirement from the Superior Court of California in 2009,
10 Judge Jack Komar took a position working with JAMS (formerly known as
11 Judicial Arbitration and Mediation Services) as a paid neutral. Attached as
12 “**Exhibit 1**” is a true and correct copy of Judge Komar’s Declaration.

13 4. I am not aware of any disclosures made by Judge Komar relative to
14 his work as a paid neutral prior to September of 2021. I have similarly inquired
15 of my co-counsel Daniel O’Leary and he affirms the safe.

16 5. On August 31, 2021, I wrote to Judge Komar about his role a paid
17 neutral in the *Los Posas Valley* water dispute, in which he worked with and was
18 paid by Best, Best & Kreiger (“BBK”) . Attached as “**Exhibit 2**” is a true and
19 correct copy of this letter. This letter asked Judge Komar to provide disclosures
20 regarding his paid work with the County and BBK in other matters but stated that
21 the more prudent course was for Judge Komar to recuse himself.

22 6. On September 8, 2021, I wrote a second letter to Judge Komar
23 requesting full disclosures regarding paid work with the County and BBK.
24 Attached as “**Exhibit 3**” is a true and correct copy of my letter.

25 7. On September 9, 2021, Judge Komar responded by e-mail, but did
26 not offer any further disclosures as requested. Attached as “**Exhibit 4**” is a true
27 and correct of this e-mail.

1 8. On September 15, 2021, I wrote another letter to Judge Komar
2 requesting adequate and complete disclosures of his paid work for the County
3 and BBK. Attached as “**Exhibit 5**” is a true and correct copy of my letter.

4 9. On September 16, 2021, Judge Komar issued an email request to
5 JAMS to provide disclosures regarding his paid work for the County and BBK. A
6 true and correct copy of the correspondence of September 16 and 17, 2021, is
7 collectively attached as “**Exhibit 6.**”

8 10. On September 17, 2021, JAMS informally produced by e-mail a
9 disclosure regarding four JAMS engagements, three of which involve paid
10 mediations with BBK in 2019 and 2021. A true and correct copy of this e-mail
11 and the disclosure documents is attached collectively as “**Exhibit 7.**”

12 11. On September 20, 2021, the Court formally disclosed these matters
13 to all parties by serving through the case e-service provider. Attached as
14 “**Exhibit 8**” is a true and correct copy of an e-mail from Complex Coordination
15 Clerk Rowena Walker advising of this.

16 I declare under penalty of perjury under the laws of the State of California
17 that the foregoing is true and correct. Executed this 29th day of September, 2021,
18 at Hermosa Beach, California.

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21 _____
22 Michael D. McLachlan
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Exhibit 1

Rowena Walker

From: Jack Komar <jvkomar@sbcglobal.net>
Sent: Saturday, September 4, 2021 12:17 PM
To: Rowena Walker
Subject: Fw: ANTELOPE JCCP 4408
Attachments: 2021-09-02 Judge's Declaration in Response to McLachlan Letter.doc

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

----- Forwarded Message -----

From: Jack Komar <jvkomar@sbcglobal.net>
To: mike@mclachlan-law.com <mike@mclachlan-law.com>
Cc: Rowena Walker <rwalker@scscourt.org>
Sent: Saturday, September 4, 2021, 12:07:13 PM PDT
Subject: ANTELOPE JCCP 4408

Rowena: This is the letter I would like sent to Mr. McLachlan with a signed copy of the declaration which I am sending to you by U.S. Mail

Dear Mr. McLachlan:

Thank you for your letter of August 31, 2021 with a unilateral request that I step down from the Antelope Valley Coordinated cases which was forwarded to me.

You ask that I voluntarily withdraw from the Antelope Valley Coordinated cases. Your letter sets forth a number of facts that are incorrect. I have set forth in declaration form under penalty of perjury a response to the circumstances referred to in your letter. And a signed copy of that declaration will be forwarded to you. I attach a copy for your information but will set forth certain of the correct facts for your immediate information.

First, the only work I perform for any lawyers or other parties is as a neutral mediator or arbitrator. I do not work for or with attorneys or law firms in any other capacity. Secondly, I do not enter into arrangements with lawyers or law firms or parties to perform mediations or arbitrations directly. I make myself available through JAMS to provide such services and law firms or lawyers or parties may seek my services through that forum. I do not make arrangements for payment and never know who is or is not providing the compensation which I then receive monthly from JAMS based solely on my submissions to JAMS for time expended.

Thirdly, I do not act as a consultant in any fashion for any law firms or lawyers or other parties. I specifically have no relationship with the County or City of Los Angeles or the Best, Best and Krieger law firm in any form (as suggested in your letter), or with any other of the participants in any mediation or arbitration in which I act as a neutral, whether former Antelope case lawyers, or otherwise.

I have made it practice to try to do nothing that would impair my ability to hear post judgment motions or other requests in the Antelope Valley case. All the things you cite in your letter would disqualify me if they were accurate. Simply, they are not accurate.

I can also assure all counsel, who should be apprised of your request and this response, that all motions and other relief sought are treated de novo without any predisposition to an outcome. That included any potential remands for further hearing, including the Woods matter.

A request that I seek reassignment of this case to another judicial officer is not one I take lightly but also one that other counsel should also be apprised of and should have an opportunity to be heard at least informally. Accordingly, I have asked the Superior Court to apprise all counsel of your request and to provide a copy of this letter and my attached declaration to them..

Very truly yours,

Judge Jack Komar (Ret)

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER
CASES**

Judicial Council Coordination
Proceeding No. 4408

Included Consolidated Actions:

Lead Case No. BC 325 201

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
County of Los Angeles, Case No. BC 325 201

**DECLARATION IN RESPONSE TO
AUGUST 31, 2021 LETTER FROM
MR. MICHAEL MCLACHLAN**

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

Judge: Honorable Jack Komar, Ret.

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
Riverside, consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 364 553

Richard A. Wood v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 391 869

This Document Pertains to Add-One Case:

Little Rock Sand and Gravel, Inc., a California corporation v. Granite Construction Company
Superior Court of California
County of Los Angeles, Case No. MC026932

I, Jack Komar, declare:

In 2005, as an active Superior Court Judge since 1985, sitting in Santa Clara County, I was assigned to sit as coordination trial judge in the referenced case. I retired from active service at the end of October 2009 and was then requested to continue as the assigned judge in this case and currently retain that assignment as an assigned judge in the Los Angeles County Superior Court. Following additional phases of trial, a judgment was signed in 2015 and entered either at the end of 2015 or early 2016.

