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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

**PLAINTIFF RICHARD WOOD'S
BRIEF RE: MEMORANDUM OF
COSTS**

1 On April 25, 2016, the Court issued its Order after Hearing on April 1, 2016
2 in which it instructed Small Pumper Class Counsel to file a memorandum of costs
3 under the Code of Civil Procedure. On May 11, 2016, Class Counsel filed the
4 Judicial Council Memorandum of Costs.

5 This cost bill is joint, aggregating the outstanding costs for both of the
6 Plaintiff's law firms using most, but not all, of the costs items listed on the cost
7 bills filed with the Court on January 27, 2016. (O'leary Decl., Ex. 2 [D.E. 11145];
8 McLachlan Decl., Ex. 5 [D.E. 11144]; *see also* Supp. McLachlan Decl. (March 11,
9 2016), Ex. 13 [D.E. 11279].)

10 **A. Class Counsel Complied with the Applicable Procedural**
11 **Requirements in January of 2016**

12 The Declarations and detailed cost summaries filed by Class Counsel
13 comply with the requirements for a memorandum of costs under California Rule
14 of Court 3.1700. As noted on the Judicial Council forms (MC-010 and MC-011),
15 their use is optional. All that is required under the applicable rules is a verified
16 statement of the party or counsel that, the best of his knowledge, the items on the
17 list of costs are correct and incurred in the case. (C.R.C. 3.1700(a)(1); McLachlan
18 Decl. In Support of Motion for Award of Attorneys' Fees (January 27, 2016), ¶¶
19 33-35); O'Leary Decl., ¶ 4.) Hence, Class Counsel complied with Rule 3.1700 at
20 the time of the filing of the Motion for Award of Attorneys' Fees and Costs.

21 **B. The Amount of Costs At Issue Is Lower Than the Total of**
22 **the Memorandum of Costs Filed on May 11, 2016**

23 The cost bill filed on May 11, 2016 totals \$90,226.86 and, as noted above,
24 includes costs for both Class Counsel. That sum is larger than what Plaintiff has
25 sought. In 2013, Class Counsel were paid a portion of their costs pursuant to that
26 prior settlement. The balance of costs being sought under the Motion for Award
27 of Attorneys' Fees and Costs is \$76,639.48. (Supp. McLachlan Decl. (March 11,
28

2016), ¶¶ 3-4, Ex. 13 [D.E. 11279].) That remains the sum being sought,
notwithstanding the fact that Class Counsel has filed a larger cost bill.

DATED: May 12, 2016

LAW OFFICES OF MICHAEL D. McLACHLAN
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By: _____
MICHAEL D. MCLACHLAN
Attorneys for Plaintiff and the Class