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**DISTRICT NO. 40**

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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

Rebecca Lee Willis v. Los Angeles County  
Waterworks District No. 40, et al., Superior Court  
of California, County of Los Angeles, Case No.  
BC364553;

Richard Wood v. Los Angeles County Waterworks  
District No. 40, et al., Superior Court of California,  
County of Los Angeles, Case No. BC391869

**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

**NOTICE OF MOTION AND  
MOTION TO AMEND JUDGMENT  
NUNC PRO TUNC**

[Filed concurrently with [Proposed]  
Order]

Date: May 25, 2016  
Time: 9:00 a.m.  
Dept.: Room 222 (LASC)

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on May 25, 2016 at 9:00 a.m., or as soon thereafter as  
3 the matter may be heard, at 111 North Hill Street, Los Angeles, California, in Room 222 or such  
4 other location as determined by the Court, Los Angeles County Waterworks District No. 40 will  
5 move for an order to amend the Judgment *nunc pro tunc* to include all case numbers for the  
6 coordinated class actions and to correct a clerical error on the caption page.

7 The motion will be based on this notice, the memorandum of points and authorities, and  
8 on such oral and documentary evidence as may be presented at the hearing on the motion.

9  
10 Dated: May 3, 2016

BEST BEST & KRIEGER LLP

11  
12  
13 By: 

ERIC L. GARNER

JEFFREY V. DUNN

WENDY Y. WANG

Attorneys for Defendant

LOS ANGELES COUNTY

WATERWORKS DISTRICT NO. 40

**MEMORANDUM OF POINTS AND AUTHORITIES**

Los Angeles County Waterworks District No. 40 (“District No. 40”) respectfully requests a *nunc pro tunc* order to correct clerical mistakes in the Judgment entered on December 28, 2015. Code of Civil Procedure Section 473, subdivision (d) provides that “[t]he court may, upon motion of the injured party, or its own motion, correct clerical mistakes in its judgment or orders as entered, so as to conform to the judgment or order directed, and may, on motion of either party after notice to the other party, set aside any void judgment or order.”

Here, clerical mistakes appear on the caption page of the Judgment. It was prepared by certain parties who inadvertently omitted the title and case number of the two coordinated class actions from the caption page, and mistakenly referenced a “*Wood v. A.V. Materials.*” District No. 40 requests that the Court replace the reference to “*Wood v. A.V. Material*” with applicable titles and case numbers for the two class actions: *Rebecca Lee Willis v. Los Angeles County Waterworks District No. 40, et al.*, and *Richard Wood v. Los Angeles County Waterworks District No. 40, et al.*

“Where a judgment fails to express the court’s true intentions as they existed at the time of rendition, the court generally has the power to correct the judgment to reflect those intentions.” (*People v. Landon White Bail Bonds* (1991) 234 Cal.App.3d 66, 77; *see also, Russ v. Smith* (1968) 264 Cal.App.2d 385, 390-91 [where name of person against whom judgment has been rendered was omitted from judgment due to clerical error, judgment can be corrected].)

For the reasons stated above, District No. 40 respectfully requests the Court to grant this motion.

Dated: May 3, 2016

BEST BEST & KRIEGER LLP

By: 

ERIC L. GARNER  
JEFFREY V. DUNN  
WENDY Y. WANG  
Attorneys for Defendant  
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 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On May 3, 2016, I served the following document(s):

**NOTICE OF MOTION AND MOTION TO AMEND JUDGMENT *NUNC PRO TUNC***



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 May 3, 2016, at Los Angeles, California.

  
\_\_\_\_\_  
Rosanna R. Pérez

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