

Ralph B. Kalfayan, SBN133464
David B. Zlotnick, SBN 195607
KRAUSE, KALFAYAN, BENINK
& SLAVENS LLP
Tel: (619) 232-0331
Fax: (619) 232-4019

Attorneys for Plaintiff and the Class

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

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

Plaintiff,

vs.

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40; CITY OF LANCASTER;
CITY OF LOS ANGELES; CITY OF
PALMDALE; PALMDALE WATER
DISTRICT; LITTLEROCK CREEK
IRRIGATION DISTRICT; PALM RANCH
IRRIGATION DISTRICT; QUARTZ HILL
WATER DISTRICT; ANTELOPE VALLEY
WATER CO.; ROSAMOND COMMUNITY
SERVICE DISTRICT; MOJAVE PUBLIC
UTILITY DISTRICT; and DOES 1 through
1,000;

Defendants.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

PUTATIVE CLASS PLAINTIFF WILLIS'
RESPONSE TO PUBLIC WATER
SUPPLIERS' PROPOSED CLASS
DEFINITIONS AND NOTICE

Hearing:

Date: April 16, 2007
Time: 9:00 a.m.
Place: Dept. 1 (L.A. Super. Ct.)

1 Putative Class Plaintiff Rebecca Lee Willis (“Willis”) responds as follows to
2 the Public Water Suppliers’ proposals regarding the definition of the Class(es) and the
3 manner of notice.

4 **I.**
5 **ARGUMENT**

6 Class certification is appropriate in this case in order to achieve a comprehensive
7 resolution to the ground water claims in the Antelope Valley Basin. As this Court stated in
8 its November 3, 2006 Order After Hearing on Jurisdictional Boundaries: “The relief sought
9 in this coordinated case is the adjudication of the *claims of all parties who assert a right to*
10 *the ground water within the Antelope Valley basin . . .* All overlying land owners with
11 correlative usufructory rights and appropriators who produce water from the aquifer are
12 necessary parties.” Order at p.2 (emphasis added). The only real issues are (1) who should
13 represent the Class and (2) how the Class should be defined.

14 Certain Public Water Suppliers have moved for certification of a Defendant Class of
15 landowners. Pursuant to the Court’s direction at the March 12 Hearing, the Suppliers have
16 proposed Class definitions and generally discussed the manner of Notice. Unfortunately, the
17 Public Water Suppliers’ proposals do not substantially advance the ball from where matters
18 were left at the March 12, Hearing. Other parties have discussed at length some of the
19 deficiencies in those proposals, which we will not reiterate. Rather, Plaintiff Willis puts
20 forward below her proposed Class and subclass definitions. Willis submits that this Court
21 should define the Class as follows:

22 All persons and entities that own land within the Basin, *excluding* (1) those
23 persons who are separately represented and participating in this litigation (but not
24 excluding the Class representatives); (2) the Municipal Suppliers and their affiliates;
25 (3) other Public entities; and (4) those persons whose properties are provided water
26 service by any of the municipal purveyors or who have agreements to be provided
27 water by such providers (with the exception of any such persons who (a) have wells
28 on their property, (b) who elect to “opt in” to the Class, or (c) who own other property
in the Basin which is not served by any of the municipal Suppliers.

26 Willis believes that such a definition meets the needs of the parties for an
27 appropriately broad Class that encompasses any and all real claimants to the Basin’s ground
28

1 water (and therefore will achieve finality) while excluding the tens of thousands of city
2 dwellers who are provided water by and whose interests are aligned with and adequately
3 represented by the municipal purveyors. Accordingly, Willis respectfully requests that the
4 Court grant the Suppliers' Motion, but modified in the above respects.

5 Plaintiff Willis respectfully suggests that she be appointed to represent a subclass
6 consisting of those members of the above Class who are not presently pumping water on their
7 properties and have not done so for at least the past three years. One of the other parties who
8 is presently pumping water should be appointed to represent the subclass of persons who
9 presently pump water on their properties or have pumped in the last three years..

10 With respect to Notice, Willis maintains that direct notice by first class mail is
11 necessary to provide actual notice to the affected landowners and is appropriate here. A list
12 of landowners should be obtainable from property records. Although notice by publication
13 is desirable as a supplement to direct mail notice, it cannot substitute for such notice here
14 where the case affects significant property interests and where direct notice is practicable.

15 **II.**
16 **CONCLUSION**

17 For the reasons stated above, Willis respectfully requests that the Court certify a
18 Class in this matter, as defined above, and designate her as a Class representative for the
19 subclass of non-pumping landowners. The parties should meet and confer and submit an
20 appropriate – and hopefully, agreed upon – form of Order certifying such a Class and
21 providing a form of Notice to be sent to the Class.

22 Dated: April 6, 2007

KRAUSE KALFAYAN BENINK
& SLAVENS LLP

23
24
25
26

Ralph B. Kalfayan, Esq.
David B. Zlotnick, Esq.
Attorneys for Plaintiff and the Class
27
28