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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:
13 REBECCA LEE WILLIS and DAVID
ESTRADA, on behalf of themselves and
14 all others similarly situated,

15 *Plaintiffs,*

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;
22 ANTELOPE VALLEY WATER CO.;
23 ROSAMOND COMMUNITY SERVICE
DISTRICT; PHELAN PINON HILL
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' *EX PARTE* APPLICATION
FOR ORDER SHORTENING TIME**

Date: TBD
Time: TBD
Place: Telephonic
Judge: Hon. Jack Komar

1 This *Ex Parte* Application for an Order Shortening Time for Willis Class' Motion to
2 Withdraw Based on Conflict of Interest or, in the Alternative, Motion to Continue the Phase
3 VI/Physical Solution Trial ("Motion to Withdraw") is based on this Application, the Declaration
4 of Lynne M. Brennan in Support of the *Ex Parte* Application, and all related pleadings on file
5 with this Court.

7 The Willis Class' Motion to Withdraw was filed at 11:15 p.m. on July 10, 2015, and noticed
8 the Hearing Date for August 3, 2015. Therefore, the Motion to Withdraw was filed 6 hours and 15
9 minutes past the 5 p.m. filing deadline for service and filing in accordance with C.C.P. section
10 1005.

11 Good cause exists to shorten the time to file and serve the Motion to Withdraw by 6 hours and
12 15 minutes. See Declaration of Lynne M. Brennan in Support of *Ex Parte* Application (Brennan
13 Decl.), ¶ 4. Mr. Kalfayan informed the Court and all Parties during the Telephonic CMC on
14 Friday, July 10, 2015, that the Willis Class would be filing an important motion later that day
15 regarding a recently-discovered conflict of interest within both classes that directly impacts the true
16 number of objectors to the Wood Settlement Agreement within the Wood Class. *Id.* Willis Class
17 Counsel had intended to file the Motion to Withdraw by 5:00 p.m., but various factors resulted in
18 the filing being made at 11:15 p.m. instead. The main factor in the delay related to technological
19 (software) problems generating the required Table of Authorities and the correct pagination. *Id.* I
20 worked with our firm's paralegal/legal secretary Cindy Barba to ensure that the filing complied
21 with the California Rules of Court. Unfortunately, the technological difficulties made it impossible
22 to file the Motion to Withdraw and accompanying declarations by 5:00 p.m. *Id.*

23 No Party to this action will be prejudiced by the fact that the Motion to Withdraw was filed at
24 11:15 p.m. rather than 5 p.m. on July 10, 2015. Mr. McLachlan's Motion to Strike is not based on
25 any prejudice to him or any other Party allegedly resulting from the fact that the Motion was filed
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1 6 hours after the 5:00 p.m. deadline. Rather, the Motion to Strike is based on a more general
2 objection to the August 3rd Hearing Date for the Willis Class' Motion to Withdraw and related
3 Opposition filing date. Mr. Kalfayan sent an email to Mr. McLachlan on July 13, 2015, offering
4 to extend the time for the Wood Class to file an Opposition to the Motion to Withdraw to help
5 accommodate Mr. McLachlan's vacation schedule. Brennan Decl., ¶ 5. Mr. Kalfayan also stated
6 in the same email that the Motion to Withdraw must be heard on or before the date of the hearing
7 on the Wood Class' Motion for Final Approval of the Wood Class Settlement because the Court
8 cannot hear objections to the Wood Class Settlement without resolving this conflict of interest
9 issue. *Id.* Mr. Kalfayan further stated that he did not understand why any of the other Stipulating
10 Parties or Mr. Oleary cannot prepare and file an opposition and that the conflict impacts many
11 parties to the adjudication. *Id.*

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14 Finally, the Motion to Strike incorrectly states that the Court's decision on the Motion to
15 Withdraw will focus on emails between Mr. Kalfayan and Mr. McLachlan. As set forth in detail
16 in the Motion to Withdraw and accompanying declarations, the Court's decision will focus on the
17 status of at least 1045 (likely 2000-plus) Wood Class Members who are also Nonpumpers and who
18 are currently listed as Willis Class Members. The Willis Class is objecting to the Wood Class
19 Settlement, so the Court will need to determine whether those 1045 (likely 2000-plus) Wood Class
20 Members are represented by Willis Class Counsel or if they need to obtain separate representation
21 to object to the Wood Class Settlement as Nonpumpers. The determination of how to protect the
22 legal rights of the 1045 (likely 2000-plus) Wood Class Members who also are Nonpumpers is the
23 critical issue brought to the Court's attention by the Motion to Withdraw. The Willis Class
24 specifically stated in its Motion to Withdraw that it was not alleging any intentional ethical
25 violations by any parties. Nonetheless, both Willis Class Counsel and Wood Class Counsel owe a
26 fiduciary duty to their clients to ensure that their property rights are protected and a conflict of
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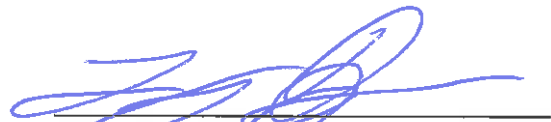
1 interest regarding those property rights has arisen that must be addressed by this Court prior to
2 ruling on the Wood Class' Motion for Final Approval of the Wood Class Settlement scheduled for
3 August 3, 2015.

4 Based on the foregoing, the Willis Class respectfully requests that this Court grant its Motion
5 for an Order Shortening Time to file its Motion to Withdraw by 6 hours and 15 minutes or, in the
6 alternative, to exercise its discretion to consider the late filed Motion to Withdraw pursuant to
7 California Rule of Court 3.1300(d).
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10 Dated: July 13, 2015

11 Respectfully submitted,

12 KRAUSE, KALFAYAN, BENINK &
13 SLAVENS, LLP
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17 Ralph B. Kalfayan, Esq.
18 Lynne M. Brennan, Esq.
19 Class Counsel for the Willis Class
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