

Attorneys for Plaintiff and the Class

1 Basin. Second, the Proposed Order includes issues that are not alleged in the complaint such as  
2 “rights to store and recover non-native water in the Basin.” Lastly, the submitted definition of the  
3 Class does not exclude those property owners within the public water supplier service area who  
4 own less than 25 acres as indicated by the Purveyors at the March 3, 2008 hearing or those  
5 property owners that were previously served by the Purveyors.

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7 **I.**  
**THE PROPOSED ORDER IS PREMATURE**

8 There is presently no operative pleading filed on behalf of a class of landowners that  
9 pump groundwater. The operative complaint, the First Amended Complaint, includes a class of  
10 dormant non-pumping landowners. A class of individuals and entities seeking class certification  
11 from the court must be reflected in the complaint. Here, Rebecca Wills has not and is not  
12 presently pumping groundwater from the Basin. There is no operative pleading that includes the  
13 rights of a pumping class within the complaint. Accordingly, she cannot at this time represent a  
14 class of pumping individuals and entities. While plaintiff is considering expanding the class and  
15 is searching for a suitable class representative for small pumpers, there is presently no operative  
16 pleading that can support the proposed order submitted by the Purveyors.

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18 **II.**  
**THE PROPOSED ORDER BROADENS THE SCOPE OF ISSUES BEYOND THOSE**  
19 **ALLEGED IN THE COMPLAINT**

20 In the Proposed Order the Purveyors seek adjudication of rights to store groundwater  
21 from the Basin. Once again, the issue is simply not included in the complaint. Plaintiff is  
22 considering amending the complaint to include the issue but is presently meeting and conferring  
23 with other counsel before finalizing her position.

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25 **III.**  
**THE PROPOSED ORDER BROADENS THE SCOPE OF MEMBERS WITHIN THE**  
26 **CLASSS BEYOND THE SCOPE OF THE FIRST AMENDED COMPLAINT**

27 The proposed order includes “All private (i.e., non-government) persons and entities that  
28 own real property within the Basin, as adjudicated.” In court however, it was conveyed by

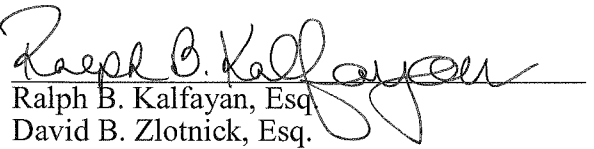
1 counsel for the Purveyors, that individuals who own 25 acres or less within the water service  
2 area should also be excluded. The exclusion is not reflected in the Proposed Order. Lastly, the  
3 definition of the Class should also exclude those individuals that have been served by defendant  
4 Purveyors but are not active yet in this litigation.

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6 **IV.  
CONCLUSION**

7 Plaintiff's counsel is presently working on an amended complaint that she will submit to  
8 the Court. In addition, plaintiff's counsel will submit her proposed Class certification order.  
9 Plaintiff respectfully requests that the Court defer any ruling on the Purveyor's Proposed Order  
10 until that time.

11 Dated: March 17, 2008

KRAUSE KALFAYAN BENINK  
& SLAVENS LLP

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16 Ralph B. Kalfayan, Esq.  
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18 Attorneys for Plaintiff and the Class  
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I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 625 Broadway, Suite 635, San Diego, California, 92101. On **March 17, 2008**, I served the within document(s):

**PLAINTIFF REBECCA WILLIS' OBJECTIONS TO PURVEYORS  
PROPOSED ORDER AMENDING AND MODIFYING COURT'S CLASS  
CERTIFICATION ORDER DATED SEPTEMBER 11, 2007**

- [X] by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- [ ] by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below:
- [ ] by causing personal delivery by Cal Express of the document(s) listed above to the person(s) at the address(es) set forth below.
- [ ] by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- [ ] I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by UPS following the firm's ordinary business practices.

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 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.

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

Executed on **March 17, 2008**, at San Diego, California.

  
Teri A. Cavazos