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**SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

Coordination Proceeding  
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER  
CASES

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

Plaintiff,

v.

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

Defendants.

Judicial Council Coordination  
Proceeding No. 4408

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

Case No.: BC 391869

**NOTICE OF PARTIAL JOINDER IN  
AND PARTIAL OPPOSITION TO  
MOTION TO DISMISS**

Date: June 19, 2009  
Time: 9:00 a.m.  
Dept.: 17C (telephonic)

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2           Plaintiff Richard Wood (“Plaintiff”) joins in the Motion to Dismiss (the “Motion”)  
3 to the extent it seeks to force the public water suppliers to properly join non-parties and  
4 non-class members to this coordinated proceeding, or to the extent the Court were to  
5 strike or dismiss any allegations in the public water suppliers’ complaint as a result of  
6 their failure to join necessary parties.

7           Plaintiff opposes the request to the extent that this class or any of its class  
8 members would be required to be joined as cross-defendants to the First Amended Cross  
9 Complaint because this class is presently a part of this Judicial Council Coordinated  
10 Proceeding, and therefore, the class members will be before the Court and subject to trial  
11 and a ‘comprehensive’ judgment should that ultimately come to pass.

12           The central thrust of the Motion, boiled down, is that this action cannot proceed  
13 unless the public water suppliers individually name and serve virtually all landowners in  
14 the basin. This is incorrect. The Motion ignores the fact that this is a coordinated  
15 proceeding under Code of Civil Procedure sections 404 *et seq.* While it is true that this  
16 case is vastly more complicated than virtually any other, it does not follow that that it is  
17 so complex as to exceed the bounds of the procedural frameworks available under the  
18 law.

19           The applicable Rules of Court promulgated by the Judicial Counsel give this Court  
20 wide latitude to handle unique, complex cases. These rules contemplate the collective  
21 management, litigation, and even trial of coordinated actions. The trial judge has  
22 extremely broad discretion to shape and control the coordinated proceeding. (*Cal. Rule*  
23 *of Court* 3.504(c), 3.540(b).) The Court can order trial of common issues across the  
24 various coordinated proceedings (*Rule of Court* 3.541(b)), and can enter a judgment  
25 binding in the coordinated actions so long as it references the individual case numbers of  
26 the coordinated actions. (*Rule of Court* 3.545.)

27           The net result of these Rules is that this Court has the ability to adjudicate the  
28

1 rights of the various stakeholders in the basin through the several coordinated actions,  
2 including the two class actions. There is nothing in the law that requires the competing  
3 rights of the various stakeholders to be litigated under a single case number.<sup>1</sup>

4 It should also be noted that when the Rules for coordinated actions conflict with  
5 “provisions of the law applicable to civil actions generally, the rules [for coordinated  
6 actions] prevail, as provided by Code of Civil Procedure section 404.7.” (*Cal. Rule of*  
7 *Court* 3.504(b).) As such, because the Motion relies almost entirely on law applicable to  
8 general civil litigation, its legal conclusions are of little value.

9  
10 DATED: June 1, 2009

LAW OFFICES OF MICHAEL D. McLACHLAN  
LAW OFFICE OF DANIEL M. O’LEARY

11  
12  
13 By: \_\_\_\_\_ //s//

14 Michael D. McLachlan  
15 Attorneys for Plaintiff  
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24 <sup>1</sup>There should be little argument that the intent of the legislature and the of Judicial  
25 Counsel in enacting the relevant rules was to enable comprehensive and joint  
26 litigation of multiple and distinct cases. The definitions and rules refer to “Sides”  
27 and “Liason counsel”, and even define the term “Party,” in such a manner as to  
28 make it clear that the various cases are litigated as a colletive. Indeed, if the Court  
deems appropriate, service on parties in one case can be effectuated by serving  
counsel other than their own retained counsel. *Rule of Court* 3.510.

1 **PROOF OF SERVICE**

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

5 On June 1, 2009, I caused the foregoing document(s) described as **NOTICE OF PARTIAL  
JOINDER IN AND PARTIAL OPPOSITION TO MOTION TO DISMISS**  
6 to be served on the parties in this action, as follows:

- 7 ( X ) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa  
8 Clara County Superior Court website: [www.scefilings.org](http://www.scefilings.org) regarding the Antelope Valley  
Groundwater matter.
- 9 ( ) (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and  
10 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,  
11 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:
- 12 ( ) (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other  
13 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  
14 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  
15 for; addressed as shown on the accompanying service list.
- 16 ( ) (BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of  
17 facsimile transmission of documents. It is transmitted to the recipient on the same day in  
the ordinary course of business.
- 18 (X) (STATE) I declare under penalty of perjury under the laws of the State of California that  
19 the above is true and correct.
- 20 ( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of  
21 America that the foregoing is true and correct.

22 \_\_\_\_\_  
23 //s//  
24 Carol Delgado