

1 **BEST BEST & KRIEGER LLP**

ERIC L. GARNER, Bar No. 130665

2 JEFFREY V. DUNN, Bar No. 131926

STEFANIE D. HEDLUND, Bar No. 239787

3 5 PARK PLAZA, SUITE 1500

IRVINE, CALIFORNIA 92614

4 TELEPHONE: (949) 263-2600

TELECOPIER: (949) 260-0972

5 Attorneys for Cross-Complainants

LOS ANGELES COUNTY WATERWORKS

6 DISTRICT NO. 40

7 **OFFICE OF COUNTY COUNSEL**

COUNTY OF LOS ANGELES

8 RAYMOND G. FORTNER, JR., Bar No. 42230

COUNTY COUNSEL

9 MICHAEL L. MOORE, Bar No. 175599

SENIOR DEPUTY COUNTY COUNSEL

10 500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

11 TELEPHONE: (213) 974-8407

TELECOPIER: (213) 687-7337

12 Attorneys for Cross-Complainant LOS ANGELES

COUNTY WATERWORKS DISTRICT NO. 40

**EXEMPT FROM FILING FEES  
UNDER GOVERNMENT CODE  
SECTION 6103**

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**  
16

17 **ANTELOPE VALLEY**  
18 **GROUNDWATER CASES**

19 **Included Actions:**

20 Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co., Superior  
21 Court of California, County of Los  
Angeles, Case No. BC 325201;

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

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

Judicial Council Coordination No. 4408

CLASS ACTION

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

**OBJECTION TO PROPOSED CLASS  
NOTICE ORDER**

**OBJECTIONS**

Los Angeles County Waterworks District No. 40 ("District") submits the following objections to the proposed class notice by class representative Willis:

1. The District objects to the proposal that the class notice "be at least 1/4 page and shall be placed in the Business sections of those papers." (Willis Class Proposed Order Governing Class Notice, p. 2, lns., 15-16.) The proposal unnecessarily increases the already substantial service costs to the District for class notice; and class notice publication should have the same print size and location within the newspaper as with its other published legal notices.

2. The District objects to the proposal that class notice be published in the *Antelope Valley Press* in addition to the *Los Angeles Times*, and the *Bakersfield California*. (Willis Class Proposed Order Governing Class Notice, p. 2, lns., 14-15.) On November 25, 2008, the Court issued an order for service by publication upon certain individual parties in the *Los Angeles Times* and *Bakersfield Californian*; and the Court indicated at its November 25, 2008 that there should be similar publication for the class notice in the two newspapers. Proposed additional publication in the *Antelope Valley Press* unnecessarily increases the already substantial service costs incurred by the District.

//

//

//

//

//

//

1           3.       The District objects to the now modified Class Notice itself to the extent there is a  
2 requirement for the District to respond to telephone inquiries from members of the class: "Or you  
3 may call the following number for information: \_\_\_\_\_." The are ethical issues in having  
4 the District's legal counsel respond to inquiries from individual class members. Telephone  
5 inquiries, if any, should be directed to the Class Counsel at the telephone number of their choice.

6  
7  
8 Dated: December 10, 2008

BEST BEST & KRIEGER LLP

9  
10 By 

ERIC L. GARNER  
JEFFREY V. DUNN  
STEFANIE D. HEDLUND  
Attorneys for Cross-Complainants  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40

**PROOF OF SERVICE**

I, Kerry V. Keefe, 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, 5 Park Plaza, Suite 1500, Irvine, California 92614. On December 10, 2008, I served the within document(s):

**OBJECTION TO PROPOSED CLASS NOTICE ORDER**

- ☒ 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 Irvine, California addressed as set forth below.
- ☐ by causing personal delivery by ASAP Corporate Services 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 Federal Express 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 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 December 10, 2008, at Irvine, California.

  
Kerry V. Keefe