The judgment adopted and created a physical solution to the overdraft conditions in the jurisdictional boundaries established in the case and provided water right allocations to many of the parties and established processes for those without preexisting water rights..As the judgment created a watermaster with oversight responsibilities supervised by the court, the court retained jurisdiction in equity to enforce its terms in equity as required. Since the entry of judgment, I have heard multiple post trial motions and other requests for relief pursuant to the terms of the judgment.

Since my retirement from the court as an active judge, at the end of 2009, I have offered and provided services upon request as an independent arbitrator/mediator through Judicial Arbitration and Management Services (JAMS) located in San Jose, California. JAMS has arrangements with the parties and lawyers using their services and provides my compensation monthly for the services I provide on an hourly basis. I am not an owner or shareholder in JAMS and have no direct relationship with the organization other than as an independent contractor. I do not engage in any other business activities.

1 The only cases I accept are cases where the parties request my assistance as a neutral
2 through JAMS. I do not negotiate fees or collect fees but leave it exclusively to JAMS to provide
3 my remuneration for such services. Nor do I solicit cases.

4 The sole professional activity I engage in is as a neutral in either mediations, arbitrations,
5 or occasionally on a CCP 638/639 judicial reference or as stipulated judge pro tempore. I do not
6 provide consulting services for anybody; nor do I act as a representative or advocate for any
7 party. I am not an owner of JAMS and do not hold shares of stock therein.

8 Some of the cases in which I have participated as a mediator have been for parties
9 whose lawyers or law firms were counsel of record and appeared in the Antelope
10 Coordination cases. Among those lawyers were the law firm of Best, Best and Kreiger and a
11 large number of others as well, some of whom were on opposite sides of each other in Antelope.
12 The case cited by Mr. McLachlan, the Las Posas Water case in Santa Barbara Superior Court, is
13 one such case in which I was requested by various counsel through JAMS to act as a mediator.
14 Some of the lawyers who represented various parties, public and private, were also counsel of
15 record in the Antelope case. I have also mediated cases involving Los Angeles County and the
16 Metropolitan Water District in the past. Los Angeles County was a party in Antelope. I also
17 mediated a dispute between Los Angeles County and Inyo County involving water and
18 contractual issues. Most of the cases I hear as mediator or arbitrator do not involve water issues.

19 The post judgment hearings on the Antelope case I have heard are before me as an
20 assigned judge; JAMS is not involved in any way. Many, if not most, are not opposed requests
21 for various orders under the “physical solution created in the judgment.. An example is
22 an uncontested motion by the Antelope Watermaster to modify or amend the Watermaster rules
23 which will be heard on September 20, 2021 by Court Call, for which I will receive no
24 compensation for my services even though I sit as an assigned judge to hear the motion. The
25 hearing will be conducted by Court Call. I am informed there is no opposition to the motion.

26 The bulk of the Appeals on the substantive issues in the Antelope Case have been
27 affirmed on appeal and the Supreme Court has declined review. The case in which Mr.
28 McLachlan has an interest was bifurcated for hearing on appeal and, as I am informed, relates to

1 his attorney fees and costs. I have not yet read the decision but am informed that the Court of
2 Appeal for the Fifth District reversed in part and affirmed in part and remanded for further
3 hearing on certain specified issues.

4 I have no bias against Mr. McLachlan or his client, respect his ability as a lawyer, and
5 do not have a predisposition as to what should occur on remand. Mr. McLachlan is an able
6 lawyer who has ably represented his client, the entire class, and has contributed greatly to the
7 resolution of a very complicated case that has greatly benefitted the residents in the valley.

8 I have continued to hear post judgment matters in case without significant compensation
9 for almost six years as I have seen it as a duty to complete and tie up loose ends to what was
10 a very important and complex solution to a most difficult dispute affecting thousands of parties,
11 including the state and federal governments, with which I was invested for many years as the
12 trial judge, both active and retired. The Judicial Council does not compensate assigned judges
13 for work performed outside the courtroom, including legal research and writing. Since 2016,
14 almost all hearings have been by telephone and other than in courtroom work for which I have
15 not been compensated which in effect is a donation of my time- which I am happy to contribute.
16 Moving those hearing to another judge, who basically will have to start over, will impose
17 burdens on both the court and the parties which have prompted me to retain the assignment after
18 retirement. The case has always had a priority over any other duties I have as a retired judge or
19 neutral in an arbitration or mediation.

20 It is suggested that I have a relationship with certain of the law firms and lawyers in the
21 Antelope Case which has occurred since the judgment was entered. That suggestion is
22 absolutely mistaken and untrue. It should also be clear that I do not have a relationship with
23 either Los Angeles County or its lawyers, or any parties or lawyers in the Antelope case, or
24 otherwise, or in any other case or situation. Also, I do not act as a consultant for lawyers, law
25 firms, or individuals or corporations of any kind, law related or otherwise. My sole professional
26 activities are as a “judicial neutral” as described above.

27 In my work as a neutral affiliated with JAMS, if lawyers pay JAMS for my services, I am
28 not aware of who pays what and I have no interest, as a neutral, whether in mediations or

1 arbitrations, in knowing who is paying fees that might be paid to me. No such knowledge could
2 ever influence me in any event to favor one side or the other or affect an decision I make as a
3 judicial officer, active or retired- not now, or in the past, or ever.

4 I am familiar with the canons of judicial ethics and have never been accused of violating
5 them or any other rules or canons as a judge or as a lawyer in the more than 55 years since being
6 admitted to the bar. . The intimation that I might somehow be violation of the canons is both a
7 surprise, very personally wounding, and based on inaccurate and mistaken beliefs.

8 I certify under denalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Dated: September 2, 2021

/s/ Jack Komar

11 _____
12 Hon. Jack Komar (Ret.)
13 Judge of the Superior Court
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Exhibit 2

August 31, 2021

VIA E-FILING

Hon. Jack Komar (ret.)
c/o Santa Clara County Superior Court
Department D-17
161 N. First Street
San Jose, CA 95113

***Re: Antelope Valley Groundwater Litigation, JCCP 4408
Wood v. Los Angeles County Waterworks Dist. No. 40***

Dear Judge Komar:

As you are aware, the Court of Appeal for the Fifth District recently issued its opinion in *Wood v. Los Angeles County Waterworks Dist. No. 40 et al.* (Case No. FO83138), reversing and remanding the matter to the trial court for further proceedings.

