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August 25, 2009

**VIA DOCKET &  
FIRST CLASS MAIL**

Ms. Melinda Moore  
Office of the Honorable Justice Ronald B. Robie  
Court of Appeal, Third District  
621 Capitol Mall, 10<sup>th</sup> Floor  
Sacramento, CA 95814

Re: *Antelope Valley Groundwater Cases*  
J.C.C.P. No. 4408

Dear Ms. Moore:

Please accept this letter in response to Mr. Zimmer's letter of August 24, 2009 (erroneously dated 2008). My firm represents the Willis class which comprises a group of landowners within the Antelope Valley who hold unexercised overlying groundwater rights in the basin. For the reasons discussed below, we support a graduated approach to settlement and believe such an approach will greatly aid all the parties in achieving a global resolution.

Mr. Zimmer suggests including all of the dozens of parties to this litigation in a settlement conference, instead of limiting participants to a smaller group. This approach was previously tried before the mediator Bill Dendy and proved unsuccessful. After years of effort and numerous meetings, it became evident that there were too many different parties with too many different interests to reach a resolution. The approach proved time consuming and cumbersome. We believe that it makes more sense to begin discussions on a more limited basis and then broaden them to include other parties, as appropriate.

We understand that non-participants may have concerns regarding the possibility that separate settlements might have an adverse impact on them or raise enforceability issues. These understandable concerns can be addressed at a later stage of mediation and/or can be addressed by Judge Komar in the context of a motion for approval of a proposed settlement. If there is a class settlement, then all parties will have the opportunity to object and oppose any provisions that adversely affect their interests when that settlement is submitted to the court for approval.

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This graduated approach is not meant to exclude parties from participating in a settlement conference before Justice Robie. Rather, the goal of this approach is to start the process in a productive way and ultimately build it into a broader resolution. We also have no desire to keep secret the names of attendees and other information concerning any such settlement conference. Indeed, the Willis class provided notice of the conference in its recent case management conference statement.

We look forward to meeting with you next week and greatly appreciate His Honor's willingness to take the time to help amicably resolve this significant and complex case.

Respectfully yours,

A handwritten signature in dark ink, reading "Ralph B. Kalfayan". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail that extends to the right.

Ralph B. Kalfayan

RBK/ap

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 **August 25, 2009**, I served the within document(s):

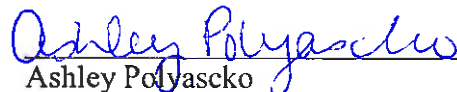
6 **LETTER DATED AUGUST 25, 2009 TO MS. MELINDA MOORE FROM RALPH KALFAYAN.**

- 7 ☒ by posting the document(s) listed above to the Santa Clara County  
8 Superior Court website in regard to the Antelope Valley Groundwater  
9 matter.  
10 ☐ by placing the document(s) listed above in a sealed envelope with postage  
11 thereon fully prepaid, in the United States mail at San Diego, California  
12 addressed as set forth below:  
13 ☐ by causing personal delivery by Cal Express of the document(s) listed  
14 above to the person(s) at the address(es) set forth below.  
15 ☐ by personally delivering the document(s) listed above to the person(s) at  
16 the address(es) set forth below.  
17 ☐ I caused such envelope to be delivered via overnight delivery addressed as  
18 indicated on the attached service list. Such envelope was deposited for  
19 delivery by UPS following the firm's ordinary business practices.

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

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

27 Executed on **August 25, 2009**, at San Diego, California.

28   
Ashley Polyascko