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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
SHORTENING TIME ON MOTION
FOR PRELIMINARY APPROVAL OF
SETTLEMENT

Date: October 8, 2013

Time: 10:00 a.m.

Place: Telephonic (Courtcall)

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on October 8, 2013, at 10:00 a.m., Plaintiff
3 Richard Wood will present the Court with an ex parte application for an order shortening
4 time for the hearing on their joint motion for preliminary approval of a partial class action
5 settlement.

6 The hearing on this application will be telephonic, through Courtcall.

7 DATED: October 7, 2013

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

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10 By: _____
11 Michael D. McLachlan
12 Attorneys for Plaintiff
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1 **I. INTRODUCTION**

2 Plaintiff Richard Wood has reached agreement on the terms of a partial settlement
3 agreement of the Small Pumper class action with counsel for California Water Service
4 Company, City of Lancaster, Palmdale Water District, Phelan Piñon Hills Community
5 Services District, Quartz Hill Water District, and Rosamond Community Services
6 District. That agreement will be filed later today along with the Motion for Preliminary
7 Approval of Partial Class Settlement.

8 Counsel for the parties to the settlement believe that it comports with the Court's
9 comments at the preliminary approval hearing on the 2011 settlement of the Small
10 Pumper class action. Class counsel believes the agreement is in the best interest of the
11 class, and will likely reduce the scope of future trials.

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13 **II. REQUESTED RELIEF**

14 Counsel have worked for several months and have reached the terms of a partial
15 settlement that would resolve all claims among and between the class and six of the
16 named defendants. The terms of the settlement, which include among other terms, the
17 resolution of prescription claims, require final approval of this settlement well before the
18 current Phase 6 trial date. Given that it will take many months for the full settlement
19 approval process to occur, including notice to the class and a fairness hearing, and the
20 Court's unavailability from October 26 to November 18, as well as conflicts among
21 counsel's schedule and the Thanksgiving Holiday, the hearing on the motion for
22 preliminary approval likely could not be heard until December.

23 Therefore, the parties wish to hold the hearing on the preliminary approval of the
24 settlement on Friday, October 25, 2013, and request an order shortening time that would
25 set a briefing schedule allowing opposing parties a full statutory time period to file
26 opposing papers. Plaintiff proposes that opposition papers be filed October 21 with no
27 reply papers. Alternatively, at the Court's discretion, the opposition filing date could be

1 set on October 18, 2013, which shortens time on the notice by one court day.

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3 DATED: October 7, 2013

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6 By: _____
7 Michael D. McLachlan
8 Attorneys for Plaintiff
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