I write to address a matter informally that is of particular concern upon remand. Specifically, we are informed that you have acted as a paid neutral/consultant in at least one matter involving Best, Best & Krieger as a client and counsel for parties in that matter. (*Las Posas Valley Water Rights Coalition v. Fox Canyon Groundwater Management Agency et al.*, pending in Santa Barbara Superior Court (Case No. VENC100509700).) We do not know of the extent of your involvement with Los Angeles County or Best, Best & Krieger in other matters, but we request notification your past or present involvement in any other such legal proceedings where you were paid.

To date, we have not received any notice of paid engagements involving parties or opposing counsel involved in JCCP 4408. Upon remand in this case, we have serious concerns about having a sitting bench officer have been paid or being paid for services by our opposing counsel in this matter. While we greatly appreciate and respect your service in this matter, the potential for bias as well as the appearance of impropriety is not acceptable to us on remand.

Some of our concerns are reflected in the California Code of Judicial Ethics. Canon 4D provides:

D. Financial Activities

- (1) A judge shall not engage in financial and business dealings that

(a) may reasonably be perceived to exploit the judge's judicial position, or

(b) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to appear before the court on which the judge serves.¹

There are numerous other Canons implicated, or potentially implicated, including 4F (Service as Arbitrator or Mediator), 4H (Compensation, Reimbursement, and Honoria), among others.

In deference to your notable career, and for the sake of moving the *Wood* matter to closure without further delay, we would greatly prefer not to litigate this matter. However, if you feel a formal hearing is necessary, we will file a noticed motion. We feel the more prudent course is for you to request the Judicial Council to reassign JCCP 4408.

Thank you for your attention to this matter.

Very truly yours,



Michael D. McLachlan

cc: Daniel M. O'Leary (*via electronic mail*)
Chair, Judicial Council of California (*via U.S. Mail*)

¹ The Advisory Committee Commentary for Canon 4D(1) reads, in part:

Participation by a judge in financial and business dealings is subject to the general prohibitions in Canon 4A against activities that tend to reflect adversely on impartiality,* demean the judicial office, or interfere with the proper performance of judicial duties. Such participation is also subject to the general prohibition in Canon 2 against activities involving impropriety* or the appearance of impropriety* and the prohibition in Canon 2B against the misuse of the prestige of judicial office.

In addition, a judge must maintain high standards of conduct in all of the judge's activities, as set forth in Canon 1.

Exhibit 3

September 8, 2021

VIA E-FILING

Hon. Jack Komar (ret.)
c/o Santa Clara County Superior Court
Department D-17
161 N. First Street
San Jose, CA 95113

***Re: Antelope Valley Groundwater Litigation, JCCP 4408
Wood v. Los Angeles County Waterworks Dist. No. 40***

Dear Judge Komar:

I have received your signed declaration and e-mail through electronic service today. Thank you for your response and for providing the additional information, much of which is new information.

I will not further address the ethical concerns here but am compelled to request further information regarding your paid work for Los Angeles County (the "County") and its counsel in this matter. I was not aware that you have worked directly with the County as a mediator, as set forth on page three of your declaration.

As noted in the Court of Appeal for the Fifth District's opinion in *Wood v. Los Angeles County Waterworks Dist. No. 40 et al.* (Case No. F083138), Los Angeles County Waterworks District No. 40 is the only remaining defendant subject to further trial court proceedings on remand. Hopefully you can understand why a party might be concerned about a bench officer having been retained on multiple occasions to preform paid work for the opposing party and/or its counsel of record.

For the purposes of understanding the implications under C.C.P. section 170.1, we request a more complete disclosure regarding your work for the County and Best Best & Krieger. Your declaration is not clear exactly when and how many cases you have mediated with the County, so I ask that you identify specific matters and the dates of those mediations.

For the same reasons, we also ask that you identify any matters on which you are having or have had “discussions”¹ about work as a neutral for any County affiliated entity.²

This disclosure request is relevant to judicial disqualification under several provisions of Section 170.1, including subparts (a)(6)(A)(iii) and (a)(8)(A). Hence, in light of matters referenced in your declaration, a more detailed disclosure of relevant facts is necessary.

Thank you for your prompt attention to this matter.

Very truly yours,



Michael D. McLachlan

cc: Daniel M. O’Leary (*via electronic mail*)
Chair, Judicial Council of California (*via U.S. Mail*)

¹ Section 170.1(a) (8)(B)(i) provides:

“Participating in discussions” or “has participated in discussion” means that the judge solicited or otherwise indicated an interest in accepting or negotiating possible employment or service as an alternative dispute resolution neutral, or responded to an unsolicited statement regarding, or an offer of, that employment or service by expressing an interest in that employment or service, making an inquiry regarding the employment or service, or encouraging the person making the statement or offer to provide additional information about that possible employment or service. If a judge’s response to an unsolicited statement regarding, a question about, or offer of, prospective employment or other compensated service as a dispute resolution neutral is limited to responding negatively, declining the offer, or declining to discuss that employment or service, that response does not constitute participating in discussions.

² Section 170.1(a) (8)(B)(ii) provides: “‘Party’ includes the parent, subsidiary, or other legal affiliate of any entity that is a party and is involved in the transaction, contract, or facts that gave rise to the issues subject to the proceeding.”

Exhibit 4

Mike McLachlan

From: Jack Komar <jvkomar@sbcglobal.net>
Sent: Thursday, September 9, 2021 9:57 AM
To: Mike McLachlan
Cc: Rowena Walker
Subject: Antelope Cases

Mr. McLachlan:

Your letter of September 8, 2021 inaccurately states that I worked for Los Angeles County and its counsel. That is inaccurate and did not occur. Either I was not clear or you misread my earlier letter or declaration.

Again, all work as a neutral was with through JAMS, including mediating an action between Los Angeles County and Inyo County. I was not employed or retained by Los Angeles City or County or by any lawyer or law firm employed by either entity, including Best Best and Krieger. The one and only time I worked for any county was in 1966-69 as a deputy district attorney for Santa Clara County.

I have not worked directly with Los Angeles or any other county as a mediator. I am never hired by any party or law firm in a mediation or arbitration (or any other) setting and do not solicit such an ongoing relationship or otherwise. All of my work is exclusive through JAMS.

