

1 Michael D. McLachlan (State Bar No. 181705)
2 **LAW OFFICES OF MICHAEL D. McLACHLAN, APC**
3 44 Hermosa Avenue
4 Hermosa Beach, California 90254
5 Telephone: (310) 954-8270
6 Facsimile: (310) 954-8271
7 *mike@mclachlan-law.com*

8 Daniel M. O'Leary (State Bar No. 175128)
9 **LAW OFFICE OF DANIEL M. O'LEARY**
10 2300 Westwood Boulevard, Suite 105
11 Los Angeles, California 90064
12 Telephone: (310) 481-2020
13 Facsimile: (310) 481-0049
14 *dan@danolearylaw.com*

15 Attorneys for Plaintiff Richard Wood and the Class

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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

(Honorable Jack Komar)

Case No.: BC 391869

**DECLARATION OF DAVID B.
ZLOTNICK**

1 **DECLARATION OF DAVID B. ZLOTNICK**

2
3 I, David B. Zlotnick, declare:

4 1. I make this declaration of my own personal knowledge, except where
5 stated on information and belief, and if called to testify in Court on these matters,
6 I could do so competently.

7 2. I was formally an attorney with the law firm of Krause, Kalfayan,
8 Benink & Slavens LLP, and was class counsel for Rebecca Willis and the Willis
9 Class.

10 3. Mr. Kalfayan and I filed the Willis Class Complaint on January 11,
11 2007, and filed a petition to coordinate that action with the Antelope Valley
12 Groundwater Cases on February 7, 2007. (Dkt. No. 444). That Petition was
13 granted by Order of April 13, 2007. (Dkt. No. 588).

14 4. The initial Willis Complaint was filed on behalf of all unrepresented
15 landowners in the Basin who owned parcels of one-acre in size or larger,
16 excluding any persons or entities affiliated with the public water supplier
17 defendants (Dkt. No. 445, Ex. A ("Complaint for Declaratory and Injunctive
18 Relief Seeking Adjudication of Water Rights"), ¶ 12.). Hence, the proposed Class
19 initially contained both dormant and pumping landowners.

20 5. Subsequent discussions with the Court and counsel led to the
21 determination by the Court and Willis Class counsel that potential conflicts
22 between the pumping and non-pumping landowners required separate
23 representation of those two groups of landowners. (Hearing Transcript of May
24 21, 2007, 29:16-26.)

25 6. On June 20, 2007, Ms. Willis filed her First Amended Complaint,
26 which limited the Class definition to persons or entities owning land within the
27 Basin, that "are not presently pumping water on their property and have not done
28 so within the past two (2) years." (Dkt. No. 675.) On September 11, 2007, the

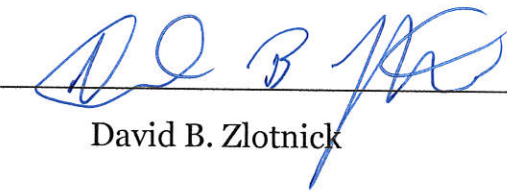
1 Court issued an Order certifying the Willis class as a Class of non-pumping
2 landowners. (Dkt. No. 841.)

3 7. In October of 2007, at the behest of the Court and other counsel, I
4 began searching for class counsel to represent the small pumpers. On October
5 31, 2007, I made initial contact with Michael McLachlan regarding the possibility
6 of representing the small pumper class. Mr. McLachlan and I had a series of
7 communications and meetings over the following three weeks, ending in Mr.
8 McLachlan's decision not to proceed with the case.

9 8. Over the next several months, I contacted approximately eight to ten
10 other class attorneys about potentially representing the small pumpers, but I
11 could not find anyone willing to take on the matter.

12 9. In late April of 2008, I had further contact with Mr. McLachlan, who
13 agreed to consider the representation further. In May of 2008, he agreed to
14 represent Mr. Wood and the small pumper class.

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16 I declare under penalty of perjury under the laws of the State of California
17 that the foregoing is true and correct. Executed this 11th day of December 2015,
18 at San Diego, California.

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22 _____
23 David B. Zlotnick
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