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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.: BC391869

**RICHARD WOOD'S *EX PARTE*
APPLICATION FOR ORDER TO
SHOW CAUSE REGARDING
IMPOSITION OF SANCTIONS FOR
VIOLATION OF COURT ORDER RE
PAYMENT OF COURT-APPOINTED
EXPERT FEES**

Date: September 6, 2013

Time: 10:00 a.m.

Place: Room 222

111 North Hill Street,
Los Angeles, California

1 Richard Wood requests an order to show cause for the imposition of sanctions
2 against various water supplier defendants for failure to pay the Court-appointed expert
3 bills in accordance with this Court's Order of December 11, 2012. This Order requires
4 ten water suppliers to each pay the Court-appointed expert bills in equal amounts within
5 15 days of receiving such bills. (Exhibit A, 2:20-3:2.)

6 On June 5, 2013, class counsel tendered two invoices to water suppliers by e-mail
7 and by service through the Court's website (Docket No. 6886). The share of these bills
8 owed by each water supplier is \$711.36. To date, all of the water suppliers have paid
9 these bills, but for the four represented by the Lemieux & O'Neill firm.

10 On July 29, 2013, the Court held a hearing on Mr. Lemieux's motion to reallocate
11 the Court-appointed expert witness fees to a formula other than that reflected in the
12 Court's December 11, 2012 Order. The Court denied that motion, and at the Court's
13 request, Plaintiff withdrew his prior motions for sanctions on this issue, set for hearing
14 that same day. That July 29 hearing was unreported and no minute order was issued, but
15 the Court's instructions were clear: the prior order remained in full effect. Nevertheless,
16 rather than pay the \$2,845.44 owed, the Lemieux firm has unilaterally paid \$230.48.
17 (Exhibit B.) This leaves an unpaid balance on these two invoices of \$2,614.96.

18 Plaintiff requests that the Court set an Order to Show Cause why sanctions should
19 not be imposed for failure to these long overdue Court-appointed invoices. Plaintiff
20 suggests that sanctions in the amount of \$2,614.96 be levied against the Lemieux &
21 O'Neil firm.

22
23 DATED: September 4, 2013

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

24
25
26 By: _____
27 Michael D. McLachlan
28 Attorneys for Plaintiff

Exhibit A

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**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

(Santa Clara Case No. 1-05-CV-049053,
Honorable Jack Komar)

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

Case No.: BC 391869

Plaintiff,

**~~[amended, proposed]~~ ORDER RE:
MOTION FOR AN ORDER
AUTHORIZING COURT-
APPOINTED EXPERT WORK**

v.

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

Defendants.

1 On November 9, 2012, the Court heard argument on Richard Wood's Motion for
2 an Order Authorizing the Court-Appointed Expert Witness Work (the "Motion"). After
3 considering the pleadings filed by all parties and the argument of counsel, the Court
4 hereby lifts the stay on the Court-Appointed expert witness work as detailed in the
5 written estimate which is Exhibit 5 to the Motion (dated January 18, 2012). The Court-
6 appointed expert will generate a report detailing the work conducted and the resulting
7 analysis and data generated. Such report or reports will be posted to the court website for
8 this matter by either Class counsel or designated liason counsel for the public water
9 suppliers.

10
11 Expert Communication and Liason Counsel.

12 It is anticipated that the expert will need to communicate with counsel and class
13 members in the conduct of his work. Such communications will occur in writing where
14 practicable and posted to the case website. Jeffrey Dunn or other attorney representative
15 for the public water suppliers, and a designated landowner attorney, shall be copied on
16 such communications.

17
18 Payment


19 The bills of the court-appointed expert will be sent to Class counsel, who will file
20 notice of such bills within ten days of receipt. Such payments will be made on a per
21 capita basis in equal amounts on each bill from the court-appointed expert.

22 The Court orders the following parties to tender payment of checks, payable to
23 "Cardno Entrix," to the Law Offices of Michael D. McLachlan, APC within fifteen (15)
24 days of posting of the notice of payments being due: Rosamond Community Services
25 District, Los Angeles County Waterworks District No. 40, Littlerock Creek Irrigation
26 District, Palm Ranch Irrigation District, North Edwards Water District, Desert Lake
27 Community Services District, California Water Service Company, Quartz Hill Water
28

1 District, the Palmdale Water District, and Phelan Pinon Hills Community Services
2 District.

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6 IT IS SO ORDERED.

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8 Dated: 12-11-2012


Honorable Jack Komar
Judge of the Superior Court

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Exhibit B

August 27, 2013

Michael D. McLachlan, Esq.
Law Offices of Michael D. McLachlan
10490 Santa Monica Boulevard
Los Angeles, CA 90025

Re: Antelope Valley Groundwater Cases
(Case No. 1-05-CV-049053; JCC No. 4408)

Dear Mr. McLachlan:

Per direction of Keith Lemieux, enclosed please find a copy of our payment mailed to Cardno Entrix on behalf of Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District and North Edwards Water District. This payment constitutes payment of the agreed upon percentages for our clients and pays their portions as detailed on the memo field of the enclosed check for Cardno Entrix's invoice #'s 0086666 and 0086140.

Very truly yours,

LEMIEUX & O'NEILL



Bonitta S. Cibere
Firm Administrator

/s
Enclosure

LEMIEUX & O'NEILL
4165 E. THOUSAND OAKS BLVD. SUITE 350
WESTLAKE VILLAGE, CA 91362
(805) 495-4770



UnionBank

Payable at any Union Bank branch inc.
400 California St, San Francisco 94101
(800) 238-4486 unionbank.com

31849

16-49/1220

8/27/2013

PAY TO THE ORDER OF CardnoEntrix

\$ **230.48

Two Hundred Thirty and 48/100*****

DOLLARS

CardnoEntrix
Dept 3094
P. O. Box 123094
Dallas TX 75312-3094

Jonita S. Ciber

MEMO

Inv #'s 0086666 & 0086140

TRUE WATERMARK PAPER - HOLD TO LIGHT TO VIEW

HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT

⑈031849⑈ ⑆122000496⑆ 0071000707⑈

LEMIEUX & O'NEILL Westlake Village, CA 91362

CardnoEntrix

6210 · Client Expenses
6210 · Client Expenses
6210 · Client Expenses
6210 · Client Expenses

47.005 (Desert Lake = .23%)
130.005 (Palm Ranch = 1.64%)
180.009 (Littlerock Creek = 1.15%)
220.005 (North Edwards = .22%)

Payment on behalf of:

8/27/2013

31849

16.36
116.66
81.81
15.65

Checking/Union Bank Inv #'s 0086666 & 0086140

230.48