Whether sitting as an assigned judge in Antelope or acting as a neutral mediator or arbitrator through JAMS I am beholden to no one other than the law and truth. As I was through 24 years as a superior court judge and 15 years plus service in the Antelope Coordinated cases.

I am by copy of this e-mail requesting that the Superior Court add this to the website so that all counsel are apprised of this communication.

Very truly yours,

Judge Jack Komar (Ret)

Exhibit 5

September 15, 2021

VIA E-FILING

Hon. Jack Komar (ret.)
c/o Santa Clara County Superior Court
Department D-17
161 N. First Street
San Jose, CA 95113

***Re: Antelope Valley Groundwater Litigation, JCCP 4408
Wood v. Los Angeles County Waterworks Dist. No. 40***

Dear Judge Komar:

Thank you for your further e-mail of September 9, 2021.

I will start by emphasizing my career-long, committed belief that our profession requires substantial respect to sitting bench officers. With that said, although the import of the present circumstances requires me to press this issue, please take no disrespect to you, your office or your prior accomplishments.

I do not enjoy the position I am in here terribly, but at the present moment you control this situation. More specifically, I have requested specific information from you that is relevant to determine your mandatory disqualification pursuant to C.C.P. section 170.1. (I am again not revisiting in detail the ethical concerns set forth in my letter of August 31, 2021, but we believe those also present grounds for your recusal or disqualification (*see, e.g.*, § 170.1(a)(6)(A)(iii)).)

In my letter of September 8, 2021, I requested specific disclosures relevant to your dealings with the County of Los Angeles (“the County”) and its counsel as a private, paid neutral. It is clear from your declaration of September 2, 2021 that you have mediated with the County in recent years. In your e-mail of September 9, you appear to state the proposition that because you are employed by JAMS, and because JAMS was employed by the County in certain matters in recent years to provide alternate dispute resolution services, that you “not employed or retained by Los Angeles City or County or by any lawyer or law firm employed by either entity, including Best Best and Krieger.” (Judge Komar E-mail, September 9, 2021 (a copy of which is attached.)

You appear to be suggesting several things. First, your e-mail strongly implies that if the money the County pays for your services passes through a third party’s hands first, then all is well. Second, your email suggests that lawyers simply call an entity like JAMS and request them to assign a mediator “off the wheel.” In my nearly

26 years of practice, I have never seen that occur. The way this works in essentially every mediation scenario is that the parties identify a neutral and that approach his or her case manager. If your proposition were true, it would turn the ethical rules for judges on its head, would nullify several subsections of Section 170.1, and would if fact contradict a large portion of the pertinent case law.

In short, the fact that the check for your services may be written to JAMS is irrelevant here. There is absolutely no legal authority to support it, and the body of caselaw regarding neutral disclosures runs counter to this notion, as noted in some of the cases cited below).

You have also stated that you have no bias toward me (and presumably my co-counsel Mr. O'Leary), suggesting that is somehow germane to the inquiry at hand. That is incorrect and ignores the central premise that bench officers must stay clear of the appearance of impropriety.

Code of Civil Procedure section 170.1 does not disqualify *only* those judges who have actual bias; it disqualifies judges in situations where the Legislature has presumed bias, or the appearance of possible bias, may exist. (See *Code Civ. Proc, § 170.1, subd . (a)(6)(A)(iii)* [disqualifying a judge if a "person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial"].)

(*Rossco Holdings Inc. v. Bank of America* (2007) 149 Cal.App.4th 1353, 1362.)

I do not believe you are properly assessing the matter at hand, so I am going to add further detail. I will start with the primary statutory framework:

The judge has a current arrangement concerning prospective employment or other compensated service as a dispute resolution neutral or is participating in, or, within the last two years has participated in, discussions regarding prospective employment or service as a dispute resolution neutral, **or has been engaged in that employment or service, and any of the following applies:**

(i) The arrangement is, or the prior employment or discussion was, with a party to the proceeding. . . .

(C.C.P. § 170.1(a)(8)(A) (emphasis added).)

Section 170.1(a)(6)(A)(iii) is clearly implicated here as well and may be more important: "A person aware of the facts might reasonably entertain doubt that the judge would be able to be impartial." This "objective standard clearly indicates that

the decision on disqualification not be based on the judge's personal view of his own impartiality . . .” (*Jolie v. Superior Court* (2021) 66 Cal.App.5th 1025, 281 Cal.Rptr.3d 610, 619) “[A] judge faced with a potential ground for disqualification ought to consider how his participation in a given case look to the average person on the street.” (*United Farm Workers of America v. Superior Court* (1985) 170 Cal.App.3d 97, 104.) “Ethical breaches by a privately compensated temporary judge serving as a public official are far more disquieting than similar violations by private arbitrators.” (*Jolie, infra*, at 626 (finding disqualification required under 170.1(a)(6) (A)(iii) based upon the retention of the judge on other matters by counsel for one of the parties).)

Properly addressing the question of disqualification requires full disclosure of the pertinent facts. The California Code of Judicial Ethics addresses the requirement for disclosures in this context as follows:

E. Disqualification and Disclosure

(1) A judge shall disqualify himself or herself in any proceeding in which disqualification is required by law.

(2) In all trial court proceedings, a judge shall disclose on the record as follows:

(a) Information relevant to disqualification

A judge shall disclose information that is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1, even if the judge believes there is no actual basis for disqualification.

(California Code of Judicial Ethics, Canon 3.E.)

In sum, you are required to disclose completely the information regarding your dealings with the County and Best Best & Krieger in your work as a neutral so that the assessment of disqualification can be made on a proper record. It is preferable to complete this process sooner rather than later since orders issued by a properly disqualified judge are void. (*Christie v. City of El Centro* (2006) 135 Cal.App.4th 767, 776.) Thank you for your prompt attention to this matter.

Very truly yours,



Michael D. McLachlan

cc: Chair, Judicial Council of California (via U.S. Mail)

Mike McLachlan

From: Jack Komar <jvkomar@sbcglobal.net>
Sent: Thursday, September 9, 2021 9:57 AM
To: Mike McLachlan
Cc: Rowena Walker
Subject: Antelope Cases

Categories: Evidence

Mr. McLachlan:

Your letter of September 8, 2021 inaccurately states that I worked for Los Angeles County and its counsel. That is inaccurate and did not occur. Either I was not clear or you misread my earlier letter or declaration.

