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April 25, 2011

VIA E-FILING

Hon. Jack Komar
Santa Clara County Superior Court
161 N. First Street
San Jose, CA 95113

**Re: *Richard Wood v. Los Angeles County Waterworks et al.*
Antelope Valley Groundwater Litigation
Case No.: 1-05-CV-049053**

Dear Judge Komar:

Earlier today I learned that Best Best & Krieger has scheduled a conference call with the Court, on what has been described as a "meet and confer." The exact topic of discussion is unknown to class counsel, but we are told that it involves issues related to the preliminary approval of the Small Pumper Class settlement and the form of the proposed judgment.

We understand Los Angeles County Waterworks (the "County") has certain objections to the form of the proposed judgment that would be submitted to the Court for entry should the settlement be approved. For reasons not known to class counsel, the County does not wish to explain those objections to class counsel, and apparently, to the counsel representing the other water suppliers.

While we would like to move the settlement forward, this informal hearing is not the appropriate vehicle to resolve the dispute. The appropriate time for the Court to weigh-in on this issue would be at either the hearing on preliminary approval and/or the fairness hearing. Furthermore, the proposed settlement has not been executed, and hence remains confidential. We are obligated to maintain that confidentiality until such time as the settlement has been fully executed. Without the settlement agreement before the Court, your honor will likely have a very difficult time weighing-in on the question of whether the form of the proposed judgment is appropriate for the settlement at issue. More generally, we do not feel it is appropriate for the Court to be asked to make rulings on a class

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settlement in an unreported, *ex parte* hearing. For these reasons, class counsel does not feel it appropriate to participate in the hearing on April 28, 2011.

To the extent it is of any value in resolving the dispute over the proposed judgment, we have suggested to Mr. Dunn that the reference to the form of proposed judgment be omitted from the settlement agreement, thereby allowing the settlement agreement to be finalized. If the County cannot informally resolve its concerns with the judgment with class counsel, those can be properly raised at either of the two formal settlement approval hearings.

Very truly yours,

A handwritten signature in black ink, appearing to read "MDM", with a long, sweeping horizontal stroke extending to the right.

Michael D. McLachlan

Cc: All Parties (*via E-Filing*)