

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
CENTRAL DISTRICT
111 NORTH HILL STREET
LOS ANGELES, CALIFORNIA 90012

TO: FILE COPY

RE: ANTELOPE VALLEY GROUNDWATER CASES (JCCP 4408)
CASE NUMBER: BC 325 201 (LEAD CASE)

NOTICE OF HEARING

A hearing on the proposed remand to the Los Angeles County Superior Court for the above entitled case has been set and you are directed to appear telephonically by CourtCall on **Friday, February 18, 2022 at 10:00 a.m.** Specifically, the Court will allow time for the parties to discuss the attached Proposed Order Remanding Issue of Attorneys' Fees and Costs to County of Los Angeles; counsel should submit their comments and concerns as soon as possible.

For further information, contact the Complex Civil Litigation Department, (408) 882-2286, or by email to rwalker@scscourt.org.

Date: January 25, 2022

Hon. Jack Komar (Ret.)
Judge of the Superior Court
By Assignment

If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408) 882-2700, or use the Court's TDD line, (408) 882-2690 or the Voice/TDD California Relay Service, (800) 735-2922.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER
CASES**

Judicial Council Coordination
Proceeding No. 4408

Included Consolidated Actions:

Lead Case No. BC 325 201

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
County of Los Angeles, Case No. BC 325 201

**[PROPOSED] ORDER
REMANDING ISSUE OF
ATTORNEYS' FEES AND COSTS
TO COUNTY OF LOS ANGELES**

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

Judge: Honorable Jack Komar, Ret.

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
Riverside, consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 364 553

Richard A. Wood v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 391 869

This Document Pertains to Add-On Case:

Little Rock Sand and Gravel, Inc., a California corporation v. Granite Construction Company
Superior Court of California
County of Los Angeles, Case No. MC026932

On or about June 3, 2008, Richard Wood filed a class action complaint in the Los Angeles County Superior Court and was assigned case Number BC 391869. Thereafter, on or about February 19, 2001 the case was ordered consolidated and coordinated with what came to be known as the Antelope Valley Coordinated Cases, with Judicial Council Number JCP 4408 assigned to it and Los Angeles Superior Court Number BC 325 201.

Subsequently, a judgment was entered in the coordinated cases on December 28, 2015 and thereafter an appeal was filed on behalf of the Wood Class and Los Angeles County Water District 40. The judgment was affirmed by the Court of Appeal and review denied by the California Supreme Court.

After Judgment was entered in 2015, Michael McLachlan moved to recover attorneys' fees and costs from Los Angeles County Waterworks District 40, a party to the litigation and the court entered an order ruling on the motion, granting certain fees and costs. Both Mr. McLachlan and Los Angeles Waterworks District 40 appealed the order.

The Court of Appeal affirmed in part and reversed in part the attorneys' fee and cost order of April 25, 2016, and remanded for further proceedings. A remittitur was issued.

Los Angeles County Waterworks District 40 has sought review of the Court of Appeal decision on the issues of the attorneys' fees and costs and the Supreme Court has denied review.

The Wood Class has filed a challenge under Code of Civil Procedure Sections 170.3 seeking to disqualify Judge Jack Komar (Retired) who has filed a responsive declaration refuting the basis for the disqualification. Judge Komar has also indicated he will request that the Chief Justice reassign the Wood Class attorneys' fee and cost issue to a different judge.

1 In lieu of that request to reassign the entire Wood Class judgment, which has not been
2 appealed and remains affirmed in all respects except for the attorneys' fees and cost issues, it is
3 proposed that the attorneys' fees and cost issues which are the subject of the remittitur be severed
4 and returned to the Los Angeles Superior Court pursuant to California Rule of Court 3.542 for
5 further hearing by a judge of the Los Angeles Superior Court. The proposed remand will be only
6 as to those issues identified in the Court of Appeal remittitur.

7 Counsel are requested to file and serve any written responses to the proposed remand of
8 the attorneys' fees and cost issues.

9 Accordingly, a hearing on the proposed remand to the Los Angeles Superior Court is
10 scheduled for February 18, 2022 at 10:00 a.m. by telephone through Court Call.

11 IT IS SO ORDERED.

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13 Dated: _____

14 Hon. Jack Komar (Ret.)
15 Judge of the Superior Court
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