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Attorneys for Cross-Complainant
LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103

OFFICE OF COUNTY COUNSEL
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Attorneys for Cross-Complainant
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

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

Judicial Council Coordination
Proceeding No. 4408

CLASS ACTION

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

**EX PARTE APPLICATION FOR
CONTINUANCE OF HEARING ON
MOTION FOR ATTORNEYS'
FEES AND COSTS AND THE
DEADLINE ON THE OPPOSITION
THERETO; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF WENDY Y.
WANG**

[Filed With [Proposed] Order]

DATE: Feb. 24, 2016
TIME: 9:00 a.m.
DEPT.: Via Court Call

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that Cross-Complainant LOS ANGELES COUNTY
3 WATERWORKS DISTRICT NO. 40 ("District No. 40") will appear *ex parte* on February 24,
4 2016 at 9:00 a.m. via Court Call in the above referenced court at 191 North First Street San Jose,
5 CA 95113 for a continuance of the hearing on the Wood Class motion for attorneys' fees and a
6 continuance of the Opposition to the Wood Class motion for attorneys' fees. Such appearance
7 will be telephonic, and parties planning to attend should arrange telephonic appearance through
8 courtcall.com.

9 District No. 40's *ex parte* application seeks a sixty (60) day continuance of the March 21,
10 2016 hearing on the Wood Class' motion for attorneys' fees and costs, and a sixty (60) day
11 continuance of the March 1, 2016 deadline on filing an Opposition to such motion, or such other
12 continuance as the court deems appropriate.

13 District No. 40 seeks a continuance on the grounds that the moving papers are
14 voluminous, and additional time is needed to prepare an Opposition. During most of January and
15 a significant portion of February, counsel for District No. 40 were engaged in two separate phases
16 of trial in *Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.*, Case No. 1-14-
17 CV-2655039, Superior Court of California at County of Santa Clara, and had limited opportunity
18 to review the voluminous records or prepare the Opposition. In addition, the Motion for
19 Attorneys' Fees has been filed against eight parties, and additional time is needed to coordinate
20 party declarations and Oppositions in order to prepare a meaningful response. This *ex parte*
21 application is based on this application, the Declaration of Wendy Y. Wang, the [Proposed]
22 Order, the memorandum of points and authorities, and Cal. Rules of Court, Rule 3.1200, et seq.

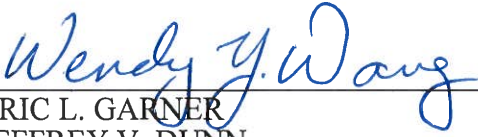
23 Before 10 a.m. the day before the *ex parte* appearance, counsel for District No. 40 gave
24 notice of the *ex parte*, time, date, location, and relief sought to all counsel in this case by posting
25 the *ex parte* notice to the website <http://www.scefiling.org>, a dedicated link to the Antelope
26 Valley Groundwater Cases, and upon which the parties have agreed this posting constitutes
27 service. By electronically serving through <http://www.scefiling.org>, and addressed to all parties
28 appearing on the <http://www.scefiling.org> electronic service list, the file transmission was

1 reported as complete and a copy of the <http://www.sceffiling.org> Filing/Service Receipt will be
2 maintained with a copy of the document in our office. A true and correct copy of the *ex parte*
3 notice is attached to the Declaration of Wendy Y. Wang as Exhibit "A" and incorporated herein
4 as if set forth in full.

5 The request must be heard on shortened notice because the court-ordered opposition
6 deadline is March 1, 2016.

7
8 Dated: February 23, 2016

BEST BEST & KRIEGER LLP

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10 By: 
11 ERIC L. GARNER
12 JEFFREY V. DUNN
13 WENDY Y. WANG
14 Attorneys for LOS ANGELES COUNTY
15 WATERWORKS DISTRICT NO. 40
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MEMORANDUM OF POINTS AND AUTHORITIES

I. A CONTINUANCE MAY BE GRANTED ON A PROPER SHOWING OF GOOD CAUSE

Continuances may be granted in the court's discretion on a proper showing of good cause. The Court may consider whether the interests of justice are best served by a continuance, and, may consider any other fact or circumstance relevant to a fair determination of the motion. "The trial judge must exercise his discretion with due regard to all interests involved, and the refusal of a continuance which has the practical effect of denying the applicant a fair hearing is reversible error." (*In re Marriage of Hoffmeister* (1984) 161 Cal. App.3d 1163, 1169.) Trial courts are encouraged to "accommodate" counsel in granting continuances whenever it is not "impractical" to do so. (*Pham v. Thi Nguven* (1997) 54 Cal.App.4th 11, 16.)

A continuance should be granted if failure to allow the continuance would probably or possibly prejudice the party seeking the continuance by depriving that party of the opportunity to fully and fairly present its case. (*Cadle Co. v. WorldWide Hospitality Furniture* (2006) 144 Cal.App.4th 504, 513-515; *In re: Dolly A.* (1986) 177 Cal.App.3d 195, 199, 201; *Cohen v. Herbert* (1960) 186 Cal.App.2d 488, 494.)

