

Michael D. McLachlan (State Bar No. 181705)
LAW OFFICES OF MICHAEL D. McLACHLAN, APC
44 Hermosa Avenue
Hermosa Beach, California 90254
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
2300 Westwood Boulevard, Suite 105
Los Angeles, California 90064
Telephone: (310) 481-2020
Facsimile: (310) 481-0049
dan@danolearylaw.com

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))

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.: BC 391869

**RICHARD WOOD'S OPPOSITION
TO WILLIS CLASS' *EX PARTE*
APPLICATION FOR ORDER
MODIFYING CASE
MANAGEMENT ORDER**

Location: Santa Clara Superior Court,
San Jose, California
Dept.: 12
Date: January 22, 2015
Time: 11:00 a.m.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Plaintiff David Estrada, who now represents the Non-Pumper/Willis Class
3 (hereinafter, the “Non Pumper Class”), has filed an *Ex Parte* Application to For
4 an Order Modifying the Case Management Order, entered by the Court on
5 November 4, 2014.

6 The Court has already approved a sequence for approval of the global
7 settlement. The Settling Parties, by way of Richard Wood’s *Ex Parte* Application,
8 have requested that those dates be pushed back by about six weeks. Mr. Estrada,
9 on the other hand, argues that the Court should wholly abandon the CMO, and
10 instead enter a CMO structured purely to meet the purported needs of the Non
11 Pumper Class – needs that this Class does not actually have.

12 The fundamental foundational error that underlies the Non Pumper Class’
13 position, as set forth in its Case Management Statement and filings related to the
14 CMO, is that the Non Pumper Class has a right to litigate the litany of matters it
15 states it will litigate, including the water right claims of a hundred or more
16 settling parties. The Non Pumper Class has fully resolved its Complaint, and has
17 but one issue remaining: Is the proposed physical solution consistent with the
18 Non Pumper Class settlement with the public water suppliers? That question is
19 entirely legal in nature; it does not require a Court-appointed expert, nor does it
20 provide a basis to challenge any other party’s asserted or negotiated water right.
21 Absent Mr. Estrada establishing that he does have a larger right to litigate post-
22 judgment, his proposed CMO serves no purpose.

23 Mr. Estrada also takes issue of having his objections to the physical
24 solution heard after the preliminary approval hearing for the Small Pumper Class
25 action. However, he is not able to identify any cognizable prejudice to that. The
26 Court’s preliminary approval causes one concrete act to occur: notice to be
27 disseminated to the members of the Small Pumper Class so that they too may file
28 objections to the global settlement if they so choose, and have those heard in the

1 same hearing as Mr. Estrada's objections. Mr. Estrada and the Non Pumper
2 Class are in no way prejudiced by the schedule the Court has set forth. If, after
3 hearing all of the various objections that may be filed, the Court finds a basis for
4 not entering the Judgment and Physical Solution, the Court will obviously deny
5 final approval to the Small Pumper Class Settlement.

6 For these reasons, the Court should not alter the CMO as suggested by Mr.
7 Estrada and his counsel.

8
9 DATED: January 21, 2015

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

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