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6 DISTRICT NO. 40

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COUNTY WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

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

19 **Included Actions:**

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

22 Los Angeles County Waterworks District  
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  
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

**SUPPLEMENTAL CASE MANAGEMENT  
CONFERENCE STATEMENT BY LOS  
ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40; DECLARATION OF  
JEFFREY V. DUNN**

Date: August 30, 2011

Time: 8:00 a.m.

Room: 1515

**CASE MANAGEMENT CONFERENCE STATEMENT**

On August 5, 2011, Willis Class counsel filed a petition for a writ of mandate against several public water suppliers including Los Angeles County Waterworks District No. 40. The petition shows no Superior Court case number. The petition has not been coordinated with Judicial Council Proceeding No. 4408. The petition has not been served upon the respondents as required under Code of Civil Procedure. District 40 has not appeared in petition proceeding and District No. does not waive the defects in filing and service.

District No. 40, once properly served with a properly filed petition, has 30 days to respond. Even assuming proper filing and service, District 40's earliest response deadline would be September 6, 2011. It would be improper to have a court rule on the petition absent proper filing and service.

In any event, the Willis Class petition is a new proceeding and asks for a court-issued writ compelling payment of Willis Class attorney fees and costs awarded by the court. Setting aside whether the petition is a proper proceeding or meritorious, District No. 40 is entitled to pay the attorneys fees and costs under Government Code section 984 and a judgment is required. (See Cal. Rule of Court, Rule 3.1804.)

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District 40 had asked the Willis Class to provide a judgment or to amend the existing judgment to specify the attorney fees and costs awarded. (Declaration of Jeffrey V. Dunn ["Dunn Decl."], ¶¶ 2-3.) Specifically, District 40 told the Willis Class a judgment is needed and, if the Willis Class disagreed, to provide authority to the contrary. (Dunn Decl., ¶ 3.) The Willis Class never responded and later filed the petition for writ of mandate. (Dunn Decl., ¶ 3.)

Dated: August 26, 2011

BEST BEST & KRIEGER LLP

By 

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

**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 Los Angeles County Water Works District No. 40.

2. On July 13, 2011, I spoke with Mr. Ralph Kalfyan and Mr. David Zlotnick, Wood Class Counsel on the telephone. Mr. Warren Wellen, Principal Deputy County Counsel for the County of Los Angeles, was also on the telephone call. The call concerned the award of attorney fees and costs to the Willis Class Counsel. Mr. Kalfyan asked for payment of the attorney fees and costs. In response, I explained there was no judgment awarding the attorney fees and costs to the Willis Class Counsel and requested Willis Class Counsel to submit a judgment awarding the attorney fees and costs, or in the alternative, submit an amended judgment awarding attorney fees and costs.

3. During the July 13, 2011 telephone call, Willis Class Counsel refused the request for a judgment or an amended judgment. I explained why a judgment was required and requested Willis Class Counsel to provide authority for their position no judgment was required. No explanation was ever given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 26th day of August, 2011 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 August 26, 2011, I served the within document(s):

**SUPPLEMENTAL CASE MANAGEMENT CONFERENCE STATEMENT BY LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40; DECLARATION OF JEFFREY V. DUNN**



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 August 26, 2011, at Irvine, California.

  
Kerry V. Keefe