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Exempt from Filing Fee Pursuant to  
Government Code Section 6103

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12 Attorneys for Defendant CITY OF LOS ANGELES

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

16 Coordination Proceeding

Case No. 105 CV 049053

17 **ANTELOPE VALLEY  
GROUNDWATER CASES**

Judicial Council Coordination Proceeding  
No. 4408

18 Los Angeles County Waterworks District  
19 No. 40 v. Diamond Farming Co.

Hon. Jack Komar

20 Los Angeles County Waterworks District  
21 No. 40 v. Diamond Farming Co.

**OBJECTION OF CITY OF LOS ANGELES  
TO RICHARD WOOD'S MOTION FOR  
ORDER ALLOCATING COSTS OF COURT  
APPOINTED EXPERT WITNESS**

22 Wm. Bolthouse Farms, Inc. v. City of  
Lancaster

Riverside County Superior Court  
Lead Case No. RIC 344436; RIC 344668 and  
RIC 353840

23 Diamond Farming Co. v. City of  
Lancaster

Los Angeles Superior Court  
Case No. BC 325201

24 Diamond Farming Co. v. Palmdale Water  
25 District

Kern County Superior Court  
Case No. S-1500-CV-254348

Date: November 25, 2008  
Santa Clara Superior Court  
Department 17

1 The City of Los Angeles ("City") objects to the proposed inclusion of the City as a party  
2 responsible for allocated expert witness costs in Mr. Wood's Motion for Order Allocating Expert  
3 Costs ("Motion"), on the basis that the Motion mis-characterizes the City as a "Public Water  
4 Supplier." Unlike other entities named as Public Water Suppliers in footnote 1 of the Motion, the  
5 City does not provide public water supply in the Antelope Valley ("Valley). Instead, the City is  
6 an overlying landowner, with its production in the Valley being used to serve the lands owned by  
7 the City within the Valley.


8 That the City's status in this proceeding is solely as a landowner with overlying use rather  
9 than as a Public Water Supplier has already been recognized. For example, the City is not a party  
10 to the stipulation between Mr. Wood and counsel for the Public Water Purveyors cited in the  
11 Motion. Motion, 3:12-16. The City is also not a participant in the Settlement Conference  
12 scheduled for May 13, 2009, in which the participation of Public Water Purveyors is required.  
13 Nor does the City share in the responsibility of the Public Water Suppliers to provide notice to the  
14 class, and it has not been party to discussions between the Wood Class and the Public Water  
15 Suppliers regarding notice.

16 While the City was named as a defendant in the Wood action, it was subsequently  
17 dismissed as a defendant, since it does not furnish water to the public in the Antelope Valley. A  
18 copy of the dismissal is attached hereto as Exhibit A. The City has not sued the Wood class or  
19 any other party to this adjudication. Therefore, the City is similarly situated to the other  
20 landowner parties, against which Mr. Wood indicates costs of the expert would not be  
21 recoverable.

22 Date: May 15, 2009

23 ROCKARD J. DELGADILLO, City Attorney  
24 Richard M. Brown, Senior Assistant City Attorney for  
Water and Power

25 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
26 A Professional Corporation

27 By   
28 Janet K. Goldsmith  
Attorneys for Defendant CITY OF LOS ANGELES

|   |  |                                |                          |
|---|--|--------------------------------|--------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):<br>Michael D. McLachlan SBN 181705<br>Law Offices of Michael D. McLachlan, APC<br>523 West Sixth Street, Suite 215<br>Los Angeles, California 90014  |  | TELEPHONE NO.:<br>213-630-2884 | FOR COURT USE ONLY       |
| ATTORNEY FOR (Name): Richard A. Wood  |  |                                |                          |
| Insert name of court and name of judicial district and branch court, if any:<br>Los Angeles Superior Court, Central District  |  |                                |                          |
| PLAINTIFF/PETITIONER: Richard A. Wood   |  |                                |                          |
| DEFENDANT/ RESPONDENT: J.C. Penney Corp., Inc.  |  |                                |                          |
| <b>REQUEST FOR DISMISSAL</b><br><input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death<br><input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other<br><input type="checkbox"/> Family Law<br><input type="checkbox"/> Eminent Domain<br><input checked="" type="checkbox"/> Other (specify): real property |  |                                | CASE NUMBER:<br>BC391869 |
| - A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -   |  |                                |                          |

1. TO THE CLERK: Please **dismiss** this action as follows:
- a. (1)  With prejudice (2)  Without prejudice
  - b. (1)  Complaint (2)  Petition
  - (3)  Cross-complaint filed by (name): \_\_\_\_\_ on (date): \_\_\_\_\_
  - (4)  Cross-complaint filed by (name): \_\_\_\_\_ on (date): \_\_\_\_\_
  - (5)  Entire action of all parties and all causes of action
  - (6)  Other (specify):\* Complaint as to City of Los Angeles only, without prejudice

Date: July 3, 2008

Michael D. McLachlan

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)



(SIGNATURE)

\*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Attorney or party without attorney for:

- Plaintiff/Petitioner  Defendant/Respondent
- Cross - complainant

2. TO THE CLERK: Consent to the above dismissal is hereby given.\*\*

Date: July 3, 2008

Michael D. McLachlan

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)



(SIGNATURE)

\*\* If a cross-complaint-or Response (Family Law) seeking affirmative relief -is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:

- Plaintiff/Petitioner  Defendant/Respondent
- Cross - complainant

(To be completed by clerk)

- 3.  Dismissal entered as requested on (date): \_\_\_\_\_
- 4.  Dismissal entered on (date): \_\_\_\_\_ as to only (name): \_\_\_\_\_
- 5.  Dismissal **not entered** as requested for the following reasons (specify): \_\_\_\_\_
- 6.  a. Attorney or party without attorney notified on (date): \_\_\_\_\_
- b. Attorney or party without attorney not notified. Filing party failed to provide  a copy to conformed  means to return conformed copy

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

**PROOF OF SERVICE**

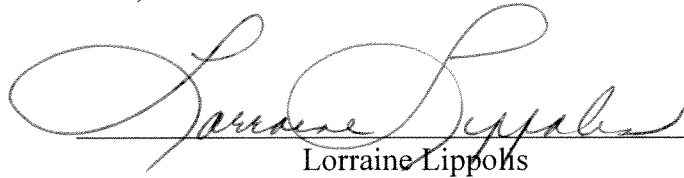
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I, Lorraine Lippolis, declare:

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On May 16, 2009, I served a copy of the within document: Objection of City of Los Angeles to Richard Wood’s Motion for Order Allocating Costs of Court Appointed Expert Witness via electronic posting to the Santa Clara Superior Court E-Filing website, <http://www.scefiling.org/cases/casehome.jsp?caseId=19> .”

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

Executed on May 16, 2009 at Sacramento, California.

  
Lorraine Lippolis