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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10 ANTELOPE VALLEY
11 GROUNDWATER CASES

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

14 *Plaintiffs,*

15
16 v.

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

25 *Defendants.*
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RELATED CASE TO JUDICIAL COUNCIL
COORDINATION PROCEEDING NO. 4408

**WILLIS CLASS' RESPONSE TO THE CASE
MANAGEMENT STATEMENTS FILED BY
OVERLYING LANDOWNERS AND PUBLIC
WATER SUPPLIERS**

Date: July 10, 2015

Time: 10:00 a.m.

Place: Telephonic Appearance Only

1 The Willis Class respectfully submits the following Response to the two opposing Case
2 Management Conference Statements filed by Overlying Landowners and Public Water Suppliers
3 on July 8, 2015.

4 The overlying landowners misconstrue the scope of the next phase of the proceedings. In
5 the next phase, the Court will be conducting a hearing/trial/prove-up to determine the groundwater
6 rights of all parties and then imposing a physical solution that it considers fair and equitable. The
7 physical solution may not be limited solely to the SPPS submitted by the Stipulating Parties.
8 Rather, other parties may offer alternative physical solutions or the Court may arrive at its own
9 physical solution which it may then impose on the parties. This is the nature of a trial. As to the
10 Willis Class, the Court's Second Amended CMO provides that the Class must provide a proof of
11 claim to pump groundwater and oppose a prove-up of the SPPS. The Willis Class plans to comply
12 with the Court's Order by enforcing the Willis Stipulation of Settlement and Willis Judgment
13 (subject to and without waiving all prior objections and motions previously filed with the Court).
14

15 At a minimum, this Court must modify at least one term of the SPPS submitted by the
16 Stipulating Parties. Because the SPPS will become *void ab initio* if this Court modifies even one
17 term of the SPPS, the Stipulating Parties must be prepared to litigate their rights during the
18 upcoming trial. To assume that this Court will not modify even one term in the 61-page SPPS is
19 pure folly on the part of the Stipulating Parties. The Stipulating Parties' requirement that this Court
20 abdicate its authority and duty to uphold the water rights of all landowners in the Basin by requiring
21 approval of the SPPS in its entirety and without any modifications violates the law and alters the
22 scope of the next trial phase -- from an actual trial to a "pretend proceeding" which requires this
23 Court to simply "rubber stamp" the SPPS as is. This Court must reject the Stipulating Parties'
24 attempt to completely obliterate this Court's ability to have any say in the Physical Solution for the
25 Basin.
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1 Similarly, the Public Water Suppliers misconstrue the scope of the claims of prescription
2 proceedings in the next phase of trial. The Public Water Suppliers have released and dismissed all
3 claims of prescription against the Willis Class. It is irrefutable that there cannot be a prove-up or
4 trial as to the Willis Class regarding prescription, as this Court explicitly acknowledged at the
5 November 4, 2014 Hearing. In addition, the Willis Class is not merely objecting to the SPPS, but
6 will offer affirmative evidence of alternative physical solutions – including a modified SPPS -- for
7 the Court to consider.
8

9 The Willis Class submits that the Order of Proof for the Upcoming Phase VI Trial should
10 be as follows:

11 **1. Wood Class Settlement Fairness Hearing**

12 On August 3 and 4, 2015, the Court would hear objections to the Wood Class
13 Settlement, including but not limited to, objections filed by the Willis Class and hear
14 testimony of the Court-appointed expert regarding water use by Wood Class Members.
15

16 **2. Phelan Pinon Hills Community Services District's Remaining Claims**

17 **3. Prescription Claims by the Public Water Suppliers (Cannot Be Asserted Against**
18 **Willis Class)**

19 **4. Prove-up of Claims by Stipulating Parties**

20 **5. Proof-up of Claims by Non-Stipulating Parties including Motion to Enforce Willis**
21 **Settlement Agreement**

22 **6. Prove-Up of Defaults**

23 **7. Prove-Up of proposed physical solutions by Stipulating Parties and Non-**
24 **Stipulating Parties**

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1 **8. Final Approval Hearing for Wood Class Settlement and Imposition of Physical**
2 **Solution by the Court**

3 Dated: July 9, 2015

 Respectfully submitted,

4 KRAUSE KALFAYAN BENINK & SLAVENS, LLP

6 By: 

 Ralph B. Kalfayan, Esq.

8 Lynne M. Brennan, Esq.

 Class Counsel for the Willis Class

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24 and DOES 1 through 1,000;

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RELATED CASE TO JUDICIAL COUNCIL
COORDINATION PROCEEDING NO. 4408

PROOF OF SERVICE

1 I, Lynne Brennan, declare:

2 I am a citizen of the United States and employed in San Diego County, California. I am
3 over the age of eighteen years and not a party to the within-entitled action. My business address is
4 Krause Kalfayan Benink & Slavens, LLP 550 West C Street, Suite 530, San Diego, California,
92101. On July 9, 2015, I caused the following document(s):

5 **WILLIS CLASS' RESPONSE TO THE CASE MANAGEMENT STATEMENTS FILED BY**
6 **OVERLYING LANDOWNERS AND PUBLIC WATER SUPPLIERS**

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

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

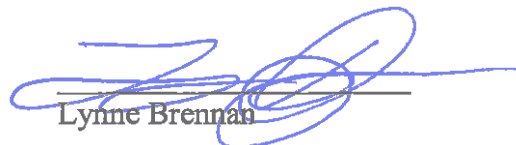
10 () (BY U.S. Mail) I am readily familiar with the firm's practice of collection and processing
11 of documents for mailing. Under that practice, the above-referenced documents(s) were placed in
12 sealed envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and
California, addressed to:

13 () (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other
14 overnight delivery service, for the delivery on the next business day. Each copy was enclosed in
15 an envelope or package designed by the express service carrier; deposited in a facility regularly
16 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.

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

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

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

24 
Lynne Brennan