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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

10 ANTELOPE VALLEY
11 GROUNDWATER CASES

12 This Pleading Relates to Included Action:
13 REBECCA LEE WILLIS and DAVID
14 ESTRADA, on behalf of themselves and
15 all others similarly situated,

16 *Plaintiffs,*

17 v.

18 LOS ANGELES COUNTY
19 WATERWORKS DISTRICT NO. 40;
20 CITY OF LANCASTER; CITY OF
21 PALMDALE; PALMDALE WATER
22 DISTRICT; LITTLEROCK CREEK
23 IRRIGATION DISTRICT; PALM
24 RANCH IRRIGATION DISTRICT;
25 QUARTZ HILL WATER DISTRICT;
26 ANTELOPE VALLEY WATER CO.;
27 ROSAMOND COMMUNITY SERVICE
28 DISTRICT; PHELAN PINON HILL
COMMUNITY SERVICE DISTRICT; and
DOES 1 through 1,000;

Defendants.

RELATED CASE TO JUDICIAL COUNCIL
COORDINATION PROCEEDING NO. 4408

**WILLIS CLASS' RESPONSE TO JOINT CASE
MANAGEMENT STATEMENT FILED BY
DISTRICT 40**

Date: May 15, 2015

Time: 1:30 pm

Place: Court Call - Telephonic

Judge: Hon. Jack Komar

1 The Willis Class respectfully submits the following Response to Joint Case Management
2 Statement filed by District 40 in advance of the May 15, 2015, status conference.

3 District 40 filed a Joint Case Management Statement on behalf of the Stipulating Parties in
4 response to the Court's Minute Order issued after the May 4, 2015, Telephonic Case Management
5 Conference. The Joint Case Management Statement provided the Court with information regarding
6 the Court-mandated meet and confer session relating to possible settlement with Non-Stipulating
7 Parties. However, the Joint Case Management Statement utterly failed to address the Court's other
8 pressing concern regarding what evidence the Stipulating Parties intend to offer at the upcoming
9 Physical Solution trial proceedings and in what order they intend to present such evidence.
10 Understandably, the Court repeatedly asked the Stipulating Parties during the May 4 status
11 conference to provide this information, but no information was forthcoming. Accordingly, the
12 Court asked the Stipulating Parties to provide this information in a Case Management Statement to
13 be filed with the Court no later than noon on May 13, 2015.

14 The Stipulating Parties' failure to provide this information not only hinders the Court's
15 ability to prepare for the upcoming Physical Solution trial, their failure also severely hinders and
16 prejudices the Willis Class' ability to prepare for trial. As stated in the Willis Class' Response to
17 Case Management Statement of United States, Phase VI or the Physical Solution trial proceedings
18 in this case will fundamentally impact the property rights of all 65,000 Members of the Willis Class.
19 If Stipulating Parties succeed in convincing this Court to adopt the SPPS as is, then the combined
20 real property values of land owned by Willis Class Members now worth in excess of \$1 Billion will
21 plummet to zero. Accordingly, Willis Class Members, through Willis Class Counsel, have the
22 fundamental due process right to cross-examine all evidence to be submitted by the Stipulating
23 Parties at the Phase VI or Physical Solution trial:

24 **"A person's right to cross-examination and confrontation of witnesses against him in**
25 **noncriminal proceedings is a part of procedural due process guaranteed by the Fifth**
26

1 **Amendment and the Fourteenth Amendment of the federal Constitution, where there is a**
2 **threat to life, liberty, or property.**" (*August v. Department of Motor Vehicles* (1968) 264
3 Cal.App.2d 52, 60, 70 Cal.Rptr. 172.)

4 *CACH LLC v. Rodgers*, 229 Cal.App.4th Supp. 1, 6-7 (2014) (emphasis supplied).

5 The Willis Class was never a party to any lawsuit other than the case against the Public
6 Water Suppliers. That case settled and resulted in an Amended Final Judgment on September 11,
7 2011. Pursuant to the Court's Second Amended Case Management Order dated March 27, 2015,
8 the Willis Class will now participate in the upcoming Phase VI/Physical Solution trial and has a
9 fundamental due process right to cross-examine all witnesses listed on the Stipulating Parties'
10 Witness Lists filed with this Court. Likewise, the Willis Class has a fundamental due process
11 right to object as necessary to any documentary evidence listed on the Stipulating Parties' Exhibit
12 Lists filed with this Court in accordance with the CMO.

13
14 Therefore, this Court must require the Stipulating Parties to comply with its Minute Order
15 requiring them to inform the Court and the Willis Class (as a Non-Stipulating Party) regarding
16 what evidence will be presented at trial and in what order. If the Court does not believe it has
17 required this information from the Stipulating Parties, the Willis Class respectfully requests that
18 the Court order the Stipulating Parties to provide this information to the Willis Class in a manner
19 prescribed by the Court.

20 Dated: May 14, 2015

Respectfully submitted,

22 KRAUSE KALFAYAN BENINK &
23 SLAVENS, LLP

24 By: 

Ralph B. Kalfayan, Esq.

Lynne M. Brennan, Esq.

Class Counsel for the Willis Class

PROOF OF SERVICE

I, Lynne M. Brennan, declare:

I am a citizen of the United States and employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Krause Kalfayan Benink & Slavens, LLP 550 West C Street, Suite 530, San Diego, California 92101. On May 14, 2015, I caused the following document(s):

WILLIS CLASS' RESPONSE TO JOINT CASE MANAGEMENT STATEMENT FILED BY DISTRICT 40

to be served on the parties in this action, as follows:

☒ (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: www.scefilng.org regarding the Antelope Valley Groundwater matter.

☐ (BY U.S. Mail) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced documents(s) were placed in sealed envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at San Diego, California, addressed to:

☐ (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for the delivery on the next business day. Each copy was enclosed in an envelope or package designed by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.

☐ (BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.

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

☐ (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Lynne M. Brennan