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Class Counsel for the Willis 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 and DAVID ESTRADA, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40; CITY OF LANCASTER; 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; PHELAN PINON HILLS COMMUNITY SERVICE DISTRICT; and DOES 1 through 1,000;

Defendants.

RELATED CASE TO JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4408

SUPPLEMENTAL AUTHORITY IN SUPPORT OF WILLIS CLASS' SECOND SUPPLEMENTAL MOTION FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND CLASS REPRESENTATIVE AWARD

Date: April 1, 2016
Time: 1:30 p.m.
Dept.: 1
Place: San Jose Superior Court
191 N. First Street
San Jose, CA 95113
Judge: Hon. Jack Komar

The Willis Class offers this supplemental authority in addition to the cited cases for the Second Supplemental Motion for Attorneys' Fees, Reimbursement of Expenses, and Class Representative Incentive Award dated January 22, 2016 and the reply briefs to the oppositions of said motion filed March 25, 2016- *Bowman v. City of Berkeley*, 131 Cal.App.4th 173 (2005). The Willis Class cites this case here as supplemental authority for the proposition that a party need not win its case on the merits to be a prevailing party under CCP 1021.5.

The Plaintiffs in *Bowman* were deemed "successful," despite having been unsuccessful in their challenge – except for the trial court's sua sponte decision to remand the matter for a rehearing on due process grounds. The challenged housing complex was approved on a second hearing. In support of its decision, the appellate court noted, "The trial court is to assess the litigation realistically and determine from a practical perspective whether [the statutory] criteria have been met." (*Bowman* at 177.) "In order to effectuate the purpose of section 1021.5, courts 'have taken a broad, pragmatic view of what constitutes a successful party." (*Id.* at 178.) In *Bowman*, the court found fees appropriate because Plaintiff's challenge to the project "was key to the Court being able to fully consider the remaining issues…." (*Id.*)

Dated: April 1, 2016

Respectfully submitted,
KRAUSE, KALFAYAN, BENINK & SLAVENS, LLP

/s/ Ralph B. Kalfayan

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Defendants.

RELATED CASE TO JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4408

PROOF OF SERVICE

I, Cindy Barba, declare:

I am a citizen of the United States and employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Krause Kalfayan Benink & Slavens, LLP 550 West C Street, Suite 530, San Diego, California, 92101. On April 1, 2016, I caused the following document(s): to be served on the parties in this action, as follows:

SUPPLEMENTAL AUTHORITY IN SUPPORT OF WILLIS CLASS' SECOND SUPPLEMENTAL MOTION FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND CLASS REPRESENTATIVE AWARD

(X) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: www.scefiling.org regarding the Antelope Valley Groundwater matter.

( ) (BY U.S. Mail) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced documents(s) were placed in sealed envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at San Diego, California, addressed to:

( ) (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for the delivery on the next business day. Each copy was enclosed in an envelope or package designed by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.

( ) (BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.

(X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Cindy Barba

Cindy Barba