

COURT OF APPEAL, <u>4th</u> APPELLATE DISTRICT, DIVISION <u>2</u>	E065512
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <b>Eric L. Garner, SBN 130665</b>  <b>Jeffrey V. Dunn, SBN 131926</b>  <b>BEST BEST &amp; KRIEGER LLP</b>  <b>18101 Von Karman Avenue, Suite 1000</b>  <b>Irvine, CA 92612</b>  <b>Tel: (949) 263-2600</b>  <b>Email: eric.garner@bbklaw.com</b>  <b>Jeffrey.dunn@bbklaw.com</b>  <b>Attorneys for Los Angeles County</b>  <b>Waterworks District No. 40</b> </div> <div style="width: 48%;"> <b>W. Keith Lemieux, SBN 161850</b>  <b>LEMIEUX &amp; O'NEILL</b>  <b>4165 E. Thousand Oaks Blvd., #350</b>  <b>Westlake Village, CA 91362</b>  <b>Tel: (805) 495-4770</b>  <b>Email: keith@lemieux-oneill.com</b>  <b>Attorneys for Littlerock Creek Irrigation District,</b>  <b>Palm Ranch Irrigation District, North Edward</b>  <b>Water District, Desert Lake Community Services</b>  <b>District, and Quartz Hill Water District</b> </div> </div>	
APPELLANT: Los Angeles County Waterworks District No. 40, et al. RESPONDENT: Richard A. Wood, et al.	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> 111 N. Hill Street  Los Angeles 90012 Stanley Mosk Courthouse  Jack Komar	
<b>CIVIL CASE INFORMATION STATEMENT</b>	(BC391869) JCCP 4408
<b>NOTE TO APPELLANT:</b> You must file this form with the clerk of the Court of Appeal within 15 days after the clerk mails you the notification of the filing of the notice of appeal required under rule 8.100(e)(1). You must attach to this form (1) a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 8.104 for definition of "entered"); and (2) proof of service of this form on all parties to the appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken <b>ONLY</b> to the appellate division of the superior court (Code Civ. Proc., § 904.2) or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).	

**PART I – APPEAL INFORMATION****A. APPEALABILITY**

## 1. Appeal is from:

- ☐ Judgment after jury trial  
☐ Judgment after court trial  
☐ Default judgment  
☐ Judgment after an order granting a summary judgment motion  
☐ Judgment of dismissal under Code Civ. Proc., § 581d, 583.250, 583.360, or 583.430  
☐ Judgment of dismissal after an order sustaining a demurrer  
☒ An order after judgment under Code Civ. Proc., § 904.1(a)(2)  
☐ An order or judgment under Code Civ. Proc., § 904.1(a)(3)–(13)  
☐ Other (describe and specify code section that authorizes this appeal):

## 2. Does the judgment appealed from dispose of all causes of action, including all cross-actions between the parties?

- ☒ Yes    ☐ No (If no, please explain why the judgment is appealable):

**B. TIMELINESS OF APPEAL** (Provide all applicable dates.)

1. Date of entry of judgment or order appealed from: June 28, 2016
2. Date that notice of entry of judgment or a copy of the judgment was served by the clerk or by a party under California Rules of Court, rule 8.104: June 28, 2016
3. Was a motion for new trial, for judgment notwithstanding the verdict, for reconsideration, or to vacate the judgment made and denied?
- ☐ Yes    ☒ No (If yes, please specify the type of motion):

Date notice of intention to move for new trial (if any) filed:

Date motion filed:

Date motion denied:

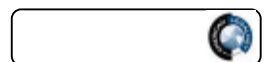
Date denial served:

4. Date notice of ☒ appeal or ☐ cross-appeal filed: September 13, 2016

**C. BANKRUPTCY OR OTHER STAY**

Is there a related bankruptcy case or a court-ordered stay that affects this appeal? ☐ Yes    ☒ No

(If yes, please attach a copy of the bankruptcy petition [without attachments] and any stay order.)



APPELLATE CASE TITLE: Antelope Valley Groundwater Cases	APPELLATE COURT CASE NUMBER: E065512
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D. APPELLATE CASE HISTORY (*Provide additional information, if necessary, on attachment I.D.*) Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court?

☒ Yes ☐ No (If yes, insert name of appellate court):

Appellate court case no.: E065512

Title of case: Antelope Valley Groundwater Cases

Name of trial court: Superior Court of Los Angeles Trial court case no.: JCCP 4408

E. SERVICE REQUIREMENTS

Is service of documents in this matter, including a notice of appeal, petition, or brief, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 8.29 or a statute?

