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

**ANTELOPE VALLEY
GROUNDWATER CASES**

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Included Actions: Los Angeles County
Waterworks District No. 40 v. Diamond
Farming Co., Superior Court of California,
County of Los Angeles, No. BC 32520;

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

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;

**MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF
PETITION FOR COORDINATION OF
ADD-ON ACTION**

Wm. Bolthouse Farms, Inc. V. City of
Lancaster; Diamond Farming Co. V. City of
Lancaster; Diamond Framing Co. V. Palmdale
Water District; Superior Court of California,
County of Riverside, Cases No. RIC 353 840,
RIC 344 436, RIC 344 668;

Date: Not Set
Time: Not Set
Dept.: 17
Judge: Honorable Jack Komar
Coordination Trial Judge

This Document Relates To:

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

vs.

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40, et al; Defendants.

Case No. BC 364 553

1 Pursuant to section 404.4 of the California Code of Civil Procedure and Rule 3.544 of the
2 California Rules of Court, Plaintiff and Petitioner, Rebecca Lee Willis, respectfully submits this
3 memorandum of Points and Authorities in Support of Her Petition for Coordination of Add-On Case
4 (the “Petition”), seeking an Order that the action *Rebecca Lee Willis, on behalf of herself and all*
5 *others similarly situated, Plaintiff, vs. Los Angeles County Waterworks District No. 40, et al;*
6 *Defendants*, Case No. BC 364553 (Los Angeles County Superior Court) (“*Willis*”) be coordinated
7 with the *Antelope Valley Groundwater Cases*, J.C.C.P. No. 4408.

8 **I. INTRODUCTION**

9 Petitioner seeks the coordination of an add-on action recently filed in this Court with the
10 pending coordinated *Antelope Valley Groundwater Cases*, J.C.C.P. No. 4408. The newly filed
11 action, *Rebecca Lee Willis, on behalf of herself and all others similarly situated, Plaintiff, vs. Los*
12 *Angeles County Waterworks District No. 40, et al; Defendants*, Case No. BC 364553 (Los Angeles
13 County Superior Court) (“*Willis*”) raises the same factual and legal issues presently being
14 controverted in the *Antelope Valley Groundwater Cases*, but seeks to protect the rights of the
15 numerous small land owners scattered throughout the Antelope Valley Basin, whose interests have
16 not previously been asserted in the coordinated proceeding. Because the *Willis action* raises the very
17 same factual and legal issues that are at issue in the *Antelope Valley Groundwater Cases*, it is hard
18 to imagine a more appropriate case for coordination.

19 **II. ARGUMENT**

20 Section 404.4 of the Code of Civil Procedure provides that when a civil action (the “add-on
21 action”) shares a common question of fact or law with actions previously coordinated pursuant to
22 section 404, any party may petition the Judge hearing the coordinated actions for an Order
23 coordinating the add-on action, if appropriate under the standards CCP §404.1. Coordination of the
24 Willis action is clearly appropriate under that section and will help facilitate a binding and
25 comprehensive resolution of the Antelope Valley Groundwater Cases.

26 Coordination of civil actions sharing a common question of fact or law is appropriate if “one
27 judge hearing all of the actions for all purposes . . . will promote the ends of justice.” Cal. Code of
28 Civ. Proc. §404.1. To determine whether coordination will “promote the ends of justice,” the

1 coordination motion judge should consider the factors set forth in the Code of Civ. Proc. §404.1.
2 These factors are as follows: (1) whether the common question of fact or law is predominating and
3 significant to the litigation; (2) the convenience of parties, witnesses, and counsel; (3) the relative
4 development of the actions and the work product of counsel; (4) the efficient utilization of judicial
5 facilities and manpower; (5) the calendar of the courts; (6) the disadvantages of duplicative and
6 inconsistent rulings, orders, or judgment; (7) the likelihood of settlement of the action without
7 further litigation should coordination be denied. Cal. Code Civ. Proc. §404.1. Any reasonable
8 consideration of those factors compels the conclusion that the Willis action should be coordinated
9 with this litigation.

10 1. Common Factual and Legal Issues Predominate.

11 There are identical factual and legal issues raised by these actions. The *Willis* action seeks
12 an adjudication of the rights of Plaintiff and the proposed Class to groundwater in the Antelope
13 Valley, which is precisely the same matter at issue in this coordination proceeding. The factual and
14 legal issues are virtually identical.

