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Attorneys for Plaintiff and the Class

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

**ANTELOPE VALLEY
GROUNDWATER CASES**

This Pleading Relates to Included Action:
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; and DOES 1 through
1,000;

Defendants.

) JUDICIAL COUNCIL COORDINATION
) PROCEEDING NO. 4408
)
)

) CASE NO. BC 364553
)
)

) **EX PARTE APPLICATION FOR ENTRY
) OF [PROPOSED] AMENDMENT TO
) FINAL JUDGMENT APPROVING CLASS
) ACTION SETTLEMENT TO ADD
) PROVISION RE ATTORNEYS FEES AND
) COSTS**

) Date: September 22, 2011

) Time: 9:00 a.m.

) Place: Telephonic

) Judge: Hon. Jack Komar
) Coordination Trial Judge
)
)

Pursuant to Rule 3.1200 et seq of the California Rules of Court, Plaintiff Willis and Class
Counsel respectfully make this ex parte application for entry of the accompanying [Proposed]
Amendment to Final Judgment Approving Class Action Settlement to Add Provision Re

1 Attorneys Fees and Costs and, in support thereof, state as follows:

2 By Order dated May 4, 2011, this Court awarded attorneys' fees to Class Counsel in the
3 amount of \$1,839,494 and costs in the amount of \$65,057.68 pursuant to Civil Code Section
4 1021.5. Then, on May 13, 2011, this Court entered Final Judgment Approving [the] Willis
5 Class Action Settlement in the form that the settling parties had previously agreed upon. *No*
6 *party timely sought reconsideration of or appealed either the Fee Order or the Final Judgment.*
7 Subsequently, on September 7, 2011, the Court entered an order awarding supplemental fees to
8 Class Counsel in the amount of \$160,662.50.
9

10 Certain Defendants have now either paid or agreed to pay Class Counsel's fees (including
11 a share of the supplemental award) in the cumulative amount of \$826,828.26; other Defendants,
12 including Los Angeles County Waterworks District No. 40 have failed and refused to make any
13 payment.

14 The Final Judgment expressly provides that "[w]ithout affecting the finality of this
15 Judgment, the Court hereby reserves and retains jurisdiction over this Settlement, including the
16 administration and consummation of the Settlement, . . ." ¶ 20. The Final Judgment further
17 provides that the "court retains jurisdiction to consider an application by Plaintiff and Class
18 Counsel for an award of attorneys' fees and reimbursement of costs . . . and the Court retains
19 jurisdiction to enter such further Orders." ¶ 21; and
20

21 Defendant Los Angeles County Waterworks District No. 40 has asked the Court to
22 amend its prior judgment so that Defendants may pay the fee award under the provisions
23 provided by Government Code Section 965 et seq. By Minute Order dated August 30, 2011,
24 this Court authorized District 40 to file an ex parte application to amend the final judgment, but
25 District 40 has failed to file any such application.

26 Class Counsel have attempted to reach a satisfactory compromise with District 40 that
27

1 would permit Defendants to make payment pursuant to Government Code Section 965 et seq, but
2 we were unable to obtain agreement from Defendant's counsel. Class Counsel share the Court's
3 desire to bring this matter to closure as promptly, simply, and efficiently as possible.

4 Accordingly, Class Counsel respectfully request that the Court grant Plaintiff's Ex Parte
5 Application and Enter the accompanying [Proposed] Amendment to Final Judgment Approving
6 Class Action Settlement To Add Provision Re Attorneys Fees And Costs.
7

8 Date: September 19, 2011

KRAUSE, KALFAYAN, BENINK &
SLAVENS, LLP

9
10 /s/David B. Zlotnick

11 Ralph B. Kalfayan, Esq.
12 David B. Zlotnick, Esq.
13 Attorneys for Plaintiff and the Class
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