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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 REPLY IN
SUPPORT OF DISCOVERY
CONFERENCE BRIEF AND EX
PARTE APPLICATION TO
CONTINUE HEARING ON MARK
RITTER'S MOTION TO SET
ASIDE JUDGMENT**

Date: January 21, 2016
Time: 1:30 p.m.
Place: Telephonic (Courtcall)

1 Because the hearing on this Ex Parte Application and Informal Discovery
2 Conference will likely not be reported, Richard Wood would like to briefly
3 address in writing the primary position offered by Mark Ritter and The Ritter
4 Trust in Opposition.

5 Ritter asserts that he has the right to seek amendment from the judgment
6 to present a late claim that is not subject to discovery. He asserts that the
7 adverse parties should have taken his deposition more than five months ago,
8 presumably within the timeframes of the Case Management Order that he chose
9 to ignore. (Opp., 2:10-16.)

10 Mr. Ritter's position can be fairly summarized as follows:
11 Notwithstanding his failure to timely file a Notice of Claim – something he still
12 has not done -- the adverse parties should have magically divined a year or more
13 ago that Ritter would one day, post-judgment, become adverse. With that
14 knowledge, the settling parties should have taken Mark Ritter's deposition as a
15 prophylactic measure in the event he filed a motion to set aside the judgment,
16 knowing that they would not be allowed to later take the deposition. In Ritter's
17 world, he may be granted leave to present a claim of nearly 800 acre-feet per
18 year, without having to supply any of the Court-ordered discovery that every
19 other party was subject to prior to Phases 4 and 6 of the trial in this matter. If
20 Ritter's approach works, it is a genius strategy; but grossly unfair to every other
21 party.

22 On the threshold question of the right to relief, the Court has broad
23 authority on a motion made under Section 473 to set the parameters of such
24 relief. (*See Shapiro v. Clark* (2008) 164 Cal.App.4th 1128, 1147-49 (relief may be
25 conditioned "upon any terms as may be just.")) Such broad discretion certainly
26 must include ordering necessary discovery when a moving party chooses not to
27 disclose all of the facts relevant to the Court's determination of his entitlement to
28 relief. Court's routinely require defaulted parties to pay the other party's

1 attorneys' fees as a condition for relief from default, yet Mr. Ritter has the nerve
2 to complain about having to travel and attend a deposition necessitated by his
3 own Motion. (Opp., 3:15-20; *see* C.C.P. § 473(b)-(c).)

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6 DATED: January 20, 2016

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9 By: _____
10 Michael D. McLachlan
11 Attorneys for Plaintiff Richard Wood
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