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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))

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 OPPOSITION  
TO LOS ANGELES COUNTY  
WATERWORKS AND ROSAMOND  
CSD'S RESPONSE RE: OBJECTION  
TO FAILURE TO JOIN  
INDESPENSIBLE PARTY**

Date: May 6, 2010  
Time: 9:00 a.m.  
Dept.: 1

1 On May 3, 2010, two of the public water suppliers – Los Angeles County  
2 Waterworks District 40 and Rosamond CSD – filed a “Response to Van Dam Parties and  
3 Antelope Valley Water Storage LLC Notice and Objection to Failure to Join  
4 Indispensable Party” (“Response”). In that Response, these two suppliers argue that the  
5 continual loss of jurisdiction over hundreds and likely thousands of properties because of  
6 real estate transfers is not of concern for purposes of McCarran Amendment jurisdiction,  
7 but then request that the Court sign an order (that is now nearly two and one-half-years  
8 old) that purports to solve this problem. (*See* Response, 5:5-8, Exhibit A.)

9 There is no evidence the Court ever signed this proposed order, which is dated  
10 January of 2008. For a litany of reasons, the Court should not sign this order now, at  
11 least not without a motion and full briefing of all the pertinent issues. A few of the many  
12 problems with this request are as follows.

13 First, the issue of the January 2008 proposed order is not on calendar for the  
14 instant hearing. This opposition, filed on two days’ notice, is not the proper forum for a  
15 full briefing and argument of these issues.<sup>1</sup> Second, at the time this proposed order was  
16 filed, Richard Wood was not a party to these proceedings, and never had an opportunity  
17 to participate in the litigation of the issues addressed in the proposed order. Given the  
18 fundamental importance of these issues to the litigation, and the amount of time that has  
19 passed since they were last debated, all parties should be allowed to be heard on the  
20 issues. (Indeed, it appears that not even all of the public water suppliers are agreed to this  
21 request, since it was filed solely on behalf of the Best, Best and Krieger clients.)

22 Third, the proposed order states that it applies to all class members. (Response,  
23 Ex. A, ¶ 1.) This raises many issues, including the fact that the classes were never given  
24 notice of the order. It is dubious to assume that class members could be made to comply  
25 with this order, and that innocent third-party purchasers could be bound by if the class

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26 <sup>1</sup> Plaintiff will not fully address all of the numerous issues raised by Waterworks and  
27 Rosamond’s request, and reserves it rights to address the issues in further briefing.

1 members failed to comply with the order. Mechanically, it is foolish to think the parties  
2 would achieve anything beyond the most minimal compliance with this order, which  
3 requires the transferor to post a complicated legal notice on the court's website. But even  
4 if this order was signed, it would not cure the problem caused by hundreds if not  
5 thousands of property transfers that have already occurred during the pendency of this  
6 case.

7  
8 If the public water suppliers ultimately plan to record a judgment in this case on  
9 the title of every parcel allegedly subject to this adjudication, they should expressly state  
10 that now. The posture of this case as an *in personam* action will not allow that, at least  
11 comprehensively as to all parcels. As the Court has noted, this is not *in rem* proceeding.  
12 Therefore, absent proper and timely service, the "*inter se* transfer" property owners who  
13 hold title at the time of judgment, and who are not otherwise party to this suit, will not be  
14 bound by the judgment. While the class members are by definition *de minimis* users, this  
15 scenario will almost certainly apply to hundreds or thousands of class-member parcels.  
16 There are some 70,000 class members who have purportedly been served notice of this  
17 proceeding. Since receiving that notice, many of them have transferred title to their  
18 properties to persons who and entities that are not party to this litigation. As to such  
19 properties, absent proper notice to the subsequent purchasers, the Court no long has  
20 jurisdiction over those parcels.

21 DATED: May 5, 2010

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

22  
23  
24 By: \_\_\_\_\_ //s//

Michael D. McLachlan  
Attorneys for Plaintiff

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 May 5, 2010, I caused the foregoing document(s) described as **RICHARD WOOD'S**  
6 **OPPOSITION TO LOS ANGELES COUNTY WATERWORKS AND**  
**ROSAMOND CSD'S RESPONSE RE: OBJECTION TO FAILURE TO JOIN**  
**INDESPENSIBLE PARTY**

7 to be served on the parties in this action, as follows:

8 ( X ) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa  
9 Clara County Superior Court website: [www.scefiling.org](http://www.scefiling.org) regarding the Antelope Valley  
Groundwater matter.

10 ( ) (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and  
11 processing of documents for mailing. Under that practice, the above-referenced  
12 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  
13 Postal Service on the same date at Los Angeles, California, addressed to:

14 ( ) (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other  
15 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  
16 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  
17 for; addressed as shown on the accompanying service list.

18 ( ) (BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of  
19 facsimile transmission of documents. It is transmitted to the recipient on the same day in  
the ordinary course of business.

20 (X) (STATE) I declare under penalty of perjury under the laws of the State of California that  
21 the above is true and correct.

22 ( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of  
23 America that the foregoing is true and correct.

24 \_\_\_\_\_//s//  
25 Ana Horga