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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10 **ANTELOPE VALLEY**
11 **GROUNDWATER CASES**

12 This Pleading Relates to Included Action:
13 REBECCA LEE WILLIS and DAVID
14 ESTRADA, on behalf of herself and all
others similarly situated,

15 *Plaintiffs,*

16 v.

17 LOS ANGELES COUNTY
18 WATERWORKS DISTRICT NO. 40;
19 CITY OF LANCASTER; CITY OF
20 PALMDALE; PALMDALE WATER
DISTRICT; LITTLEROCK CREEK
21 IRRIGATION DISTRICT; PALM
RANCH IRRIGATION DISTRICT;
22 QUARTZ HILL WATER DISTRICT;
ANTELOPE VALLEY WATER CO.;
23 ROSAMOND COMMUNITY SERVICE
DISTRICT; PHELAN PINON HILL
24 COMMUNITY SERVICE DISTRICT; and
DOES 1 through 1,000;

25 *Defendants.*
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RELATED CASE TO JUDICIAL COUNCIL
COORDINATION PROCEEDING NO. 4408

**DEMAND FOR INCLUSION IN
SETTLEMENT NEGOTIATIONS BY THE
WILLIS CLASS**

Date: January 7, 2015
Time: 10:00 AM
Place: Telephonic Hearing
Judge: Hon. Judge Komar

1 In advance of the January 7, 2015, teleconference, the Willis Class respectfully submits this
2 Demand, similar to the one filed by Charles Tapia on December 16, 2014 with this Court, for
3 inclusion in the on-going settlement discussions held among all the parties working toward a global
4 resolution and physical solution. The Willis Class further requests that it be provided with a current
5 copy of the proposed draft physical solution from the Public Water Suppliers, which copy is in
6 circulation among the parties. The Class agrees to preserve the confidentiality of this document.
7 Withholding the proposed physical solution from Class Counsel is patently unfair especially given
8 the abbreviated schedule in the Court's November 4, 2014 Case Management Order and the
9 obligation of the Public Water Suppliers to cooperate with Class Counsel under the terms of the
10 Willis Class Stipulation of Settlement.
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12 The Willis Class, a group of more than 65,000 landowners who collectively own over 70%
13 of the entire Antelope Valley Basin, continue to be excluded from settlement/physical solution
14 negotiations that are currently ongoing among all the parties. The parties who include other
15 pumping landowners claim confidentiality and refuse to permit Class Counsel to participate in
16 settlement discussions. It is the position of Class Counsel that excluding the Class from
17 participation in settlement discussions is patently unfair and may prove harmful to the overall
18 purpose of this groundwater adjudication. As the Court is aware, the Willis Class action was settled
19 in 2010 and the Class entered into a Stipulation of Settlement (the "Stipulation") with all the Public
20 Water Suppliers. The Stipulation was approved by the Court as fair, adequate and reasonable and
21 in 2011 the Court entered it as a Final Judgment. The Judgment was amended by this Court,
22 appealed by District 40, and remittitur was issued by the Court of Appeal. The terms of the
23 Judgment make it imperative for the Class to participate in the current settlement discussions. For
24 the following reasons, this Demand should be approved by the Court.
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1 First, the Willis Judgment encourages the Class's participation. The Stipulation provides
2 that (1) the Willis Class is subject to a physical solution that is consistent with its terms; (2) the
3 terms of the Stipulation will be incorporated into a physical solution that may be entered by this
4 Court; and (3) the Public Water Suppliers shall use their best efforts to cooperate with Class
5 Counsel and effectuate the terms of the Stipulation. These terms makes the participation of the
6 Class in a settlement that involves a physical solution extremely important.
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8 Second, the principles of fairness and judicial economy weigh in favor of including the
9 Willis Class in the negotiations. By not including the Class in the negotiations for a physical
10 solution, the Class may well be compelled to oppose the physical solution proceedings. In addition,
11 the Class will be compelled to raise the following issues and file motions that address: (1) the due
12 process rights of the Class; (2) the real property rights of the Class; and (3) the potential violations
13 of the Willis Class Stipulation of Settlement by the Public Water Suppliers. If those issues need to
14 be litigated, it will greatly prolong and complicate these already complex proceedings.
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16 Third, the Class's participation will facilitate the Court's goal of reaching a comprehensive
17 adjudication for the entire Basin. The United States is a party to this adjudication and demands
18 comprehensiveness in order to waive its sovereign immunity. The McCarran Amendment requires
19 that the Class's rights be incorporated into the physical solution so that all affected parties' rights
20 are adjudicated. In working on a physical solution, the participation of the Willis Class is therefore
21 not only important, but necessary.
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23 Fourth, the Class's participation is important to prevent the entry of a physical solution that
24 may be inconsistent with the Willis Class Judgment. The Willis Judgment defined the rights of the
25 Willis Class and prescribed the rights of the Class. Class Counsel is in the best position to protect
26 the interest of the Class members and ensure that the integrity of the Willis Class Judgment is not
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1 violated by the parties. Class Counsel also has an interest to ensure that the Court enters a physical
2 solution that is consistent with the Willis judgment.

3 The pumping landowners have consistently insisted that they have no claims against the
4 Class, yet continue to resist the participation of Class Counsel in settlement negotiations. It is
5 inherently unfair to allow all these parties to negotiate and impact the interests of the Willis Class
6 without the presence of Class Counsel. The Court should not condone this conduct and the Court
7 should order the parties to negotiate with Class Counsel in good faith and provide Class Counsel
8 with a current copy of the proposed physical solution.
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10 Like Tapia, times 65,000, the Willis Class should be given the requested relief.
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13 Respectfully submitted,

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15 /s/ Ralph B. Kalfayan

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