☐ Yes ☒ No (*If yes, please indicate the rule or statute that applies*)

- |  |  |
|--|--|
| <input type="checkbox"/> Rule 8.29 (e.g., constitutional challenge; state or county party)   | <input type="checkbox"/> Code Civ. Proc., § 1355 (Escheat)   |
| <input type="checkbox"/> Bus. & Prof. Code, §16750.2 (Antitrust)   | <input type="checkbox"/> Gov. Code, § 946.6(d) (Actions against public entities)                                   |
| <input type="checkbox"/> Bus. & Prof. Code, § 17209 (Unfair Competition Act)   | <input type="checkbox"/> Gov Code, § 4461 (Disabled access to public buildings)                                    |
| <input type="checkbox"/> Bus. & Prof. Code, § 17536.5 (False advertising)  | <input type="checkbox"/> Gov. Code, § 12656(a) (False Claims Act)  |
| <input type="checkbox"/> Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; antiboycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney) | <input type="checkbox"/> Health & Saf. Code, § 19959.5 (Accessible seating and accommodations)                     |
| <input type="checkbox"/> Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing)  | <input type="checkbox"/> Health & Saf. Code, § 19954.5 (Disabled access to privately funded public accommodations) |
|  | <input type="checkbox"/> Pub. Resources Code, § 21167.7 (CEQA)   |
|  | <input type="checkbox"/> Other (specify statute):  |

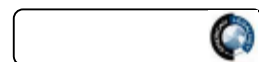
**NOTE: The rule and statutory provisions listed above require service of a copy of a party's notice of appeal, petition, or brief on the Attorney General or other public officer or agency. Other statutes requiring service on the Attorney General or other public officers or agencies may also apply.**

**PART II – NATURE OF ACTION**

A. Nature of action (*check all that apply*):

1. ☐ Conservatorship
2. ☐ Contract
3. ☐ Eminent domain
4. ☒ Equitable action    a. ☒ Declaratory relief    b. ☒ Other (*describe*): groundwater rights and physical solution
5. ☐ Family law
6. ☐ Guardianship
7. ☐ Probate
8. ☒ Real property rights    a. ☐ Title of real property    b. ☒ Other (*describe*): groundwater rights
9. ☐ Tort
  - a. ☐ Medical malpractice
  - b. ☐ Product liability
  - c. ☐ Other personal injury
  - d. ☐ Personal property
  - e. ☐ Other tort (*describe*):
10. ☐ Trust proceedings
11. ☐ **Writ proceedings in superior court**
  - a. ☐ Mandate (Code Civ. Proc., § 1085)
  - b. ☐ Administrative mandate (Code Civ. Proc., § 1094.5)
  - c. ☐ Prohibition (Code Civ. Proc., § 1102)
  - d. ☐ Other (*describe*):
12. ☐ Other action (*describe*):

B. ☐ This appeal is entitled to calendar preference/priority on appeal (*cite authority*):



APPELLATE CASE TITLE:  
Antelope Valley Groundwater Cases

APPELLATE COURT CASE NUMBER:  
E065512

### PART III – PARTY AND ATTORNEY INFORMATION

*In the spaces below or on a separate page or pages, list all the parties and all their attorneys of record who will participate in the appeal. For each party, provide all of the information requested on the left side of the page. On the right side of the page, if a party is self-represented please check the appropriate box and provide the party's mailing address, telephone number, fax number, and e-mail address. If a party is represented by an attorney, on the right side of the page, check the appropriate box and provide all of the requested information about that party's attorney.*

☒ Responses to Part III are attached instead of below

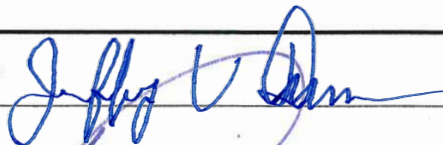
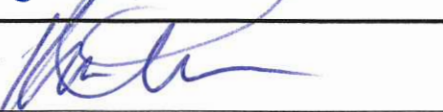
<p>Name of Party:</p> <p>Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent</p> <p>Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):</p>	<p><input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented</p> <p>Name of attorney:</p> <p>State Bar no:</p> <p>Firm name:</p> <p>Mailing address:</p> <p>Telephone no.: Fax no:</p> <p>E-Mail address:</p>
<p>Name of Party:</p> <p>Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent</p> <p>Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):</p>	<p><input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented</p> <p>Name of attorney:</p> <p>State Bar no:</p> <p>Firm name:</p> <p>Mailing address:</p> <p>Telephone no.: Fax no:</p> <p>E-Mail address:</p>
<p>Name of Party:</p> <p>Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent</p> <p>Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):</p>	<p><input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented</p> <p>Name of attorney:</p> <p>State Bar no:</p> <p>Firm name:</p> <p>Mailing address:</p> <p>Telephone no.: Fax no:</p> <p>E-Mail address:</p>
<p>Name of Party:</p> <p>Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent</p> <p>Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):</p>	<p><input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented</p> <p>Name of attorney:</p> <p>State Bar no:</p> <p>Firm name:</p> <p>Mailing address:</p> <p>Telephone no.: Fax no:</p> <p>E-Mail address:</p>

