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2 City of Palmdale

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9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES**

12
13 **ANTELOPE VALLEY GROUNDWATER**
14 **CASES**

Judicial Council Coordination
Proceeding No. 4408

15 **OBJECTION OF CITY OF**
16 **PALMDALE TO PROPOSED WOOD**
17 **CLASS ORDER RE MOTION FOR**
18 **ALLOCATION OF EXPERT**
WITNESS FEES

(Hon. Jack Komar)

19
20 The City of Palmdale hereby objects to the proposed order regarding allocation of
21 expert fees:

22 1. On March 25, 2010, the Wood Class filed a “Proposed Order Re Motion for
23 Allocation of Expert Witness Fees.” The Proposed Order provides that the twelve
24 named “Public Water Suppliers” equally share in the costs of Entrix in the amount of
25 \$4,784.68.

26 2. The Wood Class filed its First Amended Class Action Complaint on June
27 20, 2008. The First Amended Class Action Complaint alleges that: “This action is
28 necessary in that Defendants assert a common law prescriptive right to the ground water

1 in the Basin, which they claim is superior to that of Plaintiff and the Class.” (First
2 Amended Class Action Complaint, 2:9-10.)

3 3. On August 6, 2008, Palmdale requested dismissal of the First Cause of
4 Action for prescription of the First Amended Cross-Complaint of the Public Water
5 Suppliers. The City of Palmdale, as always, claims no water rights through prescription,
6 but as only as an overlyer, and as to future recharge and recycled water programs There
7 are no pending claims of prescription being alleged or asserted by the City of Palmdale
8 against any party in this proceeding.

9 4. In Richard Wood’s most recent “Corrected Case Management Statement,”
10 filed March 19, 2010, counsel for the Wood Class reiterated: “it is perfectly clear that the
11 Small Pumper Class lawsuit is targeted at defeating the claims of prescription asserted by
12 [sic] small group of Water Suppliers.” (Richard Wood Corrected Case Management
13 Statement, 4:20-21.) The City of Palmdale is not one of the “small group of Water
14 Suppliers.” As well, the stated purpose of the Wood Class First Amended Class Action
15 Complaint is to protect the water rights of the class members against claims of
16 prescription. The City of Palmdale claims no prescriptive rights, and has expressly
17 dismissed all claims for prescription, and should be assessed for the expert witness costs
18 of the Wood class.

19
20 Dated: March 26, 2010

WM. MATTHEW DITZHAZY
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27 By: 
28 STEVEN R. ORR
Attorneys for Defendant, Cross-
Complainant, and Cross-Defendant
CITY OF PALMDALE

PROOF OF SERVICE

I, Kelley Herrington, 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 Richards, Watson & Gershon, 355 South Grand Avenue, 40th Floor, Los Angeles, California 90071. On March 26, 2010, I served the within documents:

OBJECTION OF CITY OF PALMDALE TO PROPOSED WOOD CLASS ORDER RE MOTION FOR ALLOCATION OF EXPERT WITNESS FEES

- by causing facsimile transmission of the document(s) listed above from (213) 626-0078 to the person(s) and facsimile number(s) set forth below on this date before 5:00 P.M. This transmission was reported as complete and without error. A copy of the transmission report(s), which was properly issued by the transmitting facsimile machine, is attached. Service by facsimile has been made pursuant to a prior written agreement between the parties.
- by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to an agent for delivery, or deposited in a box or other facility regularly maintained by , in an envelope or package designated by the express service carrier, with delivery fees paid or provided for, addressed to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- by causing personal delivery by First Legal Support Services, 1511 West Beverly Boulevard, Los Angeles, California 90026 of the document(s) listed above to the person(s) at the address(es) set forth below.

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

Executed on March 26, 2010.


Kelley Herrington