

Michael D. McLachlan (State Bar No. 181705)
LAW OFFICES OF MICHAEL D. McLACHLAN, APC
10490 Santa Monica Boulevard
Los Angeles, California 90025
Telephone: (310) 954-8270
Facsimile: (310) 954-8271
mike@mclachlanlaw.com

Daniel M. O'Leary (State Bar No. 175128)
LAW OFFICE OF DANIEL M. O'LEARY
10490 Santa Monica Boulevard
Los Angeles, California 90025
Telephone: (310) 481-2020
Facsimile: (310) 481-0049
dan@danolearylaw.com

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
TOMOTION FOR AN ORDER
MODIFYING THE ORDER RE:
PAYMENT OF THE COURT-
APPOINTED EXPERT WITNESS
FEES AND JOINDER IN
OPPOSITION OF DIAMOND
FARMING *ET AL.***

Date: June 29, 2013
Time: 10:30 a.m.
Dept.: Telephonic

1 Plaintiff Richard Wood (“Plaintiff”) opposes the Motion of several water supplier
2 clients of the Lemieux & O’Neill firm to change the December 11, 2012 Order (the
3 Order”) of this Court allocating the costs of the Court-appointed expert.

4 If Littlerock Creek Irrigation District *et al.* wished to challenge the Motion filed by
5 Plaintiff which resulted in the Order, it had ample opportunity to do so at that time the
6 motion was pending – a very long period of time. More to the point, the instant motion
7 runs afoul of C.C.P. section 1008 because it asks this Court to reconsider a prior motion
8 of this Court well-beyond the statutory timeframe, and without establishing a statutory
9 basis to afford the Court jurisdiction to reconsider its prior Order. For this reason,
10 Plaintiff joins in the Opposition filed by Diamond Farming and Tejon Ranchcorp *et al.*
11 (excepting the references to his name being “Woods;” Plaintiff’s last name is Wood).

12 While Plaintiff would not object to the substantive relief if it were limited solely to
13 a reallocation amongst and between the ten water suppliers subject to the Order, he does
14 oppose a change in the Order that may result in a protracted dispute among and between
15 the water suppliers. Since no Stipulation has been presented to the Court, we must
16 assume that some of the water suppliers oppose the relief in question.

17 Plaintiff also opposes the notion that the costs of the Court-appointed expert
18 should be retroactively spread across a large number of landowners. As a practical
19 matter, the cost and effort of tracking and enforcing payment by potentially one hundred
20 or more parties is not a practical solution given the amounts at issue. But if the Court
21 were to consider this relief in some form, it should only be prospective. At the time the
22 pending expert bills were generated and the underlying work was performed, Plaintiff
23 was only suing the water suppliers. Any new order should only apply to expert work
24 performed after the date of that order.

25 Finally, Plaintiff’s Motion for an Order Authorizing Court-Appointed Expert work
26 was filed in *Wood. v. Los Angeles County Waterworks District No. 40 et al.* (Case No.
27 BC 391869). Littlerock *et al.* now seek an Order allocating Court-appointed expert costs

1 incurred in this class action to a group of defendants in an action pending before another
2 Judge (*Wood v. A.V Materials et al.*).

3
4 DATED: July 16, 2013

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

5
6
7 By: //s// Michael D. McLachlan

8 Michael D. McLachlan
9 Attorneys for Plaintiff
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28