Again, all work as a neutral was with through JAMS, including mediating an action between Los Angeles County and Inyo County. I was not employed or retained by Los Angeles City or County or by any lawyer or law firm employed by either entity, including Best Best and Krieger. The one and only time I worked for any county was in 1966-69 as a deputy district attorney for Santa Clara County.

I have not worked directly with Los Angeles or any other county as a mediator. I am never hired by any party or law firm in a mediation or arbitration (or any other) setting and do not solicit such an ongoing relationship or otherwise. All of my work is exclusive through JAMS.

Whether sitting as an assigned judge in Antelope or acting as a neutral mediator or arbitrator through JAMS I am beholden to no one other than the law and truth. As I was through 24 years as a superior court judge and 15 years plus service in the Antelope Coordinated cases.

I am by copy of this e-mail requesting that the Superior Court add this to the website so that all counsel are apprised of this communication.

Very truly yours,

Judge Jack Komar (Ret)

Exhibit 6

Mike McLachlan

From: Mike McLachlan
Sent: Friday, September 17, 2021 10:15 AM
To: Jack Komar; jcare@jamsadr.com
Cc: Dan O'Leary; Rowena Walker; Wendy Wang; Jeff Dunn
Subject: RE: Request

Your honor,

I concur, the City of LA is a separate entity so the Inyo matter would not seem to be a disclosure of relevance to the Wood class. I was out yesterday afternoon and will be engaged most of today, but will review the other matters with Dan O'Leary later today or Monday.

In one of the emails with JAMS yesterday I saw your reference to the Supreme Court's Judicial Ethics Advisory Committee. I know nothing about that or how it works but I would guess you do given your years on the bench. If you feel that makes sense here, then I see no reason for you not to consult them. This is a very unusual and circumstance for sure.

There were several emails yesterday on this subject exchanged between the court, JAMS and me. I understand is the only sensible way to handle this given that you do not have a regular chambers and full-time staff. To the extent Ms. Walker is not able to post/serve the emails, I will make sure to go through and have my office post any that are missed so we do not have any ex parte communications. That may not occur until this weekend or Monday.

For current purposes, I'm adding Jeff Dunn and Wendy Wang to this email, since they are counsel for the only remaining party who is directly adverse to the Wood Class. I'm not readily finding Eric Garner's email in my contacts so he is omitted.

Mike McLachlan

McLachlan Law, APC
2447 Pacific Coast Highway, Suite 100
Hermosa Beach, CA 90254
Office: 310-954-8270
Fax: 310-954-8271

From: Jack Komar <jvkomar@sbcglobal.net>
Sent: Thursday, September 16, 2021 10:27 PM
To: jcare@jamsadr.com; Mike McLachlan <mike@mclachlan-law.com>
Cc: Dan O'Leary <dan@danolearylaw.com>; Rowena Walker <rwalker@scscourt.org>
Subject: Re: Request

As it seems, after a search by JAMS of its records, it was not L.A. County but rather the city that was involved in the mediation, I have not been able to recall any other mediations or arbitrations, for that matter, in which L.A. County was a party with the exception of the Antelope Coordinated Cases.

Mike McLachlan

From: Jack Komar <jvkomar@sbcglobal.net>
Sent: Thursday, September 16, 2021 5:16 PM
To: Rowena Walker
Cc: Mike McLachlan
Subject: Service Lists for Cases involving some Antelope Lawyers
Attachments: ServiceListbyRep - 1110026664.pdf; ServiceListbyRep - 1110024055.pdf; ServiceListbyRep - 1110023845.pdf; ServiceListbyRep - 1220043690.pdf

Rowena: I think it appropriate that the attached service lists be downloaded to the Antelope Case website. Do you agree?
These are cases I have handled through JAMS,

----- Forwarded Message -----

These are service lists compiled by JAMS.

Mike McLachlan

From: Josephine Care <jcare@jamsadr.com>
Sent: Thursday, September 16, 2021 4:48 PM
To: Mike McLachlan; Jack Komar
Cc: Dan O'Leary
Subject: RE: Request
Attachments: ServiceListbyRep - 1110026664.pdf; ServiceListbyRep - 1110024055.pdf; ServiceListbyRep - 1110023845.pdf; ServiceListbyRep - 1220043690.pdf

Attached are the service lists for:

Steinbeck Vineyards # 1, LLC, et al. vs County of San Luis Obispo, et al. - 1110026664
Las Posas Valley Water Rights Coalition, et al. vs Fox Canyon Groundwater Management Agency, et al. – 1110024055
Santa Barbara Channelkeeper vs State Water Resources Control Board, et al. – 1110023845
City of Los Angeles, et al. vs Board of Supervisors of the County of Inyo - 1220043690

From: Mike McLachlan <mike@mclachlan-law.com>
Sent: Thursday, September 16, 2021 3:46 PM
To: Jack Komar <jvkomar@sbcglobal.net>; Josephine Care <jcare@jamsadr.com>
Cc: Dan O'Leary <dan@danolearylaw.com>
Subject: Re: Request

Just to be clear, it was matters involving the County of Los Angeles or Best Best and Krieger, not the County and BBK.

I do not see the LA County v. Inyo County matter here. Thanks,

Mike McLachlan
McLachlan Law, APC
2447 Pacific Coast Highway, Suite 100
Hermosa Beach, CA 90254
310-954-8270
www.mclachlan-law.com

From: Jack Komar <jvkomar@sbcglobal.net>
Sent: Thursday, September 16, 2021 3:35 PM
To: jcare@jamsadr.com
Cc: Mike McLachlan
Subject: RE: Request

Yes. If there are others I will search my brain but I do not have written records of closed mediation cases. Thank you.

[Sent from AT&T Yahoo Mail on Android](#)

On Thu, Sep 16, 2021 at 3:00 PM, Josephine Care
<jcare@jamsadr.com> wrote:

Hello,

Judge Komar is correct. These three cases pop up in our system:

2021, Mediation, Steinbeck Vineyards # 1, LLC, et al. vs County of San Luis Obispo, et al. - 1110026664

2019, Mediation, Las Posas Valley Water Rights Coalition, et al. vs Fox Canyon Groundwater Management Agency, et al. – 1110024055

2019, Mediation, Santa Barbara Channelkeeper vs State Water Resources Control Board, et al. – 1110023845

Judge let me know if you'd like me to release the service list to him on these three cases.