On or about January 27, 2016, attorneys' for the Wood Class filed a motion for attorneys' fees and costs against California Water Service Company, Desert Lake Community Services District, Littlerock Creek Irrigation District, Los Angeles Waterworks District No. 40, North Edwards Water District, Palm Ranch Irrigation District, Quartz Hill Water District, and the City of Palmdale. The hearing on the motion is set for March 21, 2016, and the deadline for Oppositions was set by the court for March 1, 2016. The Wood Class motion requests \$3,348,160 plus a 2.5 multiplier, a \$25,000 monetary payment, and costs of \$75,242.06.

Additional time is needed to respond to the voluminous Motion for Attorneys' Fees and the declarations of Michael D. McLachlan, Daniel M. O'Leary, Richard M. Pearl, Richard A. Wood, and David B. Zlotnick.

During most of January and a significant portion of February, counsel for District No. 40 were engaged in two separate phases of trial in *Steinbeck Vineyards #1, LLC, et al. v. County of*

1 *San Luis Obispo, et al.*, Case No. 1-14-CV-2655039, Superior Court of California at County of
2 Santa Clara. These two trials took up significant amount of their time, limited their ability to
3 review the voluminous records submitted by the Wood Class, and necessitate this continuance.

4 In addition, the opposition papers to the Wood Class Motion must be coordinated between
5 the attorneys for eight (8) water purveyors and each of their respective clients. It is crucial that
6 these Public Water Suppliers have adequate time to prepare their oppositions. If the responding
7 parties do not have the additional time to coordinate and prepare an Opposition, this will have the
8 practical effect of denying an adequate opportunity to respond and prejudicing the responding
9 parties.

10 The request must be heard on shortened notice because the court-ordered opposition
11 deadline is March 1, 2016.

12 **II. CONCLUSION**

13 Based on the above, it is respectfully requested the *ex parte* application and continuance
14 of the hearing date and Opposition deadline be granted.

15
16 Dated: February 23, 2016

BEST BEST & KRIEGER LLP

17
18
19 By: 

20 ERIC L. GARNER
21 JEFFREY V. DUNN
22 WENDY Y. WANG
23 Attorneys for LOS ANGELES COUNTY
24 WATERWORKS DISTRICT NO. 40
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1 6. In addition, the opposition papers to the Wood Class Motion must be coordinated
2 between the attorneys for eight (8) water purveyors and each of their respective clients. It is
3 crucial that these Public Water Suppliers have adequate time to prepare their oppositions. If the
4 responding parties do not have the additional time to coordinate and prepare an Opposition, this
5 will have the practical effect of denying an adequate opportunity to respond and prejudicing the
6 responding parties.

7 7. The request must be heard on shortened notice because the court-ordered
8 opposition deadline is March 1, 2016.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct.

11 Executed this 23rd day of February, 2016, in Los Angeles, California.

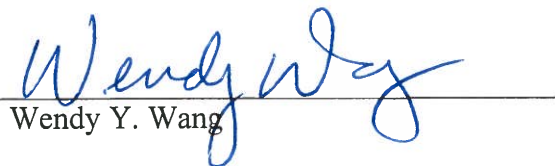
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15 Wendy Y. Wang
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EXHIBIT A

Indian Wells
(760) 568-2611
Irvine
(949) 263-2600
Ontario
(909) 989-8584
Riverside
(951) 686-1450

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ATTORNEYS AT LAW

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(619) 525-1300
Walnut Creek
(925) 977-3300
Washington, DC
(202) 785-0600

Wendy Y. Wang
(213) 787-2554
wendy.wang@bbklaw.com
File No. 26345.00010

February 23, 2016

VIA POSTING TO THE COURT'S WEBSITE

All Parties

Re: *Antelope Valley Groundwater Adjudication*
Judicial Counsel Coordination Number 4408

Dear Counsel and All Unrepresented Parties:

PLEASE TAKE NOTICE that LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 ("District No. 40") will telephonically appear *ex parte* on February 24, 2016 at 9:00 a.m. in the above referenced matter for a continuance of the hearing on the Wood Class motion for attorneys' fees and a continuance of the deadline to file and serve an Opposition to the Wood Class motion for attorneys' fees. All appearances will be telephonic, and parties planning to attend should arrange telephonic appearance through courtcall.com.

District No. 40's *ex parte* application seeks a 60-day continuance of the March 21, 2016 hearing on the Wood Class' motion for attorneys' fees and costs, and a 60-day continuance of the March 1, 2016 deadline on filing an Opposition to such motion, or such other continuances as the court deems appropriate. District No. 40 seeks a continuance on the grounds the moving papers are voluminous, and additional time is needed to prepare an Opposition. In addition, the Motion for Attorneys' Fees has been filed against eight parties, and additional time is needed to coordinate party declarations and oppositions in order to prepare a meaningful response.

The request must be heard on shortened notice because the court-ordered opposition deadline in March 1, 2016.

Please advise whether you will appear and/or oppose the relief requested.

Sincerely,


Wendy Y. Wang
for BEST BEST & KRIEGER LLP

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 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On February 23, 2016, I served the following document(s):

EX PARTE APPLICATION FOR CONTINUANCE OF HEARING ON MOTION FOR ATTORNEYS' FEES AND COSTS AND THE DEADLINE ON THE OPPOSITION THERETO; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF WENDY Y. WANG



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 February 23, 2016, at Los Angeles, California.



Rosanna R. Pérez

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