

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@mclachlan-law.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 *EX PARTE*
APPLICIATION TO STRIKE
UNTIMELY MOTION BY WILLIS
CLASS TO WITHDRAW, OR
ALTERNATIVE, TO CONTINUE
THE HEARING**

Location: Telephonic
Date: TBA
Time: TBA

**RICHARD WOOD'S *EX PARTE* APPLICIATION TO STRIKE UNTIMELY
MOTION BY WILLIS CLASS TO WITHDRAW, OR ALTERNATIVE, TO
CONTINUE THE HEARING**

1 Plaintiff Richard Wood hereby requests that Court either: (1) strike the
2 untimely Motion to Withdraw filed by the Willis Class at 11:40 p.m. on July 10,
3 2015; or (2) reset the hearing date on this Motion to a later date. The Motion
4 noticed for a hearing on August 3, 2015, and was not served with the necessary 16
5 day notice period mandated by the Code of Civil Procedure, section 1005(b) and
6 California Rule of Court 2.251((h)(2).

7 This Motion is largely predicated on facts and discussions purportedly
8 occurring between Ralph Kalfayan and Michael McLachlan. Mr. McLachlan will
9 be out of state on a long-planned family vacation from July 12 through July 21,
10 and will not be able to confer with counsel on the opposition to nor to work on
11 opposing papers. (McLachlan Decl. ¶¶ 2-3.)

12 Plaintiff's counsel for Richard Wood has requested that counsel for Willis
13 agree to withdraw or postpone the hearing, but has received no response to this
14 request. (McLachlan Decl. ¶ 4.) Since this is a potentially important Motion, it
15 should be handled in a manner in keeping with the Code of Civil Procedure and
16 general principles of fairness to all parties. The Court should exercise its
17 statutory authority to strike the Motion as untimely filed, or alternatively, to
18 continue the hearing date to the end of August or to a date in September.

19
20 DATED: July 11, 2015

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

21
22
23 By: _____
24 Michael D. McLachlan
25 Attorneys for Plaintiff
26
27
28

1 I, Michael D. McLachlan, declare:

2 1. I am counsel of record of record for the claimants, and am duly
3 licensed to practice law in California. I make this declaration of my own personal
4 knowledge, except where stated on information and belief, and if called to testify
5 in Court on these matters, I could do so competently.

6 2. I will be out of state from the morning of July 12 through July 21,
7 2015 on a long-planned family vacation (of which I advised Mr. Kalfayan a little
8 over a week ago). I have family that has flown in from Europe and other states
9 for this event, and it will be very difficult for me to work during that time period.

10 3. I have not been able to confer with any other counsel regarding the
11 motion to withdraw, and will not be able to do so before I leave. The issues raised
12 by the Motion have been discussed numerous times with counsel for Willis over
13 the past five or more years. I believe some of that discourse may be reflected in
14 email correspondence. It will take considerable time for me to locate such
15 correspondence, research the issues at hand, and prepare any necessary papers in
16 response. That is simply not possible by July 21.

17 4. At 7:33 a.m., I wrote an e-mail Mr. Kalfayan, requesting that he
18 agree to withdraw the Motion or agree to notice it for a later date. He has not
19 responded to that e-mail.

20 I declare under penalty of perjury under the laws of the State of California
21 that the foregoing is true and correct. Executed this 11th day of July, 2015, at
22 Hermosa Beach, California.

23
24
25
26 Michael D. McLachlan