☒ Additional pages attached **See Attachment III**

Date: September 30, 2016

This statement is prepared and submitted by:  
Jeffrey V. Dunn

W. Keith Lemieux

▶   
▶ 

**CIVIL CASE INFORMATION STATEMENT**  
(Appellate)



# **ATTACHMENT III TO CIVIL CASE INFORMATION STATEMENT – PARTY AND ATTORNEY INFORMATION**

Party Name(s)	Attorney Name(s)
<p>Name of Party: Los Angeles County Waterworks District No. 40</p> <p><input checked="" type="checkbox"/> Appellant:   <input type="checkbox"/> Respondent</p> <p>Trial court designation:</p> <p><input type="checkbox"/> Plaintiff   <input checked="" type="checkbox"/> Defendant</p> <p><input type="checkbox"/> Other (specify):</p>	<p><input checked="" type="checkbox"/> Represented by attorney   <input type="checkbox"/> Self-represented</p> <p>Name of attorney: Eric L. Garner State Bar No.: 30665 Name of attorney: Jeffrey V. Dunn State Bar no.: 131926 Name of attorney: Wendy Y. Wang State Bar no.: 228923 Firm Name: BEST BEST &amp; KRIEGER LLP Address: 18101 Von Karman Avenue Suite 1000 Irvine, CA 92612 Telephone No.: (949) 263-2600 Fax no.: (949) 260-0972 Email: eric.garner@bbklaw.com jeffrey.dunn@bbklaw.com wendy.wang@bbklaw.com</p> <p>Name of attorney: Warren R. Wellen State Bar no: 139152 Firm Name: Office of the County Counsel Address: 500 W. Temple Street Los Angeles, CA 90012 Telephone No.: (213) 974-9668 Fax No.: (213) 687-7337 Email: wwellen@counsel.lacounty.gov</p>
<p>Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water District, and Quartz Hill Water District</p> <p><input checked="" type="checkbox"/> Appellant:   <input type="checkbox"/> Respondent</p> <p>Trial court designation:</p> <p><input type="checkbox"/> Plaintiff   <input checked="" type="checkbox"/> Defendant</p> <p><input type="checkbox"/> Other (specify):</p>	<p><input checked="" type="checkbox"/> Represented by attorney   <input type="checkbox"/> Self-represented</p> <p>Name of attorney: W. Keith Lemieux State Bar no.: 161850 Firm name: Lemieux &amp; O'Neill Address: 4165 E. Thousand Oaks Blvd. Suite 350 Westlake Village, CA 91362 Telephone no.: (805) 495-4770 Fax no.: (805) 495-2787 Email: keith@lemieux-oneill.com</p>

1	Name of Party: Richard A. Wood and the Wood Class	<input checked="" type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented
2		Name of attorney: Daniel M. O'Leary
3	<input type="checkbox"/> Appellant: <input checked="" type="checkbox"/> Respondent	State Bar no. 175128
4	Trial court designation:	Firm name: LAW OFFICE OF DANIEL M. O'LEARY
5	<input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	Address: 2300 Westwood Boulevard Suite 105
6	<input type="checkbox"/> Other (specify):	Los Angeles, California 90064
7		Telephone no.: (310) 481-2020
8		Fax no.: (310) 481-0049
9		Email: dan@danolearylawn.com
10		Name of attorney: Michael D. McLachlan
11		State Bar no.: 181705
12		Firm name: LAW OFFICES OF MICHAEL D. McLACHLAN, APC
13		Address: 44 Hermosa Avenue
14		Hermosa Beach, CA 90254
15		Telephone no.: (310) 954-8270
16		Fax no.: (310) 954-8271
17		Email: mike@mclachlan-law.com

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**FILED**  
Superior Court of California  
County of Los Angeles

