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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

RICHARD WOOD, on behalf of himself and
all other similarly situated v. A.V. Materials,
Inc., et al., Superior Court of California,
County of Los Angeles, Case No. BC509546

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

Judicial Council Coordination Proceeding
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'S
LIMITED OPPOSITION TO WILLIS
CLASS' MOTION FOR LEAVE TO ADD
OR SUBSTITUTE CLASS
REPRESENTATIVES**

*[Filed concurrently with Declaration Of
Wendy Y. Wang]*

Date: November 4, 2014

Time: 9:00 a.m.

Dept. 3, Room 224

1 Los Angeles County Waterworks District No. 40 (“District No. 40”) responds to Willis
2 Class’ Motion for Leave to Add or Substitute Class Representatives (“Motion”) on the grounds
3 that the proposed class representative, the Archdiocese of Los Angeles (“Archdiocese”), is a
4 named party to this coordinated action who has not opted-into the Willis Class, and, therefore, by
5 definition cannot be a member of the Willis Class.

6 The Court first certified the Willis Class on September 11, 2007, and subsequently
7 amended the definition of the Class on May 22, 2008 and September 2, 2008. (Declaration of
8 Wendy Y. Wang (“Wang Decl.”), Exs. “A”, “B” & “C”.) In its May 22, 2008 order, the Court
9 explicitly excluded from the Willis Class “all persons who are already participating in this
10 litigation (other than Plaintiff Willis)” unless such persons “opt in” to the Class and satisfy all
11 other requirements of the Class. (Wang Decl., Ex. “B” at 3:14-16.) Consequently, a named party
12 cannot be a Willis Class member unless it meets the criteria of a Class member and elects to opt
13 into the Class.

14 In or around 2005 or 2006, District No. 40 identified “Leslie Property” as owner of a
15 parcel exceeding 100 acre-feet within the Antelope Valley Adjudication Area (“Adjudication
16 Area”). District No. 40 subsequently named “Leslie Property” as Doe 107 to its Complaint.
17 (Wang Decl., Ex. “D” [Answer of Leslie Property].) By March 2007—months before the Willis
18 Class was certified—the Archdiocese was also named as a cross-defendant in the Public Water
19 Suppliers’ First Amended Cross-Complaint. (Wang Decl., Ex. “E” at 6:19.)

20 In its answer to the Complaint and Cross-Complaints, “Leslie Property” indicated that it
21 does not intend to participate at trial or other proceedings, but reserved the right to do so. (Wang
22 Decl., Ex. “D” at 2:1-3.) On or about January 31, 2014, “Leslie Property” chose to respond to
23 discovery requests propounded by WM. Bolthouse Farms, Inc. (Wang Decl., Exs. “F”, “G” &
24 “H”.) Each of “Leslie Property’s” discovery responses provide:

25 The “Leslie Property” is 104 acres [sic] located at the intersection
26 of 238th Street and Avenue X in the Antelope Valley, APN 3088-
27 001-005 and is owned by the Roman Catholic Archdiocese of Los
28 Angeles.

28 (*Id.* [emphasis added].) The verifications that accompanied each of these discovery responses

1 were signed by the Director of Real Estate for the Archdiocese and also state that the Archdiocese
2 is the owner of the Leslie Property. (*Id.*) As indicated on the caption pages of these discovery
3 responses—served years after the Willis Class settled—the Archdiocese retained counsel other
4 than Mr. Ralph Kalfayan to represent its interest regarding the Leslie Property. (*Id.*)

5 The Archdiocese was named as a party prior to the certification of the Willis Class; the
6 Archdiocese had not opted-into the Willis Class;¹ and the Archdiocese has retained separate
7 counsel for its “Leslie Property”. In light of these facts, it does not appear that that the
8 Archdiocese is a member of the Willis Class and, therefore, it should not be added as the class
9 representative.

10
11 Dated: October 22, 2014

BEST BEST & KRIEGER LLP

12
13 By Wendy Y. Wang
14 ERIC L. GARNER
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28 ¹ During a telephone conversation between counsel for District No. 40 and Mr. Kalfayan, Mr. Kalfayan confirmed
that the Archdiocese had not opted into the Willis Class. (Wang Decl., ¶¶11-12.)

PROOF OF SERVICE

I, Sandra K. Sandoval, declare:

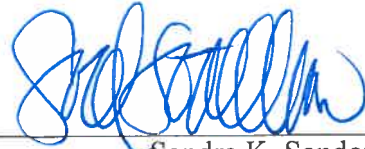
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071. On October 22, 2014, I served the within document(s):

**LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S LIMITED
OPPOSITION TO WILLIS CLASS' MOTION FOR LEAVE TO ADD OR
SUBSTITUTE CLASS REPRESENTATIVES**



by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 22, 2014, at Los Angeles, California.



Sandra K. Sandoval