

Ralph B. Kalfayan, SBN133464
David B. Zlotnick, SBN 195607
KRAUSE, KALFAYAN, BENINK
& SLAVENS LLP
625 Broadway, Suite 635
San Diego, CA 92101
Tel: (619) 232-0331
Fax: (619) 232-4019

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.

) RELATED CASE TO JUDICIAL
) COUNCIL COORDINATION
) PROCEEDING NO. 4408
)

) The Honorable Jack Komar
) Coordination Trial Judge
)

) **REBECCA WILLIS' AND THE**
) **CLASS'MEMORANDUM OF POINTS**
) **AND AUTHORITIES IN OPPOSITION**
) **TO MOTION TO STAY;**
) **DECLARATION OF REBECCA LEE**
) **WILLIS**

) DATE: August 17, 2009
) TIME: 9:00 a.m.
) PLACE: Dept. 17C
)

) JUDGE: Hon. Jack Komar
)
)
)

Class Plaintiff Rebecca Lee Willis (Willis) respectfully submits this memorandum in
opposition to the pending Motion to Stay this litigation. That motion is predicated on erroneous

1 representations as to the relevant facts as well as erroneous assumptions as to the likely results of
2 a stay.

3 ARGUMENT

4 Willis empathizes with the moving parties. This litigation has been pending for a long
5 time and has been very expensive for many parties. But a stay would not solve those issues, but
6 rather would likely lead to further delay and expense. Moreover, the justifications set forth for a
7 stay are based on misrepresentations of the relevant facts as well as erroneous assumptions as to
8 the likely effects of a stay. Willis strongly supports all efforts to settle this case. But a stay
9 would not facilitate settlement.

10 Contrary to the moving parties vague representations, the “principals’ meetings” which
11 have occurred over the last 7 months have not led to any agreement or even any substantial
12 narrowing of the gap between the parties’ positions on any of the significant issues in this
13 litigation. See Declaration of Rebecca Lee Willis at par. 1. In particular, the critical issue of the
14 Basin’s yield remains the subject of substantial disagreement. To the best of our knowledge, the
15 parties’ very disparate positions on yield and overdraft have not been significantly narrowed,
16 much less the subject of any agreement, during the approximately seven months that these
17 meetings have taken place. Nor to our knowledge have the parties narrowed their divergent
18 views on the issue of whether the purveyors are entitled to prescriptive rights. Id. at par. 2.

19 Given the fact that the next phase of trial will address issues of yield and overdraft, the
20 fact that the parties remain at loggerheads on those issues is particularly relevant. Moreover, it is
21 critical that those issues be promptly addressed so as to protect the integrity of the Basin (if it is
22 in overdraft) or bring a prompt end to this litigation if the Basin is not in overdraft, as many of
23 the moving parties contend. Willis Dec. at par. 4.

24 Finally, the Motion to Stay is based on a fundamental misconception as to the likely
25 effects of a stay. The fact is that a stay is very likely to prolong this litigation. It is not a
26 coincidence that many cases settle “on the courthouse steps.” In our experience, the pressure
27 imposed by an imminent trial is often one of the most significant factors in bringing about
28 settlement. By contrast, reducing that pressure is likely to result in the parties spending another

seven months venting their opposed views without feeling the need to compromise.

There is, of course, nothing that precludes the parties from negotiating a settlement while continuing to litigate the case. The Willis Class has actively attempted to settle this case and has made several proposals to various parties over the last six months, but has not received a counter offer from any of them. A stay would simply extend the current settlement impasse. Only the reality of a trial date will motivate the many parties in this case to make the serious compromises that are needed to settle this case.

CONCLUSION

For the reasons stated above, the Court should deny the pending motion to stay.

Dated: August 3, 2009

KRAUSE KALFAYAN BENINK
& SLAVENS LLP

/s/ Ralph B. Kalfayan
Ralph B. Kalfayan, Esq.
David B. Zlotnick, Esq.
Attorneys for Plaintiff Willis and the Class