15 2. Convenience of the Parties and Witnesses Supports Coordination

16 The convenience of the parties and witnesses also support coordination of the *Willis* action,
17 so that those parties and witnesses will not need to participate in multiple actions concerning the
18 same subject.

19 3. The Coordinated Litigation Is Not So Far Advanced as to Render
20 Coordination of *Willis* Inappropriate.

21 Although the coordinated proceeding has been pending for some time, it is not so far
22 advanced that coordination of the newly-filed *Willis* action would be inappropriate. *Willis*' counsel
23 have already spent substantial time to familiarize themselves with the history of this matter.
24 Moreover, Willis agrees not to contest prior Court rulings that are no longer at issue. In short, the
25 coordinated proceeding has not progressed to such an extent that coordination of the *Willis* action
26 would either delay its proceedings or cause undue burden. Rather, coordination will serve to
27 expedite all of the litigation in a single, efficient forum.

28 ////

1 4. The Efficient Utilization of Judicial Manpower Supports Coordination;
2 Coordination would be an efficient utilization of judicial resources. In view of the common
3 parties, the common allegations, and the inevitable overlapping of effort if these cases were to be
4 handled separately, using the resources of one court to deal with these cases would clearly be in the
5 interests of judicial economy. To proceed otherwise would be uneconomical and would lead to
6 additional work, increased expenses, and an unnecessary taxing of the courts' limited time and
7 resources. In view of the number of parties and witnesses involved, common sense dictates that the
8 expeditious handling of these matters would be best accomplished by coordinating these actions
9 instead of permitting multiple courts to handle these matters in a piecemeal fashion.

10 5. The Court's Calendar

11 As discussed above, coordination will not adversely impact the Court's calendar.

12 6. The Risks of Duplicative and Inconsistent Rulings, Orders, or Judgment;

13 In a case such as this, where the actions clearly raise the possibility of inconsistent and
14 conflicting rulings, coordination is especially appropriate. As this Court has recognized, the
15 groundwater rights at issue must be adjudicated in a comprehensive proceeding that binds all
16 interested parties. Coordination of these actions will ensure consistent and uniform rulings.

17 7. The Likelihood of Settlement of the Action Without Further Litigation Should
18 Coordination Be Denied.

19 It will be difficult, if not impossible, to settle this matter unless all interested parties are
20 present and participating. Hence, coordination will facilitate the possibility of an amicable resolution.

21 In short, all of the relevant criteria support the coordination of the *Willis* action with the
22 pending *Antelope Valley Groundwater Litigation*. Thus, coordination is clearly warranted here.

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1 **III. CONCLUSION**

2 For the reasons stated above, the Willis action should be coordinated with the above
3 coordinated proceeding

4 Dated: February 7, 2007

KRAUSE KALFAYAN BENINK
& SLAVENS LLP

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8 Ralph B. Kalfayan, Esq.
David B. Zlotnick, Esq.

9 Attorneys for Plaintiff and the Class

1 **PROOF OF SERVICE**

2 I, Aimee Vignocchi, declare:

3 I am a resident of the State of California and over the age of eighteen years, and not a
4 party to the within action; my business address is 625 Broadway, Suite 635, San Diego,
Californai, 92101. On **February 7, 2007**, I served the within document(s):

5 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
6 **PETITION FOR COORDINATION OF ADD-ON ACTION**

7 ☒ by posting the document(s) listed above to the Santa Clara County Superior Court
website in regard to the Antelope Valley Groundwater matter.

8 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon
9 fully prepaid, in the United States mail at San Diego, California addressed as set
forth below:

10 Hon. Ronald M. George, Chair
11 Judicial Council of California
455 Golden Gate Avenue
12 San Francisco, CA 94102-3660

13 ☐ by causing personal delivery by Cal Express of the document(s) listed above to the
person(s) at the address(es) set forth below.

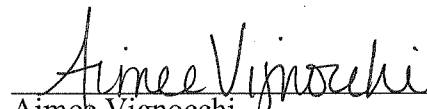
14 ☐ by personally delivering the document(s) listed above to the person(s) at the
15 address(es) set forth below.

16 ☐ I caused such envelope to be delivered via overnight delivery addressed as
indicated on the attached service list. Such envelope was deposited for delivery
17 by UPS following the firm's ordinary business practices.

18 I am readily familiar with the firm's practice of collection and processing correspondence
for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
19 day with the postage thereon fully prepaid in the ordinary course of business. I am aware that on
motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in affidavit.

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

22 Executed on February 7, 2007, at San Diego, California.

23 
24 Aimee Vignocchi