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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 ANTELOPE VALLEY GROUNDWATER
11 CASES
12 This Pleading Relates To Consolidated
Action:

13 REBECCA LEE WILLIS, on behalf of
14 herself and all others similarly situated,

15 Plaintiff,

16 vs.

17 LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40;
18 CITY OF LANCASTER; CITY OF LOS
ANGELES; CITY OF PALMDALE;
19 PALMDALE WATER DISTRICT;
LITTLEROCK CREEK IRRIGATION
20 DISTRICT; PALM RANCH IRRIGATION
DISTRICT; QUARTZ HILL WATER
21 DISTRICT; ANTELOPE VALLEY
WATER CO.; ROSAMOND
22 COMMUNITY SERVICES DISTRICT;
MOJAVE PUBLIC UTILITY DISTRICT;
23 and DOES 1 through 1000,

24 Defendants.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Case No. BC 364553
Assigned to Hon. Jack Komar

COPA DE ORO LAND COMPANY'S
MEMORANDUM OF POINTS AND
AUTHORITIES IN RESPONSE TO THE
WILLIS CLASS'S MOTION FOR
ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AND DIRECTING
NOTICE TO THE CLASS

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26 Copa de Oro Land Company, a California general partnership ("Copa de Oro"), is a
27 named party in *Los Angeles County Waterworks District No. 40, et al., v. Diamond Farming*
28 *Co*, Kern County Superior Court Case No. S-1500-CV-254-348, which was consolidated with

COPY

1 the above-entitled action on February 19, 2010 when the Honorable Jack Komar issued an
2 Order Transferring and Consolidating Actions for All Purposes (the “Consolidation Order”).
3 Copa de Oro does not oppose the Willis Class’ Motion for Preliminary Approval of Class
4 Action Settlement and Directing Notice to the Class (the “Motion”), which the Willis Class’s
5 attorneys filed on September 15, 2010. Copa de Oro does, however, maintain that, consistent
6 with the Consolidation Order, if the Court were to issue an order approving the Motion, and the
7 Willis Class Stipulation of Settlement on which the Motion is based (see Willis Class
8 Stipulation of Settlement, Exhibit E to the Motion) (the “Stipulation”), then that order could not
9 in any way affect the substantive rights of, or the claims alleged by, the remaining parties in
10 these consolidated cases who did not sign the Stipulation – parties like Copa de Oro.

11 On February 19, 2010, the Court issued its Consolidation Order, which transferred the
12 several coordinated Antelope Valley Groundwater Cases to the Los Angeles County Superior
13 Court and consolidated those cases for all purposes. (Consolidation Order, p. 5, lines 8-13.)

14 The Consolidation Order states:

15 This order of consolidation will not preclude any parties from settling any or all
16 claims between or among them, as long as any such settlement expressly provides
17 for the Court to retain jurisdiction over the settling parties for the purposes of
18 entering a judgment resolving all claims to the rights to withdraw groundwater
19 from the Antelope Valley Groundwater Basin as well as the creation of a physical
20 solution. . . . Upon appropriate motion and the opportunity for all parties in
21 interest to be heard, the Court may enter a final judgment approving any
22 settlements, including the *Willis* and *Wood* class settlements, that finally
23 determine all cognizable claims for relief among the settling parties for purposes
24 of incorporating and merging the settlements into a comprehensive single
25 judgment containing such a declaration of water rights and a physical solution.
26 Any such settlement can only affect the parties to the settlement and cannot have
27 any affect on the rights and duties of any party who is not a party to any such
28 settlement

(Consolidation Order, p. 4: line 20 – p. 5, line 3 (underlining added).)

25 The Willis Class’s Stipulation reflects this requirement of the Consolidation Order,
26 although the Stipulation does not use the specific language regarding the Court’s retention of
27 jurisdiction that is included in the Consolidation Order. (Stipulation, Exhibit E to the Motion,
28

1 p. 17 line 27 – p. 18, line 1.) It is therefore Copa de Oro’s understanding that, if the Court were
2 to grant the Willis Class’s Motion, then neither the order granting the Motion, nor the
3 Stipulation, would affect: (1) any party to this litigation that did not sign the Stipulation; (2)
4 any non-settling party’s claims against any other party; and (3) any party’s right to pump
5 groundwater from the Antelope Valley Groundwater Basin, as may be determined during this
6 litigation. Further, neither any order granting the Motion, nor the Stipulation, shall prevent the
7 Court from entering a single judgment and implementing a physical solution that would apply
8 to all parties to these consolidated cases, including the Willis Class, the public water suppliers
9 and any other settling parties.

10 If the Court issues an order approving the Motion, then Copa de Oro respectfully
11 requests that the Court specify in that order that nothing in the order shall be construed in any
12 manner that would cause the order or the Stipulation to be inconsistent with the Court’s
13 February 19, 2010 Consolidation Order.

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15 Dated: September 22, 2010

Respectfully submitted,

16 BARTKIEWICZ, KRONICK & SHANAHAN
17 A Professional Corporation

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19 By: 

Ryan S. Bezerra

20 Attorneys for Copa de Oro Land Company
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PROOF OF SERVICE

I, Alissa D. Mackrill, declare as follows:

I am a citizen of the United States and a resident of Sacramento County. I am over the age of 18, not a party to this action and am employed at Bartkiewicz, Kronick & Shanahan, 1011 Twenty-Second Street, Sacramento, California 95816. On September 22, 2010, I served, in the manner described below, the following documents:

Copa De Oro Land Company’s Memorandum of Points and Authorities in Response to the Willis Class’s Motion for Order Granting Preliminary Approval of Class Action Settlement and Directing Notice to the Class

I posted these documents to the Court’s World Wide Website located at www.scefiling.org.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Sacramento, California on September 22, 2010.

Alissa D. Mackrill