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

12 REBECCA LEE WILLIS, on behalf of herself)
13 and all others similarly situated,)

14 Plaintiff,

15 vs.

16 LOS ANGELES COUNTY WATERWORKS)
17 DISTRICT NO. 40; CITY OF LANCASTER;)
18 CITY OF LOS ANGELES; CITY OF)
19 PALMDALE; PALMDALE WATER)
20 DISTRICT; LITTLEROCK CREEK)
21 IRRIGATION DISTRICT; PALM RANCH)
22 IRRIGATION DISTRICT; QUARTZ HILL)
23 WATER DISTRICT; ANTELOPE VALLEY)
24 WATER CO.; ROSAMOND COMMUNITY)
25 SERVICE DISTRICT; MOJAVE PUBLIC)
26 UTILITY DISTRICT; CALIFORNIA)
27 WATER SERVICE COMPANY and DOES 2)
28 through 1,000;

Defendants.)

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408
Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**REBECCA LEE WILLIS' EX PARTE
APPLICATION FOR RELIEF FROM
EXPERT DISCLOSURE DEADLINE;
DECLARATION OF RALPH B.
KALFAYAN IN SUPPORT THEREOF**

**DATE: June 25, 2008
TIME: 8:15 a.m.
DEPT: 17**

1 **REBECCA LEE WILLIS' EX PARTE APPLICATION FOR RELIEF FROM EXPERT**
2 **DISCLOSURE DEADLINE**

3 Rebecca Lee Willis hereby moves this Court for relief from the deadline for disclosure of
4 expert witness information, as provided in the Court's May 27, 2008 Amended Order after Case
5 Management Conference.

6 Pursuant to the attached Memorandum in Support of Application for Relief From Expert
7 Disclosure Deadline, Rebecca Lee Willis requests that the court grant a sixty (60) day extension
8 to designate experts for the next phase of trial to August 28, 2008.

1 **MEMORANDUM IN SUPPORT OF REBECCA LEE WILLIS' EX PARTE**
2 **APPLICATION FOR RELIEF FROM EXPERT DISCLOSURE DEADLINE**

3
4 **I. INTRODUCTION**

5 The Willis Class respectfully requests a sixty (60) day extension to designate experts for
6 the next phase of trial, i.e. to August 28, 2008. There are several reasons in support of this
7 request. First, the earliest date the defendant purveyors can make their lead expert witness,
8 Joseph Scalmanini, available for an informal conference with class counsel is Friday, June 27,
9 2008. The Willis class will not have sufficient time to evaluate the need to designate an expert,
10 explore the bases of defendants' expert opinions, and then locate the appropriate expert(s) in
11 advance of the June 27, 2008 designation deadline. Second, the defendant purveyors have
12 requested extensions of time to respond to discovery propounded by the Willis Class. It is
13 anticipated that meaningful responses will not be forthcoming by the scheduled due date. Third,
14 the Willis Class has not had the benefit of participating in technical committee meetings which
15 has allowed experts for the purveyors to spend years in research, analysis, and exchange of
16 information in order to arrive at conclusions relevant to the next phase of trial.

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18 **II. THIS REQUEST COMPLIES WITH CALIFORNIA RULE OF COURT**
19 **3.1202(c)**

20 The Court has ordered that any party unable to comply with expert disclosures by June
21 27, 2008 may upon notice, seek ex parte relief showing good cause in accordance with Santa
22 Clara County Complex Litigation Guidelines. (See May 27, 2008 Amended Order after Case
23 Management Conference). As described in detail below, this notice and request complies with
24 the requirements of California Rule of Court 3.1202(c) as well as this Court's May 27, 2008
25 Order requiring good cause be shown.

1 **III. THE WILLIS CLASS IS A RELATIVE NEWCOMER TO THESE ACTIONS**
2 **AND THUS NEEDS MORE TIME TO EVALUATE THE COMPLEX**
3 **EXPERT ISSUES BEFORE AN EXPERT MAY BE DESIGNATED**

4 The Willis Class filed their class action complaint on January 11, 2007. Since that time,
5 the court and the parties wrestled to define the scope of the class, draft the requisite notice, and
6 determine the status of the pleadings. Merit discovery was stayed per the court's order until on
7 or about May, 2008. At or about that time the court also set the matter for trial on October 6,
8 2008. The scope of the next phase includes characteristics of the basin, safe yield, and overdraft.
9 These issues are extremely important, complex, and will for the most part be based on expert
10 opinion. The Willis Class has not had an opportunity to evaluate the issues, review data, and hire
11 experts for the next phase of trial.

12 Unlike the Willis class, other parties in these proceedings have been actively involved in
13 developing expert opinion relevant to basin characteristics and safe yield. Those experts formed
14 a technical committee whose purpose was to share data and facilitate settlement negotiations for
15 a basin wide resolution. A number of experts were hired by these parties in various areas of
16 specialties to participate in technical committee meetings, conduct research, and generally study
17 and evaluate the basin. Counsel for the Willis class has not participated in those technical
18 committee meetings nor had a chance to evaluate the need for hiring an expert.

19 Recognizing the Class case's recent arrival in these proceedings, defendant purveyors
20 offered to make their lead expert witness, Joseph Scalmanini, available for an informal
21 conference with class counsel and offered to make the technical committee report available for
22 review. On Friday, June 20, 2008, a copy of the report was produced. The report is voluminous
23 and highly technical. Counsel for the Willis class needs time to review the information
24 contained in the report, evaluate the need to retain an expert, and then locate and retain a
25 qualified expert in the requisite area of specialty. Defendant purveyors offered the informal
26 conference as a means to expedite the Class' preparation for trial considering the Class' late
27 arrival in these proceedings. Because the conference could not be set until June 27, 2008 and the
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1 report was recently produced, Class counsel was delayed in conducting its due diligence with
2 respect to the next phase of trial.

3 On May 29, 2008, the Willis class propounded discovery on all the defendant purveyors.
4 Responses are due by June 27, 2008. Counsel for LA county water works has requested an
5 extension of time to respond to the outstanding discovery. It is believed the request was on
6 behalf of all the water purveyors. While no extension has been given, the parties are scheduled to
7 meet and confer on Tuesday, June 24, 2008, to resolve issues concerning the discovery. Based
8 on conversations with counsel for the purveyors, it is anticipated that meaningful responses to
9 the discovery will not be provided on the scheduled due date. These delays impede counsel's
10 preparation for trial and warrant the extension of time to designate experts.

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12 **IV. CONCLUSION**

13 For all the forgoing reasons, the Willis class respectfully requests a sixty (60) day
14 extension to designate experts for the next phase of trial.

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19 Dated: June 23, 2008

KRAUSE KALFAYAN BENINK &
SLAVENS LLP

20
21
22 /s/ Ralph B. Kalfayan, Esq.

23 Ralph B. Kalfayan, Esq.

24 David B. Zlotnick, Esq.

25 Attorneys for Plaintiff and the Class
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