

1 Ralph B. Kalfayan (SBN 133464)
2 Lynne M. Brennan (SBN 149131)
3 KRAUSE KALFAYAN BENINK &
4 SLAVENS, LLP
5 550 West C Street, Suite 530
6 San Diego, CA 92101
7 Tel: (619) 232-0331
8 Fax: (619) 232-4019

9 Class Counsel for the Willis Class

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

**ANTELOPE VALLEY
GROUNDWATER CASES**

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

Plaintiffs,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40;
CITY OF LANCASTER; CITY OF
PALMDALE; PALMDALE WATER
DISTRICT; LITTLEROCK CREEK
IRRIGATION DISTRICT; PALM
RANCH IRRIGATION DISTRICT;
QUARTZ HILL WATER DISTRICT;
ANTELOPE VALLEY WATER CO.;
ROSAMOND COMMUNITY SERVICE
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' CASE MANAGEMENT
STATEMENT**

Date: September 4, 2015
Time: 1:00 pm
Place: Telephonic Appearance Only

1 The Willis Class respectfully submits the following Case Management Conference
2 Statement in advance of the September 4, 2015, Status Conference.

3 The Willis Class continues to oppose the Stipulated Proposed Physical Solution (“SPPS”)
4 submitted by the Stipulating Parties, which strips Willis Class Members of their correlative right to
5 share in the Native Safe Yield, burdens their right to pump, and renders their real property values
6 essentially worthless. The Willis Class further opposes and objects to prove-up proceedings which
7 deny Willis Class Members their due process rights, unreasonably burdens Class Counsel by
8 requiring them to challenge the water rights of over 140 Stipulating Parties without discovery or
9 pleadings, and unfairly denies Willis Class Counsel to right for reimbursement for expert witness
10 fees. These circumstances unjustly prejudice the rights of the Willis Class and raise adequacy of
11 representation issues that are unprecedented.

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13 The Court and Class Counsel owe the absent Class Members a fiduciary duty to ensure the
14 2011 Willis Judgment is enforced and to ensure that any physical solution is both fair and
15 reasonable. Taxpaying Willis Class Members and their water rights are part of the “Public Interest”
16 that this Court is duty-bound to uphold. Further, the Court’s duty to consider alternative physical
17 solutions and to arrive at one that adequately protects the interests of those possessing the
18 paramount overlying right to use the Basin’s groundwater has been made clear by our California
19 Supreme Court. *See Peabody v City of Vallejo*, 2 Cal.3d 351 (1935); *City of Lodi v. East Bay*
20 *Municipal Utility District*, 7 Cal.2d 316 (1936). Here, the SPPS fails in all respects. The Court
21 must refuse to approve it and instead impose its own physical solution, one that is fair and
22 reasonable and adequately meets the reasonable needs of the entire Willis Class as well as the
23 reasonable needs of the Stipulating Parties.

24 Notwithstanding these objections, Willis Class will present evidence in opposition to the
25 SPPS. One of its witnesses, Class Representative Mr. David Estrada, will testify regarding his
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1 water rights and other matters. Mr. Estrada however is only available in the morning of September
2 28, 2015, between 9:00 am and 12:00 pm or after October 12, 2015. Remaining witnesses, both
3 expert and percipient, will likely consume two to three days of testimony and at this time appear
4 not to have any scheduling conflicts. Given the Court's Second Amended Case Management
5 Conference Order dated March 27, 2015, the Willis Class anticipates it will put on its evidence in
6 opposition to the prove-up of a physical solution after the Stipulating Parties have put on their
7 evidence. Finally, per agreement with counsel, Willis Class Counsel reserves the right to depose
8 all witnesses offered by the Public Water Suppliers and AVEK on short notice prior to the date set
9 for trial.
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11 Willis Class Counsel also has opposed the Proposed Order submitted by counsel for the
12 Wood Class in connection with Willis Class' Motion To Withdraw or Continue Phase VI/Physical
13 Solution Trial date. The Proposed Order submitted by counsel for the Wood Class misstates the
14 arguments of the Willis Class as set forth in its moving papers, misstates the law, and includes
15 findings that did not inform the basis of the Court's decision. An alternative Proposed Order was
16 submitted by the Willis Class which accurately reflects the Court's ruling. The alternative Proposed
17 Order was filed in the evening of September 1, 2015. The Willis Class respectfully requests that
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1 this Court adopt the alternative Proposed Order submitted by Willis Class Counsel following the
2 denial of its Motion.

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4 Dated: September 2, 2015

Respectfully submitted,

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6 KRAUSE KALFAYAN BENINK & SLAVENS, LLP

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8 By:


9 Ralph B. Kalfayan, Esq.
10 Lynne M. Brennan, Esq.
11 Class Counsel for the Willis Class
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