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15 Attorneys for Plaintiff

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

18 Coordination Proceeding  
19 Special Title (Rule 1550(b))

20 ANTELOPE VALLEY GROUNDWATER  
21 CASES

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

25 Plaintiff,

26 v.

27 LOS ANGELES COUNTY  
28 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 REPLY IN  
SUPPORT OF MOTION FOR ORDER  
AUTHORIZING COURT-  
APPOINTED EXPERT WITNESS  
WORK**

Date: April 17, 2012

Time: 8:30 a.m.

Dept.: 316 (Room 1515)

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2           Richard Wood submits the following reply brief in support of his motion to  
3 authorize the court-appointed expert to commence work.

4           The Public Water Suppliers' acknowledge the stipulation and order authorizing the  
5 expert work of Entrix to proceed. (Exhibit 1.) That Stipulation is still operative, as are  
6 this Court's orders appointing Entrix as a court-appointed expert. (Exhibit 2.) But due  
7 the stay on this work, none of the substantive work has been conducted to date.

8           The suppliers next argue that the Entrix is not neutral. This Court's prior orders  
9 appointing Mr. Thompson and Entrix as a court-appointed expert dispose of these  
10 arguments. (Exhibit 1.)

11           The suppliers and a number of other parties have suggested that the next phase of  
12 trial involve allocation of water rights or a prove-up of such rights a set forth in a  
13 settlement agreement potentially in the offing. Either scenario involves the determination  
14 of water rights of the Class, unless the parties and the Court would agree to a *de minimis*  
15 exemption. As noted many times from May of 2008 going forward, the expert issue puts  
16 class counsel at risk per the holding of *Olson v. Automobile Club of Southern California*,  
17 42 Cal.4<sup>th</sup> 1142, 1150-51 (*citing* C.C.P. § 1033.5(b)(1).)

18           Finally, the Class has only sued the water suppliers. These are the parties who  
19 should pay these costs, consistent with the Court's prior orders in this case, and the Willis  
20 case.

21  
22 DATED: April 12, 2012

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

23  
24 By: \_\_\_\_\_//s//  
25 Michael D. McLachlan  
26 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 10490 Santa Monica Boulevard,  
4 Los Angeles, California.

5 On April 12, 2012, I caused the foregoing document(s) described as **RICHARD WOOD'S**  
6 **REPLY IN SUPPORT OF MOTION FOR ORDER AUTHORIZING COURT-**  
7 **APPOINTED EXPERT WITNESS WORK**

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

- 9 ( X ) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa  
10 Clara County Superior Court website: [www.scefiling.org](http://www.scefiling.org) regarding the Antelope Valley  
11 Groundwater matter.
- 12 ( ) (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and  
13 processing of documents for mailing. Under that practice, the above-referenced  
14 document(s) were placed in sealed envelope(s) addressed to the parties as noted above,  
15 with postage thereon fully prepaid and deposited such envelope(s) with the United States  
16 Postal Service on the same date at Los Angeles, California, addressed to:
- 17 ( ) (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other  
18 overnight delivery service, for delivery on the next business day. Each copy was  
19 enclosed in an envelope or package designed by the express service carrier; deposited in a  
20 facility regularly maintained by the express service carrier or delivered to a courier or  
21 driver authorized to receive documents on its behalf; with delivery fees paid or provided  
22 for; addressed as shown on the accompanying service list.
- 23 ( ) (BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of  
24 facsimile transmission of documents. It is transmitted to the recipient on the same day in  
25 the ordinary course of business.
- 26 (X) (STATE) I declare under penalty of perjury under the laws of the State of California that  
27 the above is true and correct.

28 \_\_\_\_\_//s//  
Michael McLachlan