JUN 28 2016

Sherri R. Carter, Executive Officer/Clerk  
By [Signature] Deputy  
E. Lopez

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF LOS ANGELES**

12 Coordinated Proceeding  
13 Special Title (Rule 1550(b))

) **Judicial Council Coordination No. 4408**

) [Assigned to the Honorable Jack Komar]

14 **ANTELOPE VALLEY GROUNDWATER**  
15 **CASES**

CASE No. BC 391869

16 **RICHARD A. WOOD, on behalf of himself and all**  
17 **others similarly situated**

) ~~(Proposed)~~ **ORDER CLARIFYING ORDER**  
18 **AFTER HEARING ON APRIL 1, 2016**

19 Plaintiffs,

20 vs.

21 **LOS ANGELES COUNTY WATERWORKS**  
22 **DISTRICT NO. 40; CITY OF PALMDALE;**  
23 **PALMDALE WATER DISTRICT; LITTLEROCK**  
24 **CREEK IRRIGATION DISTRICT; PALM**  
25 **RANCH IRRIGATION DISTRICT; QUARTZ**  
26 **HILL WATER DISTRICT; ALTELOPE VALLEY**  
27 **WATER CO.; ROSAMOND COMMUNITY**  
28 **SERVICE DISTRICT; MOJAVE PUBLIC**  
**UTILITY DISTRICT; and DOES 1 through 1,000;**

Defendants.

Prop. Order. WoodClass

- 1 -

~~(Proposed)~~ **ORDER CLARIFYING ORDER AFTER HEARING ON APRIL 1, 2016**

1 The Court's Order of April 1, 2016 (the "Order"), addressing in part, Richard Wood's Motion for  
2 Award of Attorneys' Fees, Costs and Incentive Award, is clarified as follows:

3 The Order does not apply to Boron Community Services District or West Valley Water District.  
4 Further, California Water Service Company is not a public entity and, thus, reference in the Order to  
5 payment over a ten year period in accord with the law is not applicable to this defendant.  
6

7 The allocation of attorneys' fees and costs are allocated among the defendants as follows:

8 Los Angeles County Waterworks District No. 40: 74.76%

9 California Water Service Company: 3.78%

10 Littlerock Creek Irrigation District: 8.77%

11 Quartz Hill Water District: 6.21%

12 Palm Ranch Irrigation District: 5.13%

13 North Edward Water District: 0.54%

14 Desert Lake Community Services District 0.81%

15 Los Angeles County Waterworks District No. 40, Littlerock Creek Irrigation District, Quartz Hill  
16 Water District, Palm Ranch Irrigation District, North Edward Water District and Desert Lake Community  
17 Services District shall be entitled to pay this judgment in 10 equal payments over a period of 10 years.  
18

19  
20 DATED: 6-28-16

  
HONORABLE JACK KOMAR  
Judge of the Superior Court

**PROOF OF SERVICE**

I, Rosanna R. Pérez, declare:

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 Best Best & Krieger LLP, 300 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On September 30, 2016, I served the following documents(s):

**CIVIL CASE INFORMATION STATEMENT**



**BY ELECTRONIC TRANSMISSION.** I caused such document(s) to be electronically served, via TrueFiling, to all parties appearing on the electronic service list maintained by TrueFiling for Appellate Case No. E065512, including the following counsel of record for the consolidated case *Richard Wood*, et al. v. *Los Angeles Waterworks District No. 40*, et al., Case No. BC 391869, the Superior Court of California for the Santa Clara County, and the Superior Court of California for the Los Angeles County. The proof of electronic-filing through TrueFiling is then printed and maintained with the original documents in our office. Electronic service is complete at the time of transmission. My electronic notification email address is [rosanna.perez@bbklaw.com](mailto:rosanna.perez@bbklaw.com).

Attorneys for Richard Wood and the Wood  
Class

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Attorneys for City of Lancaster and Rosamond Community Services District

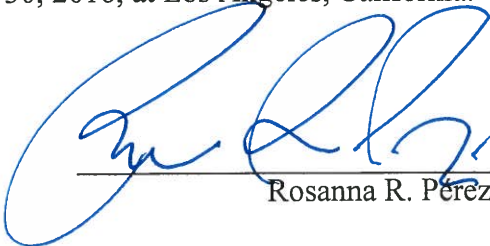
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Superior Court of California  
Santa Clara County  
Rowena Walker  
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Email: [rwalker@scscourt.org](mailto:rwalker@scscourt.org)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 30, 2016, at Los Angeles, California.



Rosanna R. Perez

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