

COURT OF APPEAL, <u>4th</u> APPELLATE DISTRICT, DIVISION <u>2</u>	COURT OF APPEAL CASE NUMBER (if known): E065512
Eric L. Garner, SBN 130665 Jeffrey V. Dunn, SBN 131926 BEST BEST & KRIEGER LLP 18101 Von Karman Avenue, Suite 1000 Irvine, CA 92612 Tel: (949) 263-2600 Email: eric.garner@bbklaw.com jeffrey.dunn@bbklaw.com Attorneys for Los Angeles County Waterworks District No. 40	SUPERIOR COURT CASE NUMBER: (BC391869) JCCP 4408
APPELLANT: Los Angeles County Waterworks District No. 40 RESPONDENT: Richard A. Wood, et al.	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
JUDGES (all who participated in case): Jack Komar	
CIVIL CASE INFORMATION STATEMENT	
NOTE TO APPELLANT: 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 ONLY 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: October 18, 2016 (see order attached to the notice of ruling)
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: October 30, 2016 (see attached notice of ruling)
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: November 4, 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

- 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
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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.

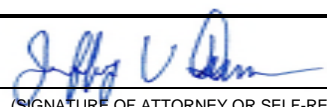
☒ Responses to Part III are attached instead of below

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

☒ Additional pages attached **See Attachment III**

Date: November 23, 2016

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


(SIGNATURE OF ATTORNEY OR SELF-REPRESENTED PARTY)

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

Party Name(s)	Attorney Name(s)
Name of Party: Los Angeles County Waterworks District No. 40 <input checked="" type="checkbox"/> Appellant: <input type="checkbox"/> Respondent Trial court designation: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):	<input checked="" type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented 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 & 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 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
Name of Party: Richard A. Wood and the Wood Class <input type="checkbox"/> Appellant: <input checked="" type="checkbox"/> Respondent Trial court designation: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):	<input checked="" type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented Name of attorney: Daniel M. O'Leary State Bar no. 175128 Firm name: LAW OFFICE OF DANIEL M. O'LEARY Address: 2300 Westwood Boulevard Suite 105 Los Angeles, California 90064 Telephone no.: (310) 481-2020 Fax no.: (310) 481-0049 Email: dan@danolearylawn.com Name of attorney: Michael D. McLachlan State Bar no.: 181705 Firm name: LAW OFFICES OF MICHAEL D. McLACHLAN, APC Address: 44 Hermosa Avenue Hermosa Beach, CA 90254 Telephone no.: (310) 954-8270 Fax no.: (310) 954-8271 Email: mike@mclachlan-law.com

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Hermosa Beach, California 90254
Telephone: (310) 954-8270
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mike@mclachlan-law.com

E-RECEIVED

10/31/2016

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dan@danolearylaw.com

Attorneys for Plaintiff Richard Wood and the Class

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

**LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et
al.**

Defendants.

Judicial Council Coordination
Proceeding No. 4408
(Honorable Jack Komar)

Lead Case No. BC 325201

Case No.: BC 391869

**NOTICE RULING ON SECOND
ELECTION UNDER
GOVERNMENT CODE SECTION
984**

Location: Room 222 (Mosk)
Date: October 18, 2016
Time: 9:00 a.m.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on October 18, 2016, the Court held a hearing
3 on the Notice of Election Under filed by Los Angeles County Waterworks District
4 No. 40. After argument of counsel, the Court denied the election for periodic
5 payments. That ruling is set forth in the Court's Minute Order, a copy of which is
6 attached.

7
8 DATED: October 30, 2016

LAW OFFICES OF MICHAEL D. McLACHLAN
LAW OFFICE OF DANIEL M. O'LEARY

9
10 Michael D.

11 McLachlan

By: _____

MICHAEL D. MCLACHLAN

Attorneys for Plaintiff and the Class

Digitally signed by Michael D.
McLachlan
DN: cn=Michael D. McLachlan, o=Law
Offices of Michael D. McLachlan, ou,
email=mike@mclachlanlaw.com, c=US
Date: 2016.10.30 17:37:18 -07'00'

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/18/16

DEPT. 222

HONORABLE Jack Komar

JUDGE P. BOYD

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

D. SALYER, CSR#4410

Reporter

9:00 am

JCCP4408

Plaintiff	MICHAEL MCLACHLAN (X)
Counsel	MARILYN LEVIN (X)
	WENDY WANG (X)
Defendant	STANLEY POWELL (X)
Counsel	THOMAS BUNN III (X)
	JOHN TOOTLE (X)
	JEFFREY DUNN (X)
	DANIEL O'LEARY (X)

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05

NATURE OF PROCEEDINGS:

STATUS CONFERENCE;

Conference is held.

