1	Ralph B. Kalfayan, SBN133464	
2	David B. Zlotnick, SBN 195607 KRAUSE, KALFAYAN, BENINK	
3	& SLAVENS LLP 625 Broadway, Suite 635	
4	San Diego, CA 92101 Tel: (619) 232-0331	
5	Fax: (619) 232-4019	
6	Attorneys for Plaintiff and the Class	
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9	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
10	FOR THE COUNTY OF LOS ANGELES	
11		
12	ANTELOPE VALLEY GROUNDWATER CASES	RELATED CASE TO JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4408
13	This Pleading Relates to Included Action:	The Honorable Jack Komar
14 15	REBECCA LEE WILLIS, on behalf of herself and all others similarly situated,	Coordination Trial Judge
16	Plaintiff,	THE WILLIS CLASS' REPLY MEMORANDUM OF POINTS AND
17	vs.	AUTHORITIES IN SUPPORT OF MOTION FOR COURT APPOINTMENT
18	LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40; CITY OF LANCASTER;	OF INDEPENDENT EXPERT WITNESS.
19	CITY OF LOS ANGELES; CITY OF PALMDALE; PALMDALE WATER	
20	DISTRICT; LITTLEROCK CREEK IRRIGATION DISTRICT; PALM RANCH	DATE: JULY 15, 2010
21	IRRIGATION DISTRICT; QUARTZ HILL WATER DISTRICT; ANTELOPE VALLEY	TIME: 9:00 a.m. PLACE: Dept. 1
22	WATER CO.; ROSAMOND COMMUNITY	JUDGE: Hon. Jack Komar
23	SERVICE DISTRICT; MOJAVE PUBLIC UTILITY DISTRICT; and DOES 1 through 1,000;)
24	Defendants.	
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26	Various parties have opposed the Willis Class' motion, pursuant to Section 730 of the	
27	Evidence Code, requesting the Court to appoint an expert hydrogeologist to assist the Court in	
28	connection with the upcoming Phase III trial. None of those oppositions have merit. The Court	

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should exercise its inherent authority under the Code to seek expert assistance in connection with the complex hydrogeological issues that will be decided at the upcoming trial. This determination is a critical aspect of this trial, which will affect the rights of the Willis Class and the public at large for years to come, including many parties and unrepresented persons who cannot meaningfully obtain expert advice. There is every reason for the Court to use all available resources to come to the right decision.

ARGUMENT

The various parties raise three basic issues which we address below.

1. This Motion Is Not Precluded By CCP Section 1008.

Willis' Motion is not precluded by Section 1008 of the Code of Civil Procedure.

Although Willis filed a similar motion last year, the relief sought in that motion was the appointment of three experts to assist the Willis Class. Willis only sought a Court appointed expert as an alternative form of relief. In any event, given that the Motion was expressly denied without prejudice and that the Phase III trial is now around the corner, there is good cause for the Court to reconsider this issue.

2. There Is Good Cause For an Independent Expert.

Contrary to the arguments that various parties have made, there is good cause for the Court to appoint an independent expert. This trial is not simply a contest between a handful of private parties; rather, the determination of the Basin's yield is likely to radically affect the Antelope Valley's future. Thousands of existing and potential future jobs are at stake along with the property interests of over approximately 75,000 persons. The Court should use all available means to come to as accurate a decision as possible.

Moreover, as we have previously observed, the parties' experts appear to have reached dramatically varying estimates of the Basin's yield. The Public Water Suppliers' ("Suppliers") experts have apparently found that the Basin's yield is much lower than historical pumping (which, of course, supports one element of the Suppliers' prescription claim). The overlying landowners' experts have apparently found that the Basin's yield is substantially higher (which would defeat or limit the prescription claims). The one thing that is indisputable is that the very

large size of this Basin, coupled with the limited available data, means that any expert will necessarily render an opinion based in substantial part on his or her judgment. In the absence of a neutral expert, not only will be Court necessarily struggle to reconcile these divergent views, but there may well not be any probative evidence in the record to support a reasonable middle ground. This critical issue should not be decided solely based on expert testimony propounded by the Suppliers and large landholding interests. Rather, the Court should appoint its own expert to review the findings and opinions of the parties' experts and counsel the Court with respect thereto.

3. The Costs Should Be Allocated in a Fair Manner.

Willis suggested in her motion that the costs of a Court-appointed expert be shared by those parties presenting expert testimony at the Phase III trial, but we are happy for the Court to allocate such costs in any fair manner. The simple fact is that the employment of a Court-appointed expert will help focus the issues and likely save all parties participating in the Phase III trial considerable time and expense. The Court should allocate the costs as it deems appropriate.

CONCLUSION

For the reasons stated above, the Court should exercise its authority under Section 730 of the Evidence Code and appoint an independent expert to assist it in determining the Basin's yield.

Dated: July 8, 2010 KRAUSE KALFAYAN BENINK & SLAVENS LLP

/s/ Ralph B. Kalfayan

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