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Attorneys for Plaintiff and the Class

**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, on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

LOS ANGELES COUNTY WATERWORKS)
DISTRICT NO. 40; CITY OF LANCASTER;)
CITY OF LOS ANGELES; 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; MOJAVE PUBLIC)
UTILITY DISTRICT; and DOES 1 through)
1,000;

Defendants.

) JUDICIAL COUNCIL COORDINATION
) PROCEEDING NO. 4408
)
)

) HON. JACK KOMAR
)

) **CLASS PLAINTIFFS WILLIS' REPLY**
) **TO LOS ANGELES COUNTY**
) **WATERWORKS DISTRICT NO. 40'S**
) **OBJECTIONS TO PROPOSED CLASS**
) **NOTICE ORDER**

Date: November 25, 2008

Time: 10:30 a.m.

Dept: 17 (Santa Clara County)

Los Angeles County Waterworks District No. 40 ("District 40") has objected to three

1 aspects of plaintiff Willis' proposed order governing notice to the Class. District 40's objections
2 are without merit under the present circumstances. In particular, counsel for District 40 has
3 advised us that as many as 20,000 addresses on its mailing list may be questionable. Under these
4 circumstances, effective publication notice is necessary.

5 1. District 40 objects to publication of the Summary Notice in the *Antelope Valley*
6 *Press*, the single newspaper most likely to be read by residents and property owners in the
7 adjudication area. Publication in that paper is less expensive than in the other papers and is
8 likely to be *more effective* in providing meaningful notice to class members. Hence, it is clear
9 that District 40's objective is to undercut effective communication of the Notice. The Court
10 should require publication of the notice in the *Antelope Valley Press*, as well as the other two
11 papers.
12

13 2. Willis has requested that the Summary Notice be published as 1/4 page items in
14 the Business sections of the two local publications – the *Antelope Valley Press* and the
15 *Bakersfield Californian* – in order to maximize the likelihood that class members will see that
16 notice. Notably, Willis has *not* requested similar treatment in the *Los Angeles Times*, which
17 would be substantially more expensive than in the two smaller papers. Attached as Exhibit A is
18 a quote from the *Antelope Valley Press* stating that publication on 4 occasions in that paper
19 would cost a total of \$5,214.82. Given the importance of the issues at stake, that incremental
20 cost is reasonable and appropriate. The Notice should not be buried in fine print in the Legal
21 Notices sections of those papers, as District 40 would prefer.
22

23 3. District 40's objection to having its legal counsel respond to inquiries from class
24 members is purely and simply a “red herring.” Class counsel have never suggested that District
25 40's counsel do any such thing. Rather, District 40 should pay for the cost of establishing a toll
26 free number for routine inquiries and for staffing that telephone line for the approximate 10 week
27 notice period. Class counsel estimate at \$20,000 the total expense of staffing that telephone line
28

1 with qualified non-lawyers who can answer most questions that class members may have. Class
2 Counsel will handle (without charge to District 40 until a fee application is submitted) any more
3 substantive questions that may be posed. We are happy to make the appropriate arrangements
4 for staffing such a toll free number, provided it is funded immediately by the Public Water
5 Suppliers. Given the fact that the Willis Class consists of approximately 75,000 persons, Class
6 Counsel and its regular staff cannot handle the inquiries that are likely to result from a Notice of
7 this magnitude.
8

9 As the Court has recognized, the Willis Class is essentially defending against prescription
10 claims that have been asserted by District 40 and other public entities. Given the importance of
11 these claims to the class members, District 40 should take the above steps to ensure that the
12 Notice is clearly and effectively communicated.
13
14

15 Dated: December 10, 2008

KRAUSE KALFAYAN BENINK
& SLAVENS LLP

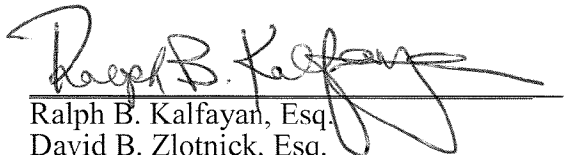
18 
19 Ralph B. Kalfayan, Esq.
20 David B. Zlotnick, Esq.
Attorneys for Plaintiff and the Class

EXHIBIT A

FAX COVER SHEET

Cindi Knutson-Rericha
Antelope Valley Press
Classified Advertising Executive
44939 10th St. West Lancaster, CA 93534
Phone 661-940-5334
Fax: 661-723-1650

To: Krause, Kalfayan, Benink & Slavens	From: Cindi Rericha
Attention: Mr. Ralph Kalfayan	Date: 12/5/08
Fax number: 619-232-4019	

☐
Urgent☐
Reply ASAP☐
Please comment☒
Please review☐
For your information

Total pages, including cover sheet: 2

Comments

RE: Advertising Rates for Antelope Valley Press.



Mailing Address: P.O. Box 4050, Palmdale, California 93590-4050

December 5, 2008

Ralph Kalfayan
Krause, Kalfayan, Benink & Slavens
625 Broadway, Suite 635
San Diego, CA 92101
Phone: 619-232-0331
Fax: 619-232-4019

Dear Mr. Kalfayan,

Enclosed please find 2009 advertising rates for the Antelope Valley Press. If after reviewing them you have any questions, please feel free to contact me and I will be happy to assist you. Thank you for your time.

Sunday Publication:

¼ page black and white, \$1,338.70 per run.
Total cost for 2 Sundays, \$2,677.40

Monday-Saturday Publication:

¼ page black and white, \$1,268.71 per run.
Total cost for 2 Sundays, \$2,537.42

Total cost: \$5,214.82

Cindi Knutson-Rericha
Antelope Valley Press
661-940-5334
crericha@avpress.com
fax: attn Cindi: 661-949-3593

1 **PROOF OF SERVICE**

2 I, Ashley Polyascko, declare:

3 I am a resident of the State of California and over the age of eighteen years, and not a
4 party to the within action; my business address is 625 Broadway, Suite 635, San Diego,
5 California, 92101. On **December 10, 2008**, I served the within document(s):

6 **CLASS PLAINTIFFS WILIS' REPLY TO LOS ANGELES COUTY**
7 **WATERWORKS DISTRICT NO. 40'S OBJECTIONS TO PROPOSED CLASS**
8 **NOTICE ORDER.**

9 ☒ by posting the document(s) listed above to the Santa Clara County
10 Superior Court website in regard to the Antelope Valley Groundwater
11 matter.

12 ☐ by placing the document(s) listed above in a sealed envelope with postage
13 thereon fully prepaid, in the United States mail at San Diego, California
14 addressed as set forth below:

15 ☐ by causing personal delivery by Cal Express of the document(s) listed
16 above to the person(s) at the address(es) set forth below.

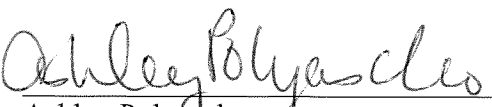
17 ☐ by personally delivering the document(s) listed above to the person(s) at
18 the address(es) set forth below.

19 ☐ I caused such envelope to be delivered via overnight delivery addressed as
20 indicated on the attached service list. Such envelope was deposited for
21 delivery by UPS following the firm's ordinary business practices.

22 I am readily familiar with the firm's practice of collection and processing correspondence
23 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
24 day with the postage thereon fully prepaid in the ordinary course of business. I am aware that on
25 motion of the party served, service is presumed invalid if postal cancellation date or postage
26 meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on **December 10, 2008**, at San Diego, California.

24 
25 Ashley Polyascko