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13 Class Counsel for the Willis Class

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF LOS ANGELES**

16 ANTELOPE VALLEY GROUNDWATER  
17 CASES

18 This Pleading Relates to Included Action:  
19 REBECCA LEE WILLIS and DAVID  
20 ESTRADA, on behalf of themselves and all  
21 others similarly situated,

22 *Plaintiffs,*

23 v.

24 LOS ANGELES COUNTY WATERWORKS  
25 DISTRICT NO. 40; CITY OF LANCASTER;  
26 CITY OF PALMDALE; PALMDALE  
27 WATER DISTRICT; LITTLEROCK CREEK  
28 IRRIGATION DISTRICT; PALM RANCH  
IRRIGATION DISTRICT; QUARTZ HILL  
WATER DISTRICT; ANTELOPE VALLEY  
WATER CO.; ROSAMOND COMMUNITY  
SERVICE DISTRICT; PHELAN PINON  
HILL COMMUNITY SERVICE DISTRICT;  
and DOES 1 through 1,000.

*Defendants.*

RELATED CASE TO JUDICIAL COUNCIL  
COORDINATION PROCEEDING NO. 4408

**RE-NOTICE OF MOTION AND MOTION  
FOR ORDER TERMINATING WILLIS  
CLASS COUNSEL'S APPOINTMENT AS  
CLASS COUNSEL**

Date: November 12, 2021  
Time: 9:00 a.m.  
Place: Telephone Via Courtcall  
Judge: Hon. Jack Komar

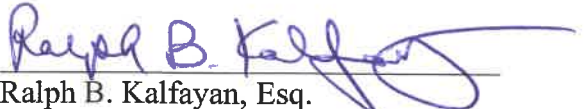
1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on November 12, 2021 at 9:00 a.m. or as soon thereafter  
3 as the matter may be heard, before the Honorable Judge Komar, Superior Court of California, by  
4 telephone via Courtcall, the undersigned law firm, Class Counsel for the Willis Class, will and  
5 hereby does move for an Order Terminating Willis Class Counsel's Appointment as Class Counsel.  
6 The prior notice erroneously included a physical location for the hearing. The hearing shall not be  
7 held in person but rather by telephonic appearance via Courtcall. This Motion is based on this  
8 Notice, the attached Memorandum of Points and Authorities with exhibits, the Declaration of Ralph  
9 B. Kalfayan, and such other and further evidence as may be presented at the hearing.

11 Dated: October 15, 2021

Respectfully submitted,

13 THE KALFAYAN LAW FIRM, APC

14   
15 Ralph B. Kalfayan, Esq.  
Class Counsel for the Willis Class

16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 **I. INTRODUCTION**

18 Krause Kalfayan Benink & Slavens, LLP was appointed class counsel for the Willis Class.  
19 Mr. Ralph Kalfayan and Mr. Greg James actively pursued the class claims on behalf of the Class  
20 throughout the adjudication. In 2015, this Court entered a Judgment adopting a Physical Solution for  
21 the management of the Antelope Valley basin. Now that the Judgment has become final after appeal,  
22 Court of Appeal and Supreme Court, Class Counsel seek an order terminating their appointment as  
23 Class Counsel.  
24

25 **II. FACTUAL BACKGROUND**

26 On September 11, 2007, the Court issued an order certifying the Willis Class of dormant  
27 landowners, defined as follows:  
28

1 “All private (i.e., non-governmental) persons and entities that own real property  
2 within the Basin, as adjudicated, that are not presently pumping water on their  
3 property and did not do so at any time during the five years preceding January 18,  
4 2006 (“the Class”). The Class includes the successors-in-interest by way of  
5 purchase, gift, inheritance, or otherwise of such landowners...” (Doc. No. 841).

