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LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

**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 325201;

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;

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, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

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 PROCESS**

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. The Los Angeles County Water Works District No. 40 has served a total of 2339 persons and entities in these coordinated actions. They include landowners owning over 100 acres within the Adjudication Area, landowners pumping more than 25 acre feet of groundwater water per year, mutual water companies, and individuals who "opted out" of the Wood or Willis Classes. Service on these persons and entities was effectuated by mailed service of process, personal service or process, or service of process by publication. Service of process is complete as to these parties except for 216 individuals to be served by publication beginning this month as ordered by the Court.

3. 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. 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 18,609 information forms were completed and returned by class members. Pursuant to agreement with Willis Class Counsel, my office staff processed a total of 16,880 forms returned by mail, and 1,729 forms entered by class members via a website created for the Willis Class.

4. 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 Willis Class Summary Notice to be published as follows:

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

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

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

17 5. 1,633 class members have "opted out" of the Willis Class. All 1633 opt outs were
18 served by mail. Of the 1633 Willis Class "opt outs," 666 personal service was made on all but
19 approximately 90 of these opt outs. They could not be personally served, and will be served by
20 publication pursuant to the Court's Order as modified on March 9, 2010.

21 6. As for the Wood Class Notices, 9,884 class notices were mailed. According to the
22 database, approximately 1894 responses were received. Furthermore, the Wood Summary Class
23 Notice was published pursuant to the Court's order and in a manner similar to the process
24 described above for the Willis Class. 247 parties opted out of the Wood class. Some of these
25 parties opted back into the class. All of the remaining opt outs were personally served.

26 7. There were several individuals that decided to opt back into the Willis or Wood
27 Classed upon being personally named as an individual in the action. After the party submitted the
28 proper form, my office dismissed as an individual because they are a member of the Willis or

1 Wood class.

2 8. Service of process is complete upon all known parties as of the last court hearing
3 on March 7, 2010. After the hearing, I have become aware that there is a solar power developer
4 who has acquired land within the adjudication area and my office is investigating the nature of the
5 acquisition. Preliminary investigation shows that the solar power developer may have acquired
6 land from existing landowner parties.

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8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct. Executed this 19th day of March, 2010 at Irvine, California.

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JEFFREY V. DUNN

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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 March 19, 2010, I served the within document(s):

DECLARATION OF JEFFREY V. DUNN RE STATUS OF SERVICE OF PROCESS



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 March 19, 2010, at Irvine, California.


Kerry V. Keefe