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GOVERNMENT CODE § 6103

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County Nos. 14 and 20

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Additional Counsel of Record Attached

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
No. 4408

**ANTELOPE VALLEY GROUNDWATER
CASES**

ASSIGNED FOR ALL PURPOSES TO:
Judge: Honorable Jack Komar

Included Actions:

Los Angeles County Waterworks District No. 40 v.
Diamond Farming Co.
Superior Court of California, County of Los Angeles,
Case No. BC 325 201

Opposition to Motion for an Order
Clarifying and Modifying the Order re:
Motion for an Order Authorizing Court-
Appointed Expert Work, Entered
December 11, 2012

Los Angeles County Waterworks District No. 40 v.
Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

Date: July 29, 2013
Time: 10:30 a.m.
Dept.: 48

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of Riverside,
consolidated actions, Case Nos. RIC 353 840, RIC
344 436,
RIC 344 668.

1 The County Sanitation Districts of Los Angeles County Nos. 14 (Lancaster) and 20
2 (Palmdale) (collectively “Districts”), the Antelope Valley East-Kern Water Agency (“AVEK”),
3 the City of Los Angeles and the State of California, Santa Monica Mountains Conservancy, and
4 State of California 50th District Agricultural Association (hereafter referred to as “State of
5 California”) object to the motion of Littlerock Creek Irrigation District, Palm Ranch Irrigation
6 District, North Edwards Water District and Desert Lake Community Services District (“Moving
7 Parties”) for a clarifying order of the Court’s order entered December 11, 2102 (“Court’s order”)
8 which specifically and succinctly ordered the Public Water Suppliers to pay the bills of the court-
9 appointed expert of the Wood Class.

10 I

11 **THERE IS NO AMBIGUITY IN THE COURT’S DECEMBER 11, 2012 ORDER**

12 Despite the unequivocal language of the Court’s order, the Moving Parties insist there is
13 something ambiguous about it. The referenced order “lifts the stay on the Court-Appointed
14 expert witness work” and requires that each public water supplier must pay its share of the court-
15 appointed expert of the Wood Class “on a per capita basis in equal amounts on each bill....” (See
16 Order dated December 11, 2012.) The name of each public water supplier is expressly
17 identified, which leaves absolutely no ambiguity as to the responsibility for the payment of the
18 court-appointed expert of the Wood Class.

19 The Moving Parties question whether there is an ongoing obligation to continue paying
20 for additional court-appointed expert work. The question of whether an ongoing obligation
21 exists to pay for this work appears to be without merit. When the court lifted its stay of the
22 Court-Appointed expert work and ordered the Public Water Suppliers to pay these costs, it also
23 included a written estimate of those costs. (See Exhibit 5 to the January 18, 2012 Motion.) The
24 costs that are being addressed by this motion appear to be the same as the estimated costs that the
25 court ordered to be paid by the public water suppliers.

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II

THE WOOD CLASS FILED ITS LAWSUIT SOLELY AGAINST THE PUBLIC WATER SUPPLIERS

The Moving Parties suggest that if there is an ongoing obligation, that “all parties to the adjudication” pay a portion of the bill. It is quite a leap from questioning the Court’s order to recommending that “all parties” pay a portion of the bill. It is also quite obvious that the Moving Parties, by bringing this motion, are dissatisfied with the Court’s order and are simply looking for other parties to foot the bill. There is nothing in the Court’s order to suggest that the Court intended any parties, other than the Public Water Suppliers, to pay the court-appointed expert of the Wood Class. Had the Court intended that parties, other than the Public Water Suppliers, pay the expert fees, it would have included the appropriate language for such a provision.

In the Order Transferring and Consolidating Actions for All Purposes, filed by this Court on February 24, 2010, there is nothing that alters the filing of the Wood Class as to any other party. In the Order, the Court noted that consolidation was appropriate to address common questions of law and fact. Because no evidence exists that the Wood Class ever intended that any party, other than the Public Water Suppliers be the defendants in its litigation, it would hardly be equitable for this Court to grant the Moving Parties’ request that all parties pay the Wood Class’ expert fees.