Josie



Josephine Care
Assistant Manager

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P: 408.346.0737

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From: Jack Komar <jvkomar@sbcglobal.net>
Sent: Thursday, September 16, 2021 1:44 PM
To: Josephine Care <jcare@jamsadr.com>
Cc: mike@mclachlan-law.com
Subject: Fw: Request

Josie:

I don't know if its possible to compile the cases (I think they were all mediations) I have had since 2010 with JAMS that involve the County of Los Angeles (I know one was County of L.A. v. Inyo County) or the Best, Best and Kreiger law firm (Attorneys Jeffry Dunn and Vera Wang and Eric Garner. Other names coming to mind are Los Pasos and the Steinbeck Winery Case. That I think is what Mr. McLachlan has reference to. I know you would not have any listings for Antelope Valley or related cases since those were by assignment and not through JAMS. If you can do a keyword search just using L.A. County (including its subdivisions), Best, Best and Kreiger, Jeffry Dunn, Ms. Wang, and Mr. Garner, it will be a good start and may suffice.

Thanks

----- Forwarded Message -----

From: Mike McLachlan <mike@mclachlan-law.com>
To: Josephine Care <jcare@jamsadr.com>; Jack Komar <jvkomar@sbcglobal.net>
Cc: Rowena Walker <rwalker@scscourt.org>; dan@danolearylaw.com <dan@danolearylaw.com>
Sent: Thursday, September 16, 2021, 01:06:58 PM PDT
Subject: RE: Request

Ms. Care,

I will take a stab at this. The case name, as a consolidated JCCP Proceeding, is "Antelope Valley Groundwater Cases." I attach the caption that has generally been used by the Court. My case is the Wood case at the bottom.

Although the cases were consolidated, generating a full disclosure would be very time consuming I think. Here is a list of the primary parties if you want to see why that would be quite an endeavor and one I would not pursue:

I am fine with a disclosure report that deals just with Los Angeles County-affiliated entities and departments and the firm Best, Best & Krieger. If JAMS for some reason feels compelled to be more complete on a case-wide basis, then my suggestion is to limit it to my case, Wood v. Los Angeles County Waterworks et al. That had 9 or 10 defendants and 4-5 counsel. But again, not necessary for our purposes as all but LA County have settled out of the case going forward.

Mike McLachlan

McLachlan Law, APC

2447 Pacific Coast Highway, Suite 100

Hermosa Beach, CA 90254

Office: 310-954-8270

Fax: 310-954-8271

From: Josephine Care <jcare@jamsadr.com>

Sent: Thursday, September 16, 2021 12:46 PM

To: Mike McLachlan <mike@mclachlan-law.com>; Jack Komar <jvkomar@sbcglobal.net>

Cc: Rowena Walker <rwalker@scscourt.org>

Subject: RE: Request

Good afternoon,

Could I get a case name and all parties and attorneys and then I can run a disclosure report for you?

Josie



Josephine Care
Assistant Manager

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160 W. Santa Clara Street | Suite #1600 | San Jose, CA 96113

P: 408.346.0737

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From: Mike McLachlan <mike@mclachlan-law.com>
Sent: Thursday, September 16, 2021 11:44 AM
To: Jack Komar <jvkomar@sbcglobal.net>; Josephine Care <jcare@jamsadr.com>
Cc: Rowena Walker <rwalker@scscourt.org>
Subject: RE: Request

Thank you Your Honor. As a small point of clarification, that request should include any Department within the County of Los Angeles, e.g. LA County Department of Public Works, LA Dept of Water and Power, etc. (This arises from the definition of “Party” in C.C.P. 170.1(8)(B)(ii).)

Ms. Care, this clarification is not an instruction by me to you per se, as the below request comes at the instruction of Judge Komar, at my request. I am not intending to countermand his authority in this regard.

Mike McLachlan

McLachlan Law, APC
2447 Pacific Coast Highway, Suite 100
Hermosa Beach, CA 90254
Office: 310-954-8270
Fax: 310-954-8271

From: Jack Komar <jvkomar@sbcglobal.net>
Sent: Thursday, September 16, 2021 11:20 AM
To: Josephine Care <jcare@jamsadr.com>
Cc: Mike McLachlan <mike@mclachlan-law.com>; Rowena Walker <rwalker@scscourt.org>
Subject: Request

Josie: An attorney in the Antelope Case seeks my JAMS Case history with regard to both the County of Los Angeles and the law firm of Best, Best and Kreiger. Specifically, he requests to know of all cases in which I have acted as a mediator and JAMS has been compensated by either Los Angeles County or the Law Firm, or both, which resulted in fees to me.. This would include all mediations and any arbitrations, with the name of the case, the dates of service, etc., Can you provide that to me with a copy to him ; in any event I will pass it on to him and post it on the Antelope Valley Case website..

I am copying him on this e-mail.

Thanks.

Exhibit 7

Mike McLachlan

From: Josephine Care <jcare@jamsadr.com>
Sent: Thursday, September 16, 2021 4:48 PM
To: Mike McLachlan; Jack Komar
Cc: Dan O'Leary
Subject: RE: Request
Attachments: ServiceListbyRep - 1110026664.pdf; ServiceListbyRep - 1110024055.pdf; ServiceListbyRep - 1110023845.pdf; ServiceListbyRep - 1220043690.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Attached are the service lists for:

Steinbeck Vineyards # 1, LLC, et al. vs County of San Luis Obispo, et al. - 1110026664
Las Posas Valley Water Rights Coalition, et al. vs Fox Canyon Groundwater Management Agency, et al. – 1110024055
Santa Barbara Channelkeeper vs State Water Resources Control Board, et al. – 1110023845
City of Los Angeles, et al. vs Board of Supervisors of the County of Inyo - 1220043690

From: Mike McLachlan <mike@mclachlan-law.com>
Sent: Thursday, September 16, 2021 3:46 PM
To: Jack Komar <jvkomar@sbcglobal.net>; Josephine Care <jcare@jamsadr.com>
Cc: Dan O'Leary <dan@danolearylaw.com>
Subject: Re: Request

Just to be clear, it was matters involving the County of Los Angeles or Best Best and Krieger, not the County and BBK.

I do not see the LA County v. Inyo County matter here. Thanks,

Mike McLachlan
McLachlan Law, APC
2447 Pacific Coast Highway, Suite 100
Hermosa Beach, CA 90254
310-954-8270
www.mclachlan-law.com

From: Jack Komar <jvkomar@sbcglobal.net>
Sent: Thursday, September 16, 2021 3:35 PM
To: jcare@jamsadr.com
Cc: Mike McLachlan
Subject: RE: Request

Yes. If there are others I will search my brain but I do not have written records of closed mediation cases. Thank you.

