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DISTRICT NO. 40

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

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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

**DECLARATION OF JEFFREY V.
DUNN IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER
PERMITTING MEMORANDA IN
EXCESS OF 15 PAGES**

*[Filed Concurrently with Notice and Ex
Parte Application and [Proposed] Order]*

DATE: March 21, 2016
TIME: 1:30 p.m.
DEPT.: D1 (Santa Clara) via CourtCall

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.

2. 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 Waterworks District No. 40 ("District No. 40").

3. At or prior to 10:00 a.m. on Friday, March 18, 2016, I provided notice to all parties and their counsel of the *ex parte* application by District No. 40, City of Palmdale ("Palmdale"), Quartz Hill Water District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, and North Edwards Water District for an order allowing District No. 40 and Palmdale to exceed the 15-page limitation on their joint opposition to the Wood Class' Motion for Award of Attorneys' Fees and Incentive Award ("motion"). Notice was provided by posting the concurrently filed notice and application to the Court's designated website for the above captioned action. The concurrently filed notice provides the date, time, and location the *ex parte* hearing, and the specific relief to be requested. The notice also requests parties wishing to oppose the application to contact my colleague, Wendy Y. Wang.

4. On or about January 27, 2016, counsel for the Wood Class filed the motion against District No. 40, Palmdale, and certain other public water suppliers. The motion requests \$3,348,160 plus a 2.5 multiplier in fees, a \$25,000 monetary incentive payment, and costs of \$75,242.06. In support of the motion, the Wood Class filed voluminous declarations of Michael D. McLachlan, Daniel M. O'Leary, Richard M. Pearl, Richard A. Wood and David B. Zlotnick with exhibits. Amongst other exhibits attached to Mr. McLachlan's declaration are 230 pages of invoices for work allegedly performed by Mr. McLachlan's office from August, 2007 to January, 2016.

5. Due to the amount of the fees requested, the complexity of the issues involved, and the length of this action, a 15-page limitation for a memorandum of points and authorities is

1 unreasonably restrictive and does not permit the motion's opposition and responding parties a
2 sufficient opportunity to address the matters raised in the motion and accompanying declarations.

3 6. Attorneys for District No. 40 and Palmdale coordinated with counsel for other
4 public water suppliers subject to Wood Class' request for fees in preparing their oppositions. The
5 group collectively decided to file two oppositions to address the issues raised by the motion. In
6 lieu of filing two separate oppositions to Wood Class motion, District No. 40 and Palmdale filed a
7 joint opposition on March 15, 2016, the memorandum of which totals 30 pages. The six small
8 public water suppliers also filed an opposition.

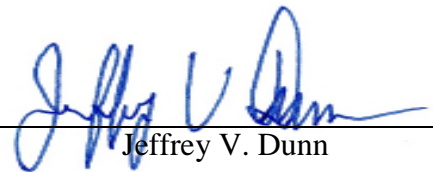
9 7. On or about March 16, 2016, I was informed by Mr. McLachlan that he considers
10 the joint opposition by District No. 40 and Palmdale to have violated the 15-page limitation and
11 that Palmdale lacks standing to oppose the Wood Class motion.

12 8. If District No. 40 and Palmdale are not permitted to file a joint opposition that
13 exceeds the 15-page limitation, this will have the practical effect of denying an adequate
14 opportunity to respond to the motion and prejudicing all parties opposing the motion—not just
15 District No. 40 and Palmdale.

16 9. The *ex parte* application should be heard on shortened notice as the reply brief is
17 due on March 25, 2016 and this issue should be resolved before then and the hearing on April 1,
18 2016.

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

21 Executed this 18th day of March, 2016, at Los Angeles, California.

22
23 
24 _____
25 Jeffrey V. Dunn
26
27
28

PROOF OF SERVICE

I, Rosanna R. Pérez, declare:

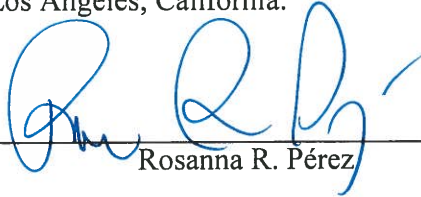
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On March 18, 2016, I served the following document(s):

**DECLARATION OF JEFFREY V. DUNN IN SUPPORT OF *EX PARTE*
APPLICATION FOR ORDER PERMITTING MEMORANDA IN EXCESS OF 15
PAGES**



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 18, 2016, at Los Angeles, California.



Rosanna R. Pérez

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