

EXHIBIT E

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF LOS ANGELES
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11 Coordinated Proceeding
12 Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

13 ANTELOPE VALLEY GROUNDWATER
14 CASES

15 Included Actions:

16 Los Angeles County Waterworks District No.
17 40 v. Diamond Farming Co.
18 Los Angeles County Superior Court
Case No. BC 325 201

**ORDER CERTIFYING PLAINTIFF
CLASS**

19 Los Angeles County Waterworks District No.
20 40 v. Diamond Farming Co.
21 Kern County Superior Court
Case No. S-1500-CV-254-348

Hearing Date: August 20, 2007
Time: **9:00 a.m.**
Department: 1, Room 534
111 North Hill Street
Los Angeles, CA
90012

22 Wm. Bolthouse Farms, Inc. v. City of Lancaster
23 Diamond Farming Co. v. City of Lancaster
24 Diamond Farming Co. v. Palmdale Water
25 District
26 Riverside County Superior Court
Consolidated Action, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judge: Hon. Jack Komar

27 Rebecca Lee Willis v. Los Angeles County
28 Waterworks District No. 40
Los Angeles County Superior Court
Case No. BC 364 553

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2 AND RELATED CROSS-ACTIONS.
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4 The matter having come before the Court for hearing on August 20, 2007 on Plaintiff
5 Rebecca Lee Willis' motion for class certification; and the Court having overruled the
6 objections of Diamond Farming to hearing the motion at that time; and having considered and
7 reviewed the notice of motion and motion for class certification, the points and authorities in
8 support thereof, the responsive papers filed by other parties, and having considered the file in
9 this matter and the arguments presented at the hearing on the motion, and good cause appearing
10 thereon;

11 THE COURT FINDS AS FOLLOWS:

- 12 1. The proposed Class of non-pumping landowners satisfies all of the requirements
13 of Section 382 of the California Code of Civil Procedure and due process;
- 14 2. The proposed Class is so numerous that joinder of all members would be
15 impracticable;
- 16 3. The claims asserted on behalf of Plaintiff Willis are typical of those asserted on
17 behalf of the absent Class members;
- 18 4. There are common issues of fact and law and those common issues predominate
19 over any individual issues;
- 20 5. Willis is an adequate representative of the Class in that she is actively asserting
21 her rights and those of the absent Class members, and there is no adversity or
22 conflict between Willis' claims and those of the Class;
- 23 6. Willis' counsel is adequate and capable to represent the Class;
- 24 7. Class certification is the superior means to adjudicate this matter, especially in
25 light of the need to obtain a comprehensive allocation of water rights that is
26 binding on all landowners within the Basin.

27 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

- 28 1. The Court hereby certifies the following Class in the above action:

1 “All private (i.e., non-governmental) persons and entities that own real
2 property within the Basin, as adjudicated, that are not presently pumping water on
3 their property and did not do so at any time during the five years preceding
4 January 18, 2006 (“the Class”). The Class includes the successors-in-interest by
5 way of purchase, gift, inheritance, or otherwise of such landowners.

6 The Class excludes the defendants herein, any person, firm, trust,
7 corporation, or other entity in which any defendant has a controlling interest or
8 which is related to or affiliated with any of the defendants, and the
9 representatives, heirs, affiliates, successors-in-interest or assigns of any such
10 excluded party. The Class also excludes all persons to the extent their properties
11 are connected to a municipal water system, public utility, or mutual water
12 company from which they receive or are able to receive water service, as well as
13 owners of properties within the service areas of the foregoing water purveyors as
14 to which there is a water system agreement or water service agreement providing
15 for the provision of water service by such purveyors.”

16 2. The Court further certifies Rebecca Lee Willis as the representative of the Class
17 and the law firm of Krause, Kalfayan, Benink & Slavens LLP as counsel for the
18 class.

19 3. The Court further directs Plaintiff Willis to lodge a proposed form of notice to
20 the Class on or before September 17, 2007. Any responses shall be lodged on or
21 before September 24, 2007, and the matter will be considered by this Court at a
22 hearing on October 12, 2007 at 9:00 a.m. in Department 1 of the Los Angeles
23 County Superior Court.

24 4. The Court further directs counsel for the Municipal Purveyors to work with
25 Willis’ counsel in preparing the proposed form of notice and to seek authority
26 from their clients to pay for the costs of identifying and sending notice to the
27 members of the Class.

28 SO ORDERED.

Dated: September 11, 2007

/s/ Jack Komar

Judge of the Superior Court