[Sent from AT&T Yahoo Mail on Android](#)

SERVICE LIST

Case Name:	<u>Las Posas Valley Water Rights Coalition, et al. vs. Fox Canyon Groundwater</u>	Hear Type:	Mediation
Reference #:	1110024055	Case Type:	Energy
Panelist:	Komar, Jack ,		

David Aladjem

Downey Brand LLP

David Aladjem
621 Capitol Mall
18th Floor
Sacramento, CA 95814
daladjem@downeybrand.com
Assistant's Emails: cgermain@downeybrand.com

Plaintiff
Phone: 916-444-1000
Fax: 916-444-2100

Party Represented:

Green Hills Ranch, LLC
Grimes Rock Inc.
Las Posas Valley Water Rights Coalition
Placco Inc.
Rolling Green Hills Ranch, LLC
SCS Partners
Saticoy Properties, LLC
Thermic Mutual Water Co. LTD

Meghan Marie Baker

Downey Brand LLP

Meghan Marie Baker
621 Capitol Mall
18th Floor
Sacramento, CA 95814
mbaker@downeybrand.com
Assistant's Emails: cpiazza@downeybrand.com

Plaintiff
Phone: 916-444-1000
Fax: 916-444-2100

Party Represented:

Green Hills Ranch, LLC
Grimes Rock Inc.
Las Posas Valley Water Rights Coalition
Placco Inc.
Rolling Green Hills Ranch, LLC
SCS Partners
Saticoy Properties, LLC
Thermic Mutual Water Co. LTD

Samuel Bivins

Downey Brand LLP

Samuel Bivins
621 Capitol Mall
18th Floor
Sacramento, CA 95814
sbivins@downeybrand.com

Plaintiff
Phone: 916-444-1000
Fax: 916-444-2100

Party Represented:

Green Hills Ranch, LLC
Grimes Rock Inc.
Las Posas Valley Water Rights Coalition
Placco Inc.
Rolling Green Hills Ranch, LLC
SCS Partners
Saticoy Properties, LLC
Thermic Mutual Water Co. LTD

Albert Boada

Ventura County Counsel

Albert Boada
County Government Center
800 S. Victoria Ave.
Ventura, CA 93009
alberto.boada@ventura.org

Defendant
Phone: 805-654-2950
Fax: 805-654-2185

Party Represented:

Fox Canyon Groundwater Management
Authority

Michael B. Brown

Stoel Rives, LLP

Michael B. Brown
500 Capitol Mall
Suite 1600
Sacramento, CA 95814
michael.brown@stoel.com

Party
Phone: 916-447-0700
Fax: 916-447-4781

Party Represented:

Fox Canyon Groundwater Management
Authority
Jeffery Pratt
Kimball R. Loeb
Peter T. Quinlan

Hollister & Brace

Party Represented:
Fuller Falls Mutual Water Company

Alston & Bird, LLP

Party Represented:
Butler Ranch Mutual Water Co.
Hypericum Companies
Lloyd-Butler Mutual Water Company
National Cement Company of California, Inc.

Best Best & Krieger LLP

Party Represented:
Calleguas Municipal Water District

Ferguson Case Orr Paterson LLP

Party Represented:
Sunshine Ranch, LLC

Stoel Rives, LLP

Party Represented:
Fox Canyon Groundwater Management
Authority
Jeffery Pratt
Kimball R. Loeb
Peter T. Quinlan

Benton Orr Duval, et al.

Party Represented:
Fox Canyon Groundwater Management
Authority

Atkinson Andelson Loya et al.

Best Best & Krieger LLP

Party Represented:
Calleguas Municipal Water District

Peter A. Goldenring

Goldenring & Prosser

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Party Represented:

Green Hills Ranch, LLC
Grimes Rock Inc.
Las Posas Valley Water Rights Coalition
Placco Inc.
Rolling Green Hills Ranch, LLC
SCS Partners
Saticoy Properties, LLC
Thermic Mutual Water Co. LTD

Steven R. Hagemann

Ventura Legacy Group, APC

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Party Represented:

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Michael E. Culbert
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Waters Ranches, LLC

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Arnold LaRoche Mathews et al.

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Party Represented:

Allstar Growth Fund, Inc.
Jeannie O'Donnell
Rancho Canada Water Company

Sean Herman

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Sean Herman Defendant
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Party Represented:

Ventura County
Ventura County Waterworks District No. 1
Ventura County Waterworks District No. 19

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Party Represented:

Ann Broome Priske Trust
Elizabeth Broome Trust
Kirschbaum, LLC
Lemon 500, LLC
Mittag Farms
Mittag Ranches

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Party Represented:

Berkshire Investments LLC
Berylwood Ranch, LLC
Broadway Road Moorpark, LLC
Santa Clara Avenue Oxnard, LP
Santa Elena Farms, LLC

Robert N. Kwong

Arnold LaRochelle Matthew, et al.

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Party Represented:

Allstar Growth Fund, Inc.
Jeannie O'Donnell
Rancho Canada Water Company

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Party Represented:

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Kathleen M. Stevens
Kirschbaum, LLC
Las Nietas, LLC
Leon Scott Stevens
Mahan Development Corporation
Mahan Ranch
Marcia L. Donlon
McGonigle Ranch
Oro Del Norte, LLC
RBV - Vanoni
RBV 2+5, LLC
Ralph D. Mahan
Stevens Ranch
Sunshine Ranch, LLC
Urban-D Ranch Limited Partnership
VNB Water System

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Party Represented:

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Authority

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Party Represented:

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Carolyn Howarth
Claire Catherine Milligan
Dos Amigos Trust
Elizabeth Broome Trust
Farmland Reserve, Inc.
Grether Family Trust
JG Leavens, LLC
Jim Summers
John J. Pomatto Trust
John R. Milligan Trust
John S. Broome, Jr. Trust
Julia Summers
Kimberly Jeanne Milligan
Leavens Ranches, LLC
Lucy Milligan Walh
Mittag Farms
Mittag Ranches
Nicole K. Bavo
Palmyre Lucie Lent
Richard H. Jones Limited Partnership
Seacoast Farms, LLC
Sunshine Agriculture, Inc.
Susan C. Bavo
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Party Represented:

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Ventura County Waterworks District No. 1
Ventura County Waterworks District No. 19

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Party Represented:

Berylwood Heights Mutual Water Company
Del Norte Water Company
Zone Mutual Water Company

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Attorney Miscellaneous

Miscellaneous Attorney

Attorney Miscellaneous	Non-Party
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Party Represented:

Butler Ranch Mutual Water Co.
Hypericum Companies
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National Cement Company of California, Inc.

