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LOS ANGELES COUNTY WATERWORKS
13 DISTRICT NO. 40

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
16

17 **ANTELOPE VALLEY**
GROUNDWATER CASES

18 **Included Actions:**

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

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

24 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
25 Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
26 California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668
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28

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103

Judicial Council Coordination No. 4408

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

DECLARATION OF JEFFREY V. DUNN
RE STATUS OF SERVICE OF CLASS
NOTICE AND PUBLICATION OF
SUMMARY NOTICE

DECLARATION OF JEFFREY V. DUNN

I, Jeffrey V. Dunn, declare:

1. I have personal knowledge of the facts below, and if called upon to do so, I could testify competently thereto in a court of law. I am an attorney licensed to practice law in the State of California. I am a partner of Best, Best & Krieger LLP, attorneys of record for Rosamond Community Services District and Los Angeles County Water Works District No. 40.

2. Pursuant to the Court's December 16, 2008 Order Governing Class Notice ("Order") for the Willis Class members, Los Angeles County Waterworks District No. 40 and Rosamond Community Services District caused the Notice (attached as Exhibit "A" to the Order) to be sent by first class mail to all persons known to be members of the Willis Class (*i.e.*, owners of unimproved properties within the Adjudication Area). A total of 73,766 Willis Class Action notices and return information forms were mailed to class members. Of the 73,766 notices and forms mailed, a total of 18,389 information forms were completed and returned by class members. Pursuant to agreement with Willis Class Counsel, my office staff processed a total of 16,669 returned forms by mail, and 1,720 forms entered by class members via the website established for the Willis Class.

3. All class member address information was analyzed and updated through the National Change of Address registry. Further, Los Angeles County Waterworks District No. 40 and Rosamond Community Services District have caused the Summary Notice (attached as Exhibit "B" to the Order) for the Willis Class to be published as follows:

a. As a 1/4-page advertisement in the Business section of the Bakersfield Californian on February 1, 4, 8, and 11;

b. Of a readable size in the Legal Notices section of the Los Angeles Times on February 1, 4, 8, and 11; and

c. As a 1/4-page advertisement in the Business section of the Antelope Valley Press on February 1, 4, and 15, and in the News section of that newspaper on February 13, 2009.

1 The publication on February 13 in the News section (rather than the Business section), and on
2 February 15 was due to a publication error by the Antelope Valley Press. Although my office
3 ordered publication of the advertisement on February 1, 4, 8, and 11, the Antelope Valley Press
4 neglected to publish the advertisement on February 8 or 11. My office did not learn of this fact
5 until February 12, 2009. Immediately upon learning of the newspaper's error, we demanded that
6 the advertisement be run on the next available weekday and Sunday. By then, however, the
7 Business section for February 13 was full, but there was space available in the News section, and
8 the next available Sunday was February 15. Accordingly, we instructed the Antelope Valley
9 Press to run the notice in the News section on February 13, and in the Business section on
10 February 15. The notice was then published on those dates.

11 4. 1,628 class members have "opted out" of the Willis Class as of April 17, 2009.

12 5. Of the 18,383 Willis information forms processed, 1,328 indicated that they had
13 pumped groundwater, presently pump groundwater, or pump groundwater now and in the past.

14 6. 3,003 Willis Class mailed class notices and forms were returned as undeliverable
15 mail. The United States Post Office provided forwarding addresses for 69 of the returned mailed
16 addresses, and these notices were re-mailed.

17 7. As for the Wood Class Notices, my office staff and attorneys have spent several
18 hundred hours in an effort to compile the mailing address list of Wood Class members. The
19 Wood Class, as defined by the Court, consists of improved parcels that are 1) outside the Public
20 Water Suppliers' service areas; and 2) within Public Water Suppliers' service areas but not
21 connected to the water system. In order to compile this list, my office obtained the most current
22 parcel information from the Los Angeles and Kern County tax assessors' offices. From this data,
23 the Public Water Suppliers retained Wildermuth Environmental, Inc., to locate those parcels that
24 are within the adjudication area using GIS technology. The consultant further narrowed the
25 provided data to those parcels that met the Wood Class member criteria.

26 8. Initial efforts resulted in a group of Wood Class members in a total number of
27 approximately 8,000 parcels. Of these 8,000 parcels, approximately 5,000 were missing mailing
28 addresses. The relatively high number of parcels without mailing address appears to be due to the

1 nature of the Wood Class membership: small landowners outside of public water supplier service
2 areas appear to reside in rural areas and may not have direct postal delivery at the property.

3 9. In order to obtain mailing addresses for these approximately 5,000 parcels, the
4 Public Water Suppliers had to incur additional costs for a title insurance company to research the
5 missing addresses. The Public Water Suppliers provided a list of parcel's assessor numbers,
6 commonly known as "APN's," to the title company. The title company processed APN's through
7 its database in order to obtain the most current owner and mailing information.

8 10. Once the address information was provided by the title company, all of the Wood
9 Class parcel data was provided to another consultant, Wildermuth Engineering. The consultant is
10 currently in the process of revising all the parcel data so that Wood Class notice can be mailed.
11 This process includes reviewing approximately 15,000 entries, removing duplicates, adding
12 missing information (such as zip codes), running the addresses through the National Change of
13 Address database and separating the data into organized groups. The Public Water Suppliers
14 anticipate that this lengthy process will be completed at the latest by April 28th and the Wood
15 Class Notice can be mailed to class members.

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11. During the above process, the Public Water Suppliers have prepared a Wood Class website. This website can provide information to potential Wood Class members and allow them to enter their information via the Internet. The Public Water Suppliers anticipate that the website will be ready within 24 hours of Wood Class counsel providing content. The Public Water Suppliers have had several meetings with Wood Class counsel to finalize the website and its content.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23th day of April, 2009 at Reno, Nevada.


JEFFREY V. DUNN

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 April 23, 2009, I served the within document(s):

DECLARATION OF JEFFREY V. DUNN RE STATUS OF SERVICE OF CLASS NOTICE AND PUBLICATION OF SUMMARY NOTICE

- ☒ 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 April 23, 2009, at Irvine, California.


Kerry V. Keefe