

Michael D. McLachlan (State Bar No. 181705)
McLACHLAN LAW, APC
2447 Pacific Coast Highway, Suite 100
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
(Honorable Jack Komar (ret.))

Lead Case No. BC 325201

Case No.: BC 391869

**WOOD CLASS' CASE
MANAGEMENT CONFERENCE
STATEMENT**

Date: February 18, 2022

Time: 10:00 a.m.

Place: Telephonic

1 Plaintiff Richard Wood, the Wood Class and its counsel (collectively “the
2 Class”) submit the following Case Management Conference Statement.

3 **A. Remand Re-Assignment**

4 The Wood Class is generally agreeable to the notion of re-assignment
5 within the Los Angeles Superior Court, where the case is venued by the
6 Coordination Order of the June 17, 2005. By that order, the case is assigned to
7 the Complex Litigation division of the Los Angeles Superior Courts.

8 The Wood Class agrees with that Rule of Court 3.542 permits Judge Komar
9 to assign all matters related to the Wood Class fee motions to the Assistant
10 Supervising Judge for Civil/Complex. (Los Angeles Superior Court Local Rule
11 3.3(k)(2).)

12 The Wood Class does object to some of the content of the proposed order
13 and requests some further details and instructions be included. Class counsel
14 will submit a proposed order for the Court’s consideration.

15 **B. Judge Komar’s Jurisdiction**

16 On September 29, 2021, the Class filed and served a Statement of
17 Disqualification pursuant to C.C.P. section 170.3. On October 4, 2021, Judge
18 Komar responded by consenting to disqualification/recusal through his request
19 that the Chief Justice of the Supreme Court appoint another judge to handle this
20 matter. (C.C.P. § 170.3(c)(2)-(3) (“judge may file a consent to disqualification”
21 and request a replacement judge); *Hayward v. Sup. Ct.* (2016) 2 Cal.App.5th 10,
22 36-37.) Except for the ministerial functions outlined in Section 170.4(a), the
23 consent to disqualification ended Judge Komar’s jurisdiction over the matter.
24 (C.C.P. § 170.3(a)(1); *Rossco Holdings Inc. v. Bank of America* (2007) 149
25 Cal.App.4th 1353, 1363.)

26 The Class will participate in ministerial functions within the scope of
27 Section 170.4(a) that are presided over by Judge Komar during the period of time
28 it takes to appoint a new judge-. The Class will not waive disqualification or

1 participate in any substantive matters beyond the scope of Section 170.4(a).¹ If,
2 notwithstanding Judge Komar's October 4, 2021 request to the Chief Justice, he
3 is considering trying to keep the remand issues should re-assignment not occur,
4 the Wood Class asks that this be made clear now.

5
6 DATED: February 10, 2022 McLACHLAN LAW, APC
7 LAW OFFICE OF DANIEL M. O'LEARY

8
9 By: /s/ Michael D. McLachlan
10 MICHAEL D. MCLACHLAN
11 Attorneys for Plaintiff and the Class
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27
28 ¹ Orders issued by a disqualified Judge are void. (*Rossco*, 149 Cal.App.4th
at 1362.)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

On February 10, 2022, I caused service in the manner indicated below of the foregoing document(s) described as **WOOD CLASS' CASE MANAGEMENT CONFERENCE STATEMENT** to be served on all parties in this matter as follows:

- 7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27