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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

**RICHARD WOOD'S RESPONSE TO  
OBJECTIONS TO REVISED CLASS  
NOTICE**

Date: June 12, 2009  
Time: 9:00 a.m.  
Dept.: 17C

1 Four parties filed objections to the proposed amended class notice. Plaintiff's  
2 response to each is as follows:

3  
4 *United States.* The remaining objection raised by the United States pertains to the  
5 use of the word "may" instead of "will" with reference to the potential for a notice to be  
6 individually named and served. The word "may" is more appropriate because it is not  
7 true to state that all those who opt out will necessarily be added to the action. Some of  
8 those who receive the notice may no longer own property in the basin, i.e. they sold the  
9 parcel; some may be dormant property owners who are already part of the *Willis* class;  
10 and some may own property that is geographically outside the boundary area.

11  
12 *U.S. Borax.* The objection here relates to the representation that those class  
13 members who opt out of the class will not be bound by any decision affecting the class.  
14 U.S. Borax misconstrues this statement to read that opt-outs will not be impacted by  
15 rulings in the adjudication as a whole. The referenced language does not say this.  
16 Indeed, the language referenced in the objection of the United States makes clear that  
17 opt-outs can be added to this adjudication. There is no reason to modify this rather  
18 standard class notice language, which was included in the *Willis* notice without objection.

19  
20 *AGWA.* AGWA contends that those who receive the class notice are not or will  
21 not become class members. This objection, which flows from a fundamental mis-  
22 understanding of the class notice process, is not well taken. As discussed before, the list  
23 inside the service areas is comprised of thousands of public water supplier customer, and  
24 is thus inappropriate for use in this context. Is AGWA suggesting that we notice 5,000+  
25 randomly selected public water supplier customers, but not the remaining 100,000+  
26 customers?

27 In any event, counsel for the class has issued subpoenas for the well permits in Kern  
28 and Los Angeles Counties, and will use that data to identify potential class members.

1 This record review, along with the publication of the notice, is sufficient to cover those  
2 few small pumpers that may be inside the service areas. If the Court wishes to order the  
3 water suppliers to include a “bill-stuffer” in their monthly water bills class counsel has no  
4 objection, so long as the content of such a notice is approved in advance.

5  
6 *Bolthouse Properties.* First, the objection to the certification of this class is  
7 untimely. Second, the assertion that the class notice “does not include all necessary  
8 and/or indispensable parties,” without further explanation, is an unintelligible objection.  
9 Third, the fact that this class does not contain all parties necessary for a comprehensive  
10 adjudication has been known for sometime now, and irrelevant in an event. Fourth,  
11 Bolthouse asserts that the notice will lead to confusion and loss of rights by the  
12 landowners in the basin. Plaintiff cannot respond to this objection as it is unclear what  
13 Bolthouse refers to. Fifth, Bolthouse recycles its previous arguments in relation to the  
14 McCarron Act – arguments not well taken.

15 The sixth point Bolthouse raises relates to an unspecified conflict of interest.  
16 Again, this objection is too vague and unsubstantiated. The seventh issue raised pertains  
17 to the class members’ inability to obtain individual legal counsel. To the extent class  
18 members are not satisfied in this regard, they are of course free to seek their own legal  
19 counsel.

20 Bolthouse requests various forms of relief, including decertification of the classes,  
21 none of which are well-taken or properly before the Court.

22  
23 DATED: June 5, 2009

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

24  
25  
26 By: \_\_\_\_\_ //s//  
27 Michael D. McLachlan  
28 Attorneys for Plaintiff

**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 June 10, 2009, I caused the foregoing document(s) described as **RICHARD WOOD'S RESPONSE TO OBJECTIONS TO REVISED CLASS NOTICE**

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