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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

**PUBLIC WATER SUPPLIERS'  
REPLY TO WILLIS CLASS'  
OPPOSITION TO MOTION FOR  
PRELIMINARY APPROVAL OF  
WOOD CLASS SETTLEMENT**

Date: March 26, 2015  
Time: 10 :00 a.m.  
Place: Superior Court of California  
County of Los Angeles  
111 N. Hill Street, Rm. 222  
Los Angeles, CA 90012

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Los Angeles County Waterworks District No. 40, City of Palmdale, City of Lancaster, Rosamond Community Services District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water District, Llano Del Rio Water Company, Llano Mutual Water Company, Big Rock Mutual Water Company, Palmdale Water District, Quartz Hill Water District, and California Water Service Company (collectively “Public Water Suppliers”) hereby submit their reply to the Willis Class’ Opposition to Motion for Preliminary Approval of Class Settlement.

The issue before the Court is whether the proposed Wood Class settlement agreement “is within the ‘range of reasonableness’ for possible [court] approval, and thus whether it is worthwhile to issue notice to the class of the terms and conditions as well as schedule a formal fairness hearing.” (1-14 Cabraser, California Class Actions and Coordinated Proceedings (2d ed), § 14.02 (2014) [citations omitted]; *see also*, *Holden v. Burlington N., Inc.* (D. Minn. 1987) 665 F. Supp. 1398, 1402; *In re Traffic Executive Asso.--Eastern Railroads* (2d Cir. 1980) 627 F.2d 631, 634 [a court’s preliminary approval of a proposed class settlement “is at most a determination that there is what might be termed ‘probable cause’” of fairness and reasonableness]; *In re Montgomery County Real Estate Antitrust Litigation* (D. Md. 1979) 83 F.R.D. 305, 313.)<sup>1</sup>

A proposed settlement is presumed to be reasonable and fair, if: “(1) the settlement is reached through arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of [class member] objectors is small.” (*Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App.4th 224, 245-46.) The Willis Class does not present evidence that the Wood Class has not met its burden of establishing a presumption of a reasonable and fair settlement *for the Wood Class members*. Rather, the Willis Class’ Opposition is merely an objection to the proposed Wood Class settlement agreement.

<sup>1</sup> California courts may look to federal rules of procedure regarding class actions and the federal cases interpreting them for guidance or “where California precedent is lacking.” (*Wershba, supra*, 91 Cal. App. 4th at 239-240; *see also*, *Apple Computer, Inc. v. Superior Court* (2005) 126 Cal. App. 4th 1253, 1264 [“California courts may look to federal authority for guidance on matters involving class action procedures.”] [citation and quotation marks omitted].)

1 While the Public Water Suppliers disagree with Willis Class' contentions, the preliminary  
2 approval hearing is not the time or the place to hear Willis Class' objections to the proposed  
3 Wood Class settlement agreement or the proposed Stipulated Judgment and Physical Solution.  
4 The Court has scheduled a deadline (April 1, 2015) for parties to object to the proposed Stipulated  
5 Judgment and Physical Solution, a deadline (July 17, 2015) for discovery relating to objections to  
6 the proposed Stipulated Judgment and Physical Solution, and a hearing date (August 3, 2015) for  
7 the final approval of the proposed Wood Class settlement agreement and the proposed Stipulated  
8 Judgment and Physical Solution. Willis Class' objections to the proposed physical solution  
9 should be heard at the same time as other objections to the proposed Wood Class settlement  
10 agreement and the proposed Stipulated Judgment and Physical Solution, which is not set to occur  
11 for several months.

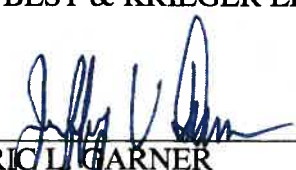
12 As the Willis Class objections are premature and should not be considered at the  
13 upcoming hearing, the Public Water Suppliers hereby reserve their rights to respond to the Willis  
14 Class' objections at a later time.

15 For the reasons stated above, the Public Water Suppliers respectfully request that the  
16 Court preliminarily approve the Wood Class Settlement.

17 Dated: March 19, 2015

BEST BEST & KRIEGER LLP

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19  
20 By

  
ERIC L. GARNER  
JEFFREY V. DUNN  
WENDY Y. WANG  
Attorneys for  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40

**PROOF OF SERVICE**

I, Rosanna R. Pérez, 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, California 0 90071. On March 19, 2015, I served the within document(s):

**PUBLIC WATER SUPPLIERS' REPLY TO WILLIS CLASS' OPPOSITION TO  
MOTION FOR PRELIMINARY APPROVAL OF WOOD CLASS SETTLEMENT**



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 March 19, 2015, at Los Angeles, California.



Rosanna R. Pérez

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