Based on any court filing by or related to the Wood Class, in addition to its own website, the Wood Class never intended that any party, other than the Public Water Suppliers, be the object of litigation¹. The Public Water Suppliers are the only defendants in Richard Woods’ complaint, and the description in the Wood Class notice dated June 26, 2009 only references the “public water suppliers.” Furthermore, the website for the Wood Class confirms this intent. In the “Frequently Asked Questions” section of the Wood Class website, it states that a lawsuit has been filed “solely” against the public water suppliers to defend against the claim of prescription.

¹ Mr. Wood has recently filed a complaint against parties other than the Public Water Suppliers, but that case is not yet properly before this court (Motion for Add-On to also be heard on 7/29/2013). It would be premature for the court to utilize that case until it has been properly filed.

[emphasis added] (<http://www.avgroundwater.com/smallpumper/FAQ.cfm>)

III

CONCLUSION

Based upon the foregoing, the Districts, AVEK, the City of Los Angeles and State of California respectfully request that the Court deny the motion of the Moving Parties.

Dated: July 16, 2013

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS, LLP

By: Christopher M. Sanders

Christopher M. Sanders
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County Sanitation Districts of Los Angeles
County Nos. 14 and 20

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By: _____

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Antelope Valley East-Kern Water Agency

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

By: _____

Janet K. Goldsmith
Attorneys for Cross-Defendant
City of Los Angeles

1 request that the Court deny the motion of the Moving Parties.

2
3 Dated: July 16, 2013

Respectfully submitted,

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6 By: _____

7 Christopher M. Sanders
8 Attorneys for Cross-Defendants,
9 County Sanitation Districts of Los Angeles
County Nos. 14 and 20

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12 By:  _____

13 William Brunick
14 Attorneys for Cross-Complainant,
Antelope Valley East-Kern Water Agency

15 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

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17 By: _____

18 Janet K. Goldsmith
19 Attorneys for Cross-Defendant
20 City of Los Angeles
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Respectfully submitted,

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6 By: _____

7 Christopher M. Sanders
8 Attorneys for Cross-Defendants,
9 County Sanitation Districts of Los Angeles County
10 Nos. 14 and 20

11 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD,

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13 By: _____

14 Janet K. Goldsmith
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1 KAMALA D. HARRIS
2 Attorney General of California

3
4 By: 

5 NOAH GOLDEN-KRASNER

6 MARILYN H. LEVIN

7 Deputy Attorneys General

8 *Attorneys for Defendants*

9 *State of California, Santa Monica Mountains*

10 *Conservancy, and State of California 50th District*

11 *Agricultural Association*

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1 ADDITIONAL COUNSEL OF RECORD WHO ARE PART OF THIS OPPOSITION:

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16 *Attorneys for State of California, Santa Monica*
Mountains Conservancy, and State of California
17 *50th District Agricultural Association*

1 **Proof of Service**

2 I declare that:

3 I am employed in the County of Sacramento, State of California. I am over the age of
4 eighteen years and am not a party to the within action. My business address is ELLISON,
5 SCHNEIDER & HARRIS; 2600 Capitol Avenue, Suite 400; Sacramento, California 95816;
6 telephone (916) 447-2166.

7 On July 16, 2013, I served the *Opposition to Motion for an Order Clarifying and*
8 *Modifying the Order re: Motion for an Order Authorizing Court-Appointed Expert Work,*
9 *Entered December 11, 2012* by electronic posting to the Santa Clara Superior Court E-Filing
10 website, <http://www.scefiling.org/cases/casehome.jsp?caseId=19>.

11 I declare under penalty of perjury that the foregoing is true and correct and that this
12 declaration was executed on July 16, 2013, at Sacramento, California.

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Patty Slomski