6 The same order appointed the law firm of Krause, Kalfayan, Benink & Slavens LLP<sup>1</sup> as  
7 class counsel. (*Id.*) After phase six of the coordinated proceedings, on December 28, 2015, the  
8 Court entered a Judgment which adopted a Physical Solution for the management of the Antelope  
9 Valley Basin (“2015 Judgment”). (Doc. No. 11020). On February 25, 2016, the Willis Class filed  
10 a Notice of Appeal of the trial court’s 2015 Judgment (“Merits Appeal”). (Doc. No. 11207).

11 After the 2015 Judgment was entered, the Willis Class moved for an order of attorneys’  
12 fees. (Doc. No. 11117). In its April 25, 2016 order, the Court denied Willis Class’ motion. (“Fee  
13 Order”). (Doc. No. 11389). On March 16, 2021, the Court of Appeal affirmed the trial court’s  
14 2015 Judgment. (*Willis v LA District 40 etc. et. Al.*, (2021) 62 Cal.App.5<sup>th</sup> 992). The Court of  
15 Appeal also separately affirmed the trial court’s Fee Order.

16 On July 21, 2021, the California Supreme Court denied the Willis Class’ petition for review  
17 of the Merits Appeal, thereby also denying the petition for review of the fee appeal. (See Denial of  
18 Petition for Review attached as Exhibit 1 to the Declaration of Ralph B. Kalfayan). The trial court’s  
19 2015 Judgment and Fee Order therefore became final judgments as to the Willis Class.

### 20 **III. ARGUMENT**

21 Despite the finality of the underlying Judgment as to the Willis Class, the administration  
22 of the 2015 Judgment by the Watermaster and this Court will continue in perpetuity and  
23 proceedings unrelated to the merits action and/or fee petition of the Willis Class will continue  
24 without the participation of the Willis Class. For example, the docket reflects filing by the  
25

26  
27  
28 <sup>1</sup> The law firm of Krause, Kalfayan, Benink & Slavens no longer exists. Class Counsel Ralph B. Kalfayan  
has since opened his own practice, The Kalfayan Law Firm, APC.

1 Watermaster of changes to the Watermaster rules and regulations, status conference set by the trial  
2 court, and the filing by various parties of motions to intervene. With respect to the Willis Class  
3 members, the Physical Solution adopted by the trial court in the 2015 Judgment sets forth provisions  
4 for the continued and future management of the Antelope Valley Basin, including an application  
5 procedure under which individual Willis Class landowners may apply to pump groundwater. The  
6 Physical Solution also provides individual Class members the ability to seek Court review in an  
7 individual capacity of the Watermaster's decisions. Those issues are limited to the individual's  
8 interests and are not applicable class wide.

10 Class counsel "owe absent class members a fiduciary duty to protect the absentees' interests  
11 throughout the litigation." (*Barboza v. West Coast Digital GSM, Inc.* (2009) 179 Cal.App.4th 540,  
12 546). That duty has been fulfilled in this litigation. There must be a clearly defined terminus to  
13 the continued representation of the Willis Class by Class Counsel. Accordingly, Class Counsel  
14 believe they should now be relieved of their duties to represent the Class. For clarity and to ensure  
15 that Mr. Kalfayan or Mr. James do not have a continued obligation to represent the Willis Class, an  
16 order terminating counsel's future participation is necessary.

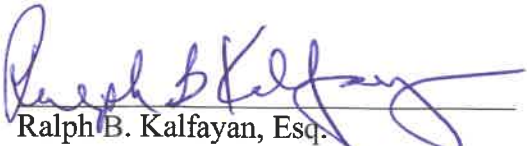
18 **IV. CONCLUSION**

19 For the foregoing reasons, Class Counsel respectfully request this Court enter an order  
20 terminating the role of Class Counsel of the Willis Class.

22 Dated: October 15, 2021

Respectfully submitted,

THE KALFAYAN LAW FIRM, APC

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25   
26 Ralph B. Kalfayan, Esq.  
27 Class Counsel for the Willis Class