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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

**DECLARATION OF MICHAEL D.  
MCLACHLAN RE STATUS OF  
SMALL PUMPER CLASS**

Plaintiff,

v.

**Date: April 24, 2009**  
**Time: 9:00 a.m.**  
**Dept.: 1**

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

Defendants.

1 I, Michael D. McLachlan, declare:

2 1. I make this declaration of my own personal knowledge, except where stated  
3 on information and belief, and if called to testify in Court on these matters, I could do so  
4 competently. I am counsel of record for the claimants, and am duly licensed to  
5 practice law in California.

6 2. The Small Pumper Class has a renewed motion for appoint of an expert  
7 witness set to be heard on April 24, 2009. The public water suppliers continue to oppose  
8 this motion. Because class counsel does not believe they can adequately prosecute this  
9 action without the testimony of an expert witness, should that motion be denied, class  
10 counsel has set a hearing on a motion to withdraw and to decertify the class for May 22,  
11 2009. Counsel will file that motion, if needed, shortly after the ruling on the motion for  
12 appointment of an expert.

13 3. Over the past month, I, along with counsel for the Willis class, have made  
14 numerous written inquiries of counsel for Los Angeles Waterworks District No. 40 for  
15 information regarding the processing of the Willis claim forms and the assembly of the  
16 Small Pumper class list. I have received no response whatsoever to these inquiries.  
17 Today I conferred with Ralph Kalfayan and David Zlotnick on this issue, and they  
18 informed me that they have likewise received no response.

19 4. I request that, if the Small Pumper class is to proceed, the Court issue an  
20 order compelling the public water suppliers to immediately provide a detailed  
21 accounting of the status of the Willis class notice and the efforts taken to compile the  
22 Small Pumper notice list.

23 I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct. Executed this 16<sup>th</sup> day of April, 2009, at Los Angeles,  
25 California.

26 \_\_\_\_\_  
//s//

27 Michael D. McLachlan

**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 16, 2009, I caused the foregoing document(s) described as **DECLARATION OF MICHAEL D. MCLACHLAN RE STATUS OF SMALL PUMPER CLASS** 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](http://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