Court and counsel confer about changes to be made to the 9/8/16 minute order. The Court orders that the following sentence be deleted from the 9/8/16 minute order:

"Motion for payments pursuant to Government Code 970.6 is argued and continued to October 18, 2016 at 9:00 a.m. in this department."

Second Notice of Election pursuant to Government Code 984 is argued and DENIED for the same reasons as noted in the prior motion.

Request for approval of provisions regarding the landowner election to watermaster board is continued to December 7, 2016 at 9:00 a.m. in Rm. 222, to be heard with presently scheduled matters.

Counsel Michael McClachlan is to give notice.

ADDITIONAL COUNSEL/PARTIES PRESENT VIA COURT CALL:

RICHARD WOOD (X)
(SELF-REPRESENTED)

CLIFFORN & BROWN

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/18/16

DEPT. 222

HONORABLE Jack Komar

JUDGE P. BOYD

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

D. SALYER, CSR#4410

Reporter

9:00 am JCCP4408

Plaintiff	MICHAEL MCLACHLAN (X)
Counsel	MARILYN LEVIN (X)
	WENDY WANG (X)
Defendant	STANLEY POWELL (X)
Counsel	THOMAS BUNN III (X)
	JOHN TOOTLE (X)
	JEFFREY DUNN (X)
	DANIEL O'LEARY (X)

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

NATURE OF PROCEEDINGS:

BY: RICHARD ZIMMER (X)

ELLISON, SCHNEIDER & HARRIS LLP
BY: CHRISTOPHER SANDERS (X)

GRESHAM SAVAGE NOLAN & TIDEN, PC
BY: JOHN UKESTAD (X)

KRAUSE KALFAYAN BENINK & SLAVENS LLP
BY: IAN KRUPAR (X)

KRONICK MOSKOVITZ TIEDERMANN & GIRARD
BY: ERIC ROBINSON (X)

LAW O/O WALTER J. WILSON
BY: WALTER WILSON (X)

LEMIEUX & O'NEILL
BY: W. KEITH LEMIEUX JR. (X)

LEBEAU-THELEN LLP
BY: BOB JOYCE (X)

MCMURTREY & HARTSOCK & WORTH
BY: JAMES WORTH (X)

MORRISON & FOERSTER LLP
BY: WILLIAM SLOAN (X)

MURPHY & EVERTZ LLP

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/18/16

DEPT. 222

HONORABLE Jack Komar

JUDGE P. BOYD

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

D. SALYER, CSR#4410

Reporter

9:00 am JCCP4408

Coordination Proceeding Special
Title Rule (1550(b))
ANTELOPE VALLEY
GROUNDWATER CASES
*ASSIGNED TO JUDGE JACK KOMAR
IN SANTA CLARA COUNTY (8/31/05)

Plaintiff	MICHAEL MCLACHLAN (X)
Counsel	MARILYN LEVIN (X)
	WENDY WANG (X)
Defendant	STANLEY POWELL (X)
Counsel	THOMAS BUNN III (X)
	JOHN TOOTLE (X)
	JEFFREY DUNN (X)
	DANIEL O'LEARY (X)

NATURE OF PROCEEDINGS:

BY: DOUGLAS EVERTZ (X)

MUSICK, PEELER & GARRETT LLP
BY: THEODORE CHESTER JR. (X)

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On October 31, 2016, I caused service in the manner indicated below of the foregoing document(s) described as **NOTICE RULING ON SECOND ELECTION UNDER GOVERNMENT CODE SECTION 984** to be served on all parties in this matter as follows:

- /s/ Ana Horga
Ana Horga

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PROOF OF SERVICE

I, Isabel Grubbs, 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 November 23, 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 isabel.grubbs@bbklaw.com.

Attorneys for Richard Wood and the Wood Class

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Superior Court of California
Santa Clara County
Rowena Walker
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San Jose, CA 95113
Email: 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 November 23, 2016, at Los Angeles, California.



Isabel Grubbs