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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

ANTELOPE VALLEY
GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201 Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern, Case No. S-1500-CV-254-348Wm. 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 No. RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination Proceeding
No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

RESPONSE TO PLAINTIFF WILLIS'
POST-HEARING CASE MANAGEMENT
STATEMENT

Hearing Date: December 18, 2007
Time: 9:00 am
Department: 1

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2 The Antelope Valley Groundwater Agreement Association ("AGWA") has reviewed the
3 Case Management Statement filed by Rebecca Willis on November 16, 2007, and offers the
4 following additional comments.

5 The use of the class action device will have tremendous benefits to the purveyors in this case.
6 It will allow them to pursue a judgment in the case that will be binding comprehensively on all the
7 landowners, without incurring the costs and difficulties (including the political liabilities) of actually
8 naming and serving those landowners. The class action however, has no benefits at all for the
9 landowners who are currently participating in the case. The class action will save resources for the
10 purveyors which they will instead use to advance their prescriptive rights case, and it will consume
11 the resources of whatever landowner is saddled with the responsibility to be the class representative.
12 At the same time, every landowner that is in the class is one less landowner who might contribute
13 resources to help defend against the purveyor's lawsuits. Because of this, the landowners in the case
14 have generally not been supportive of the use of the class action, and AGWA has been reluctant to
15 take any actions to facilitate the use of the class. AGWA is composed of private individuals who are
16 paying for their defense in the litigation from their own personal funds; the members of AGWA have
17 limited financial resources and cannot see the logic of expending those resources for the benefit of
18 the entities that are suing them.

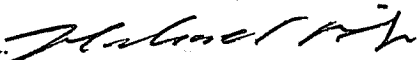
19 Despite this, over six months ago, AGWA contacted the water purveyors and volunteered to
20 discuss being the class representative for the defendants' class of minimal pumpers that was
21 proposed at that time. As evidenced by the fact that six months later we continue to spin in circles
22 around the issue of a pumpers' class, this offer was rejected.

23 AGWA believes that the water purveyors should work with AGWA in good faith to see if
24 there is a way that a defendants' class of minimal pumpers can be structured that does not prejudice
25 the ability of the members of AGWA to defend themselves in the litigation, and that recognizes that
26 the ability to use the class action device is a tremendous benefit to the purveyors that has no
27 corresponding benefit whatsoever to the landowner defendants. Of particular issue will be to find a
28 way to address the fact that representation of the defendants' class will carry financial burdens that

1 may be beyond AGWA's resources without assistance from the purveyors. AGWA believes that
2 these discussions would be most fruitful if they were to occur with the Court's oversight and
3 involvement.

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6 Dated: December 3, 2007

HATCH & PARENT, A LAW CORPORATION

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8 By: 
9 MICHAEL T. FIFE
10 BRADLEY J. HERREMA
11 ATTORNEYS FOR AGWA
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PROOF OF SERVICE

**STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On December 3, 2007, I served the foregoing document described as:

**RESPONSE TO PLAINTIFF WILLIS' POST-HEARING
CASE MANAGEMENT STATEMENT**

on the interested parties in this action.

By posting it on the website at 6:20 p.m./a.m. on December 3, 2007.
This posting was reported as complete and without error.

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

Executed in Santa Barbara, California, on December 3, 2007.

RACHEL ROBLEDO

TYPE OR PRINT NAME

Rachel Robledo

SIGNATURE