

Michael D. McLachlan (State Bar No. 181705)
LAW OFFICES OF MICHAEL D. McLACHLAN, APC
523 West Sixth Street, Suite 215
Los Angeles, California 90014
Telephone: (213) 630-2884
Facsimile: (213) 630-2886
mike@mclachlanlaw.com

Daniel M. O'Leary (State Bar No. 175128)
LAW OFFICE OF DANIEL M. O'LEARY
523 West Sixth Street, Suite 215
Los Angeles, California 90014
Telephone: (213) 630-2880
Facsimile: (213) 630-2886
dan@danolearylaw.com

Attorneys for Plaintiff

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

(Santa Clara Case No. 1-05-CV-049053,
Honorable Jack Komar)

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Case No.: BC 391869

Plaintiff,

**[proposed] TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et al.

Defendants.

Date: April 2, 2009
Time: 2:00 p.m.
Dept.: 17C

This matter came before the Court on April 2, 2009, in Department 17. Plaintiff Richard Wood presented his *ex parte* application for an Order to Show Cause and a Temporary Restraining Order prohibiting AGWA, Eugene Nebeker, and his/its counsel from communicating with putative class members in the Small Pumpers Class without

**TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

1 the consent of class counsel, and prohibiting AGWA and its counsel from proceeding
2 with the April 7, 2009 “townhall meeting.”

3 The Court finds that there is a probability of success on the merits and that such
4 non-sanctioned communications during the class notice period could cause irreparable
5 injury in the formation of this class.

6 Accordingly, the Court finds that there is good cause for a Temporary Restraining
7 Order (“TRO”) and hereby sets this matter for hearing on an Order to Show Cause
8 (“OSC”) re preliminary injunction on _____, 2009, at _____.

9 Until the preliminary injunction hearing, AGWA, Eugene Nebeker, and its/his
10 counsel of record are hereby prohibited from further contacts with putative members of
11 the Small Pumpers Class.

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16 IT IS SO ORDERED.

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18 Dated: _____

19 Honorable Jack Komar
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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is 523 West Sixth Street, Suite 215, Los Angeles, California 90014.

On April 1, 2009, I caused the foregoing document(s) described as
**[proposed] TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY INJUNCTION**
to be served on the parties in this action, as follows:

- (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 document(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 Los Angeles, California, addressed to:
- () (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for 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.

//s//
Carol Delgado