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**DISTRICT NO. 40**

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**WATERWORKS DISTRICT NO. 40**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

**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

**CLASS ACTION**

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

**LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40  
NOTICE OF ELECTION AND HEARING;  
MEMORANDUM OF POINTS AND  
AUTHORITIES RE ELECTION FOR  
PERIODIC PAYMENTS**

Hearing:

Date: November 15, 2011

Time: 9:00 a.m.

Dept.: 316 (Room 1515)

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
5 PARK PLAZA, SUITE 1500  
IRVINE, CALIFORNIA 92614

NOTICE OF ELECTION AND HEARING

TO ALL PARTIES AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water District, and Los Angeles County Waterworks District No. 40 hereby elect to make periodic payments on the Amended Final Judgment Approving Willis Class Action Settlement pursuant to Government Code section 984 and California Rules of Court, Rule 3.1804.

PLEASE TAKE FURTHER NOTICE that on November 15, 2011, at 9:00 a.m., or on any other date and time determined by the Court, in Department 316, Room 1515 of the above titled court, located at 600 South Commonwealth Avenue, Los Angeles, a hearing will be held on Los Angeles County Waterworks District No. 40 to make periodic payments on the Amended Final Judgment Approving Willis Class Action Settlement.

This hearing request is made pursuant to Government Code section 984, California Rules of Court, Rule 3.1804, the attached Memorandum of Points and Authorities, and any other oral and documentary evidence presented at the hearing.

Dated: October 27, 2011

BEST BEST & KRIEGER LLP

By: 

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

MEMORANDUM OF POINTS AND AUTHORITIES

Los Angeles County Waterworks District No. 40, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, and North Edwards Water District hereby elect to make periodic payments under Government Code section 984 to pay the award in the Amended Final Judgment Approving Willis Class Action Settlement.

I. INTRODUCTION

Government Code section 984 allows a public entity to pay judgments in periodic payments by election if the judgment exceeds \$1,507,222.94.<sup>1</sup> On September 22, 2011, this Court signed the Amended Final Judgment Approving Willis Class Action Settlement ("Willis Judgment"). The Willis Judgment requires the City of Palmdale, Palmdale Water District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Quartz Hill Water District, California Water Service Company, Rosamond Community Services District, Phelan Pinon Hills Community Services District, Desert Lake Community Services District, North Edwards Water District and Los Angeles County Waterworks District No. 40 to pay attorneys fees in the amount of \$2,075,174.18. (Willis Judgment, ¶ 21.) This amount exceeds the required threshold and qualifies for an election to make periodic payments.

II. ELECTION

Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water District, and Los Angeles County Waterworks District No. 40 hereby elect to make periodic payments in accordance with the applicable Government Code section and as outlined below:

- 50% (\$1,037,587.09) will be due within 15 days of a signed order;
- The remaining 50% (\$1,037,587.09) will be paid in 10 annual installments;
- Installment payments will be made on November 1st of each year, beginning in 2012; and
- The amount of each installment payment will be as follows:

<sup>1</sup> Government Code section 984 set the threshold at \$725,000 for January 1, 1996 but implements a 5% increase on January of each year. Thus, the threshold amount for 2011 is \$1,507,222.94.

November 1, 2012: \$103,758.71  
November 1, 2013: \$103,758.71  
November 1, 2014: \$103,758.71  
November 1, 2015: \$103,758.71  
November 1, 2016: \$103,758.71  
November 1, 2017: \$103,758.71  
November 1, 2018: \$103,758.71  
November 1, 2019: \$103,758.71  
November 1, 2020: \$103,758.71  
November 1, 2021: \$103,758.70

- Interest, at the same rate as one-year United States Treasury bills as of January 1 of each year, will accrue to the unpaid balance of the judgment, and on each January 1 thereafter throughout the duration of the installment payments the interest shall be adjusted until the judgment is fully satisfied.

### III. CONCLUSION

Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water District, and Los Angeles County Waterworks District No. 40 respectfully request the Court order periodic payments as detailed in the [PROPOSED] Order attached as Exhibit "A."

Dated: October 27, 2011

BEST BEST & KRIEGER LLP

By: 

ERIC J. GARNER  
JEREMY V. DUNN  
STEFANIE D. HEDLUND  
Attorneys for Defendant  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40

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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 October 27, 2011, I served the within document(s):

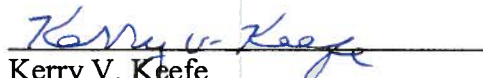
**LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 NOTICE OF ELECTION AND HEARING; MEMORANDUM OF POINTS AND AUTHORITIES RE ELECTION FOR PERIODIC PAYMENTS**

- ☒ 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 October 27, 2011, at Irvine, California.

  
Kerry V. Keefe