

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

Lead Case No. BC 325201

Case No.: BC391869

**RICHARD WOOD'S *EX PARTE*
APPLICATION FOR ORDER
COMPELLING DEFENDANTS TO
PAY COURT-APPOINTED
EXPERT INVOICES;
DECLARATION OF MICHAEL D.
MCLACHLAN**

Date: September 5, 2014
Time: 9:00 a.m.
Place: Telephonic

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

2 PLEASE TAKE NOTICE THAT on September 5, 2014, at 9:00 a.m, Plaintiff
3 Richard Wood will present the Court with an ex parte application for an order
4 compelling the *Wood* class defendants to pay the court-appointed expert witness
5 fees and/or for an order to show cause for sanctions for failure to comply with
6 this Court's orders.

7 The hearing on this application will occur telephonically by CourtCall, or in
8 such other location as the Court may designate.

9
10 DATED: September 4, 2014 LAW OFFICES OF MICHAEL D. McLACHLAN
11 LAW OFFICE OF DANIEL M. O'LEARY

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13 By: _____
14 Michael D. McLachlan
15 Attorneys for Plaintiff
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1 Plaintiff Richard Wood requests that the Court order small pumper class
2 defendants to immediately pay the court-appointed expert bills, and to set an
3 order to show cause for the imposition of sanctions for what has been a long-
4 running refusal to obey this Court's orders in this regard.

5 Currently, the amount of \$79,747.40 remains unpaid and owing to Cardno
6 Entrix. (McLachlan Decl., Ex. 1.) All of these invoices, but for the one totaling
7 \$656.50, have long ago been approved by the Court and ordered for payment.
8 (McLachlan Decl., ¶ 3.)

9 The Court-appointed expert has stopped working due to the non-payment
10 problem. (McLachlan Decl., ¶ 4.)

11 As has been argued in many similar motions over the years, the lack of this
12 expert makes it impossible for class counsel to represent the class going forward.
13 The flagrant disregard for this Court's orders should not be allowed to stand.

14
15 DATED: September 4, 2014 LAW OFFICES OF MICHAEL D. McLACHLAN
16 LAW OFFICE OF DANIEL M. O'LEARY

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18 By: _____
19 Michael D. McLachlan
20 Attorneys for Plaintiff
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DECLARATION OF MICHAEL D. McLACHLAN

I, Michael D. McLachlan, declare:

1. I am one of the appointed class counsel for the Small Pumper Class, and am duly licensed to practice law in California. I make this declaration of my own personal knowledge, except where stated on information and belief, and if called to testify in Court on these matters, I could do so competently.

2. I attach as Exhibit 1 is a true and correct copy of an email I received from Cardno Entrix detailing the open invoice as of August 20, 2014.

3. All of the invoices listed on Exhibit 1 have been presented to the Court and approved for payment, except for latest in time of May 21, 2014 in the amount of \$656.50.

4. Several months ago, Mr. Thompson informed counsel that Cardno Entrix could no longer continue to work on the matter given the amount of unpaid invoices. He also informed us that it would take approximately one month more to complete the Phase 4 report for the small pumper class.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 4th day of September, 2014, at Los Angeles, California.

Michael D. McLachlan

Exhibit 1

Mike McLachlan

From: Mike McLachlan
Sent: Wednesday, August 20, 2014 4:01 PM
To: 'Jeffrey Dunn'
Cc: Dan Oleary; Keith Lemieux (Keith@lemieux-oneill.com); Tom Bunn; 'Doug Evertz'; Keith Lemieux (Keith@lemieux-oneill.com); John Tootle (jtootle@calwater.com); Wes Miliband (wmiliband@awattorneys.com); Brad Weeks (brad@charltonweeks.com)
Subject: FW: Status of Outstanding Invoices

Jeff,

As we discussed, I need to get the court-appointed unpaid expert billing resolved (see below). The Phase 4 report is not finished, but as I understand it not terribly far from that. Entrix will not work on the matter further until we get them caught up on billing. I'd like to see if we can work this out in the short run.

If there are issues on your side that you believe require the attention of the Court, I'd like to discuss those.

Mike McLachlan

Law Offices of Michael D. McLachlan, APC
10490 Santa Monica Boulevard
Los Angeles, CA 90025
Office: 310-954-8270
Fax: 310-954-8271

From: Wendy Maline [<mailto:wendy.maline@cardno.com>]
Sent: Wednesday, August 20, 2014 2:57 PM
To: Mike McLachlan
Subject: Status of Outstanding Invoices

Good afternoon, Mike,

I was hoping you could give me an update on the status of outstanding invoices due to Cardno ENTRIX on the Antelope Valley Groundwater Adjudication project.

Project Client: 02375 Los Angeles Superior Court
 Project Name: Antelope Groundwater Adjudication

Project	Doc Nbr	Doc Date	Per Billings	Per Collect	A/R	1 - 30	31 - 60	61 - 90
3237500100	0086140	1/18/2013	3,435.90	2,959.11	476.79	0.00	0.00	0.00
3237500100	0086666	2/12/2013	3,677.70	4,502.47	-824.77	0.00	0.00	0.00
3237500100	0090991	7/23/2013	7,498.92	7,462.19	36.73	0.00	0.00	0.00
3237500100	0091783	8/13/2013	2,615.60	1,326.91	1,288.69	0.00	0.00	0.00
3237500100	0092602	8/29/2013	9,341.54	4,815.38	4,526.16	0.00	0.00	0.00
3237500100	101101	5/21/2014	656.50	0.00	656.50	0.00	0.00	0.00
3237500100	93560	10/15/2013	18,633.16	0.00	18,633.16	0.00	0.00	0.00
3237500100	94312	10/25/2013	8,369.94	0.00	8,369.94	0.00	0.00	0.00
3237500100	95819	12/16/2013	16,404.44	0.00	16,404.44	0.00	0.00	0.00
3237500100	96857	1/16/2014	18,457.92	0.00	18,457.92	0.00	0.00	0.00
3237500100	97605	2/11/2014	10,167.04	0.00	10,167.04	0.00	0.00	0.00
3237500100	98767	3/17/2014	1,554.80	0.00	1,554.80	0.00	0.00	0.00
3237500100	ILHIST	8/30/2013	4,690.40	4,690.40	0.00	0.00	0.00	0.00
Totals			105,503.86	25,756.46	79,747.40	0.00	0.00	0.00

Thanks!

Gwendolyn S. Maline

SENIOR PROJECT COORDINATOR
 CARDNO ENTRIX



Phone (+1) 925-935-9920 Fax (+1) 925-988-1283 Direct (+1) 925-988-1268 Mobile (+1) 760-964-8157

Address 2300 Clayton Road Suite 200, Concord, CA 94520 USA

Email wendy.maline@cardno.com Web www.cardno.com - www.cardnoentrix.com

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