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Attorneys for Plaintiff Richard Wood and the Class

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

Lead Case No. BC 325201

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

Case No.: BC 391869

EX PARTE APPLICATION FOR:

Plaintiff,

(1) **ORDER RE: SERVICE AND
DEFAULTS OF
UNREPRESENTED PARTIES;**

v.

(2) **PUBLICATION OF WILLIS
CLASS MEMBER LIST;**

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et al.

(3) **SITE VISIT BY COURT.**

Defendants.

Date: April 30, 2013
Time: 9:00 a.m.
Place: telephonic

1 Plaintiff Richard Wood hereby request orders regarding the following issues
2 relevant to the Phase Four trial: (1) an order compelling the public waters suppliers to
3 file a comprehensive document within ten days that lists by name and parcel numbers
4 owned by each of the unrepresented Doe or Roe defendants to their cross-complaint, as
5 well as the statement of how each party was served (or dismissed), when they were
6 served, whether they have answered and if not, whether a default has been requested and
7 entered, and whether notice of entry of default has been provided; (2) an order requiring
8 Willis Class counsel to file a comprehensive list of the class members and the parcel
9 numbers they own; and (3) an order setting a time protocol for a visit by the Honorable
10 Jack Komar to the Antelope Valley.

11 **A. The Jurisdictional Status of Doe and Roe Defendants Should Be**
12 **Addressed and Clarified Prior to the Phase Four Trial**

13 The public water suppliers that filed the primary cross-complaint in these
14 consolidated proceedings named in excess of 2000 Doe and Roe defendants to their
15 cross-complaint and first amended cross complaint. (*See, e.g.* Docket Entries 3509-3536,
16 March 31, 2010 - April 16, 2010 (service documents for Doe 10 through Roe 2295, non-
17 consecutive). To date there has been no meaningful accounting for the jurisdictional
18 status of these thousands of parties, making it nearly impossible for the Court to enter
19 appropriate orders after the Phase Four trial or beyond.

20 From the Court record, it would be nearly impossible for the Court to determine
21 the jurisdictional status of each of these several thousand parties – at least without
22 reviewing thousands of documents and spending an incredible amount of time to do so.
23 The relevant documents filed with the Court consume several hundred docket entries
24 spanning over seven years. The analysis of the Court file is further complicated by the
25 fact that some of the filings by the water suppliers regarding service of these parties
26 identify the party by his/her/its Doe or Roe number, while other filings only use party
27 name, making it very difficult to correlated the slew of service documents, defaults and
28

1 other related documents. (*See, e.g.*, Exhibit 1 (Docket Entry 3310); *cf.* Docket Entry
2 4087.)

3 Additionally, in late 2010 and again in 2012, the water suppliers filed hundreds of
4 requests for entry of default. (Docket Entries 4056-4146; 4927-5003.) It is unclear
5 which of these defaults have been entered, and whether notice of entry of the defaults
6 have been served.

7 The Court should order the public waters suppliers to file a comprehensive
8 document within ten days that lists: (1) the name and parcel numbers owned by each of
9 the unrepresented Doe or Roe defendants to their cross-complaint; (2) the date and
10 manner of service of each party; (3) the date of dismissal if any; (4) whether the party
11 has answered; (5) whether a default has been requested; (6) whether default has been
12 entered and the status of service of notice of entry of default. It is very likely that the
13 public water suppliers have already prepared such documents to track the status of these
14 several thousand defendants to their cross-complaint.

15 **B. Final Willis Class List**

16 Plaintiff is unable to find a comprehensive list of Willis Class members. The
17 Court should order class counsel to file such a list of each party by name and parcel(s)
18 numbers. This information will be necessary to this Court adjudicating the rights of the
19 parties and in the ultimate enforcement of the judgments in this proceeding. The
20 publication of such final class lists is standard practice in class actions, and this case
21 certainly should not be an exception to that rule.

22 **C. The Court Should Visit the Antelope Valley Before or During the** 23 **Phase Four Trial**

24 Plaintiff believes that the Court may not yet had the opportunity to observe the
25 area of adjudication first hand. It would be of significant value for the Court to have a
26 direct examination of various portions of the Antelope Valley. With the Court's
27 guidance, the parties could meet and confer to prepare a list of exemplar locations and
28 facilities to tour.

1 Alternatively, the parties could put together a video of portions of the Valley,
2 water supply and production facilities, or other items of relevance to this litigation, and
3 present it to the Court during the Phase Four trial.
4

5 DATED: April 29, 2013

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

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7
8 By: //s// Michael D. McLachlan
9 Michael D. McLachlan
10 Attorneys for Plaintiff
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Exhibit 1

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Stefanie D. Hedlund

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Date this form is signed: 06/24/09

Arsalan Haya t davoodi
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Date this form is signed:

Date this form is signed: June 23 2029
Tracy Roberson

TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)

Joey Kaplan
(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF ANY)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
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Stefanie D. Hedlund

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Date this form is signed: 6-19-09

PAUL RALISON

TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
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► Paul R. Ellison

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Stefanie D. Hedlund

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Date this form is signed: June 19, 2009

Jerry P. Updegraff


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Stefanie D. Hedlund

(TYPE OR PRINT NAME)


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Reiner Bendorf

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Stefanie D. Hedlund

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BENEDICTO AREVALO

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Stefanie D. Hedlund

(TYPE OR PRINT NAME)

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Date this form is signed: JUNE 22, 2009

HERBERT L. REFF

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