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

10 COORDINATED PROCEEDING
11 SPECIAL TITLE (Rule 1550(b))

) JUDICIAL COUNCIL COORDINATION
) PROCEEDING NO. 4408
)

12 ANTELOPE VALLEY GROUNDWATER
13 CASES

14 Included Actions:

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

) [PROPOSED] ORDER CERTIFYING
) PLAINTIFF CLASS
)

16 Plaintiff,

17 vs.

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

) **Hearing:**
)

20 Defendants.

) Date: August 20, 2007
) Time: 9:00 a.m.
) Place: Dept. 1 (L.A. Super. Ct.)

21 Los Angeles County Superior Court
Case No. BC 364 553

) Judge: Hon. Jack Komar
)

22 AND RELATED ACTIONS
23

24 This matter having come before the court for Hearing on August 20, 2007 on Plaintiff Willis'
25 motion for class certification; and the Court having overruled the objections of Diamond Farming
26 to hearing the motion at that time; and having considered and reviewed the notice of motion and
27 motion for class certification, the points and authorities in support thereof, the responsive papers
28 filed by other parties, and having considered the file in this matter and the arguments presented at

1 the hearing on the motion, and good cause appearing thereon;

2 THE COURT FINDS AS FOLLOWS:

3 1. The proposed Class of non-pumping landowners satisfies all of the requirements of
4 Section 382 of the California Code of Civil Procedure and due process.

5 2. The proposed Class is so numerous that joinder of all members would be
6 impracticable;

7 3. The claims asserted on behalf of Plaintiff Willis are typical of those asserted on behalf
8 of the absent Class members;

9 4. There are common issues of fact and law and those common issues predominate over
10 any individual issues;

11 5. Willis is an adequate representative of the Class in that she is actively asserting her
12 rights and those of the absent Class members, and there is no adversity or conflict between Willis'
13 claims and those of the Class.

14 6. Willis' counsel is adequate and capable to represent the Class.

15 7. Class certification is the superior means to adjudicate this matter, especially in light
16 of the need to obtain a comprehensive allocation of water rights that is binding on all landowners
17 within the Basin.

18 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

19 1. The Court hereby certifies the following Class in the above action:

20 "All private (i.e., non-governmental) persons and entities that own real property
21 within the Basin, as adjudicated, that are not presently pumping water on their
22 property and did not do so at any time during the five years preceding January 18,
2006 ("the Class"). The Class includes the successors-in-interest by way of
purchase, gift, inheritance, or otherwise of such landowners.

23 The Class excludes the defendants herein, any person, firm, trust, corporation,
24 or other entity in which any defendant has a controlling interest or which is related
25 to or affiliated with any of the defendants, and the representatives, heirs, affiliates,
26 successors-in-interest or assigns of any such excluded party. The Class also excludes
27 all persons to the extent their properties are connected to a municipal water system,
28 public utility, or mutual water company from which they receive or are able to
receive water service, as well as owners of properties within the service areas
of the foregoing water purveyors as to which there is a water system agreement
or water service agreement providing for the provision of water service by such
purveyors."

1 2. The Court further certifies Rebecca Lee Willis as the representative of the Class and
2 the law firm of Krause Kalfayan Benink & Slavens LLP as counsel for the Class.

3 3. The Court further directs Plaintiff Willis to lodge a proposed form of notice to the
4 Class on or before September 17, 2007. Any responses shall be lodged on or before September 24,
5 2007, and the matter will be considered by this Court at a Hearing on October 1, 2007 at 9:00 a.m.
6 in Department 1 of the Los Angeles County Superior Court.

7 4. The Court further directs counsel for the Municipal Purveyors to work with Willis'
8 counsel in preparing the proposed form of notice and to seek authority from their clients to pay for
9 the costs of identifying and sending notice to the members of the Class

10 **IT IS SO ORDERED.**

11
12
13 Dated: _____

HON. JACK KOMAR
JUDGE OF THE SUPERIOR COURT