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Party Represented:

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Del Norte Water Company
Zone Mutual Water Company

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Party Represented:

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Party Represented:

Calleguas Municipal Water District

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Brownstein Hyatt Farber Schreck

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Party Represented:

Lemon 500, LLC
Wonderful Citrus Packing, LLC

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Party Represented:

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Party Represented:

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Ventura County Waterworks District No. 19

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Party Represented:

Calleguas Municipal Water District

Heather A Welles

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Party Represented:

Ann Broome Priske Trust
Elizabeth Broome Trust
Kirschbaum, LLC
Lemon 500, LLC
Mittag Farms
Mittag Ranches

SERVICE LIST

Case Name: Santa Barbara Channelkeeper vs. State Water Resources Control Board, et al **Hear Type:** Mediation
Reference #: 1110023845 **Case Type:** Environmental
Panelist: Komar, Jack ,

Dakotah Benjamin

Best Best & Krieger LLP

Dakotah Benjamin Respondent
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Party Represented:
City of San Buenaventura

Carol Boyd

Office of the Attorney General

Carol Boyd Party
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Party Represented:
California Department of Fish & Wildlife

Matthew G. Bullock

State Of California Attorney General's Office

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Party Represented:
State Water Resources Control Board

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Party Represented:
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Party Represented:
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Bentley Family Limited Partnership

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Party Represented:
Wood-Claeyssens Foundation

Daniel Cooper

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Daniel Cooper Petitioner
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Party Represented:
Santa Barbara Channelkeeper

Alyson C. Decker

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Alyson C. Decker Cross Defendant
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Party Represented:
Ernest Ford
Tico Mutual Water Company

Sarah C. Foley

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Party Represented:
City of San Buenaventura

Noah M. Golden-Krasner

Deputy Attorney General

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Party Represented:
California Department of Fish & Wildlife

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Party Represented:
Wood-Claeysens Foundation

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Party Represented:
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Party Represented:
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Party Represented:
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State Of California Attorney General's Office

Party Represented:
State Water Resources Control Board

Alston & Bird, LLP

Party Represented:
AGR Breeding, Inc.
Bentley Family Limited Partnership

L/O Lindsay F. Nielson

Party Represented:
Meiners Oaks Water District
Ventura River Water District

Musick, Peeler & Garrett, LLP

Party Represented:
 Friend's Ranches, Inc.
 Krotona Institute of Theosophy
 Thacher School
 Topa Topa Ranch Company, LLC

Brownstein Hyatt Farber Schreck

Party Represented:
Wood-Claeyssens Foundation

Best Best & Krieger LLP

Party Represented:
City of San Buenaventura

Herum Crabtree Suntag

Party Represented:
Meiners Oaks Water District
Ventura River Water District

SERVICE LIST

Case Name: Steinbeck Vineyards # 1, LLC, et al. vs. County of San Luis Obispo, et al.

Hear Type:

Mediation

Reference #: 1110026664

Case Type:

Business/Commercial

Panelist: Komar, Jack ,

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Bartkiewicz, Kronick & Shanahan

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San Miguel Community Services District

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Party Represented:

Atascadero Mutual Water Company

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Party Represented:

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Party Represented:

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San Luis Obispo County Flood Control & Water
Conservation Ds

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Party Represented:

City of Paso Robles

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Party Represented:

Templeton Community Services District

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Party Represented:

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Party Represented:

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Party Represented:

Steinbeck Vineyards #1, LLC

William T. Zimmer

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Party Represented:

Steinbeck Vineyards #1, LLC

SERVICE LIST

Case Name: City of Los Angeles, et al. vs. Board of Supervisors of the County of Inyo **Hear Type:** Arbitration
Reference #: 1220043690 **Case Type:** Business/Commercial
Panelist: Komar, Jack ,

Joseph A. Brajevich

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Department of Water & Power

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Department of Water and Power

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City of Los Angeles
Department of Water & Power

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Department of Water and Power

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Department of Water & Power

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Defendant
Fax:

Party Represented:
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Randy Keller

County Counsel - County of Inyo

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County of Inyo

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Neutral Mediator
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Los Angeles Department of Water & Power

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Department of Water & Power

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Party Represented:

City of Los Angeles
Department of Water & Power

Exhibit 8

Mike McLachlan

From: Rowena Walker <RWalker@scscourt.org>
Sent: Monday, September 20, 2021 3:48 PM
To: jvkomar@sbcglobal.net
Cc: Mike McLachlan
Subject: RE: Service Lists for Cases involving some Antelope Lawyers

All four documents have now been posted to the Antelope Valley website. Thank you.

Rowena Walker | Complex Coordinator
Superior Court of California, County of Santa Clara
191 N. First Street | San Jose, California 95113
p: 408-882-2286 | e: rwalker@scscourt.org
Pronouns: she/her/hers

From: Jack Komar [mailto:jvkomar@sbcglobal.net]
Sent: Thursday, September 16, 2021 5:16 PM
To: Rowena Walker <RWalker@scscourt.org>
Cc: mike@mclachlan-law.com
Subject: Service Lists for Cases involving some Antelope Lawyers

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Rowena: I think it appropriate that the attached service lists be downloaded to the Antelope Case website. Do you agree?
These are cases I have handled through JAMS,

----- Forwarded Message -----

These are service lists compiled by JAMS.

- 1
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On September 29, 2021, I caused service in the manner indicated below of the foregoing document(s) described as **STATEMENT OF DISQUALIFICATION PURSUANT TO C.C.P. § 170.3; DECLARATION OF MICHAEL D. MCLACHLAN** to be served on all parties in this matter as follows:

- Hon Jack Komar (ret.)
JAMS
160 W. Santa Clara Street, Suite 1600
San Jose, CA 95113
- Hon Jack Komar (ret.)
c/o Rowena Walker, Complex Coordinator
Santa Clara Superior Court
191 N. First Street
San Jose, CA 95113
- (X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

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