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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

**DECLARATION OF JAMES WALDO
RE STATUS OF SETTLEMENT**

Date: July 15, 2010
Time: 9:00 a.m.
Dept.: telephonic

1 I, James Waldo, 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.

5 2. I am a licensed attorney in the State of Washington and a professional
6 mediator. I have been retained by a group of principals to this litigation to assist them in
7 reaching a settlement, including a comprehensive physical solution and long-term
8 groundwater management program. I have been asked to provide a written declaration to
9 the Court as to the status of this settlement effort, and am doing so by way of this
10 declaration.

11 3. The process has necessitated significant involvement of time, technical
12 resources, and serious deliberation by all of the parties who have participated. The
13 participating parties have demonstrated a significant commitment to the process and the
14 serious and difficult issues that needed to be addressed in order to reach a comprehensive,
15 thoughtful settlement. In addition, the parties invested time and money in a detailed
16 technical analysis, including authorizing the mediation team to retain two hydrogeology
17 experts who rendered opinions on the methodology and conclusions that the group used
18 to inform its final decisions on groundwater resource issues in the Antelope Valley
19 Accord.

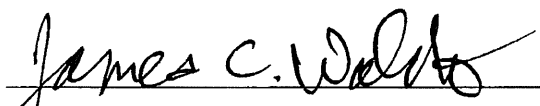
20 4. Last week, the principals group completed their negotiations. This
21 resulted in the Antelope Valley Accord proposed settlement. The Accord is over twenty
22 single-spaced pages, and is quite detailed regarding the essential decisions necessary for
23 the settlement. However, from my personal experience in settling water disputes, it will
24 require a significant commitment of additional time and resources to prepare the
25 detailed, legally-binding documents needed to implement such an important settlement.

26 5. I believe it is in everyone's interest, including parties not involved in these
27 negotiations, to pursue a settlement amongst all the parties to this litigation through
28

1 further mediation with Justice Robie. As a matter of courtesy I communicated to Justice
2 Robie that a number of parties would be proposing this action, which would involve his
3 commitment to such a mediation effort.

4 6. In my experience as a mediator the likelihood that a settlement will be
5 successfully completed will be significantly enhanced by a continuance of the trial date.
6 The next round of mediation will require a significant involvement from the parties'
7 attorneys. The adverse nature of litigation always complicates and detracts from
8 mediated settlement efforts. In addition, in order to give Justice Robie the maximum
9 opportunity of success the schedule should take into account the reality of existing
10 summer vacation schedules that probably exist for both the Justice and other parties.
11 However, I do not believe that a long period of time is necessary to successfully
12 conclude a settlement, therefore I would recommend that Justice Robie and the parties to
13 this litigation be given until the end of September to reach a settlement, and if no
14 settlement is reached by that date the trial schedule should resume thereafter.

15
16 I declare under penalty of perjury under the laws of the State of Washington that
17 the foregoing is true and correct. Executed this 14th day of July, 2010, at Tacoma,
18 Washington.

19
20 
21 _____
James C. Waldo

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 10490 Santa Monica Blvd., Los
4 Angeles, California 90025.

5 On July 14, 2009, I caused the foregoing document(s) described as ~~SUPPLEMENTAL~~
~~DECLARATION OF MICHAEL D. MCLACHLAN~~ RE STATUS
6 ~~SETTLEMENT AND JOINDER~~

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 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
11 document(s) were placed in sealed envelope(s) addressed to the parties as noted above,
12 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:

13 () (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other
14 overnight delivery service, for delivery on the next business day. Each copy was
15 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
for; addressed as shown on the accompanying service list.

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

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

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

23 _____ //s//
24 Ana Horga