1 2 3 4	Michael D. McLachlan (State Bar No. 181 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	705)
5 6 7 8 9	Daniel M. O'Leary (State Bar No. 175128) <b>LAW OFFICE OF DANIEL M. O'LEA</b> 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	ARY
<ul><li>10</li><li>11</li><li>12</li></ul>	SUPERIOR COURT FOR THE STATE OF CALIFORNIA COUNTY OF LOS ANGELES	
<ul><li>13</li><li>14</li><li>15</li></ul>	Coordination Proceeding Special Title (Rule 1550(b)) ANTELOPE VALLEY GROUNDWATER	Judicial Council Coordination Proceeding No. 4408 Lead Case No. BC 325201
16 17 18	RICHARD A. WOOD, an individual, on behalf of himself and all others similarly situated,	Case No.: BC 391869  SMALL PUMPER CLASS' NOTICE OF MOTION FOR
19 20	Plaintiff, v.	NOTICE OF MOTION FOR MODIFIED ATTORNEYS' FEES AWARD CONSISTENT WITH COURT OF APPEAL OPINION
21 22	LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40; et al.	[filed concurrently with Appendix, Memorandum of Points and Authorities, Declarations of Michael McLachlan and Daniel O'Leary]
<ul><li>23</li><li>24</li><li>25</li></ul>	Defendants.	Date: TBD Time: TBD Dept.: TBD
26		

## TO THE COURT AND ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that on a date and time to be determined by the Court,<sup>1</sup> Richard Wood, on behalf of himself and those similarly situated, will and hereby does move for a modified award of attorneys' fees consistent with the opinion issued by the Court of Appeal.

The Motion is based on C.C.P. section 1021.5, and the stipulation to liability thereunder by Los Angeles County Waterworks District No. 40 as memorialized in the Stipulation for Entry of Judgment (addressed at length in the Court of Appeal opinion). This motion is also based on this Notice, the Memorandum of Points and Authorities, the Declaration of Michael D. McLachlan, the Declaration of Daniel M. O'Leary, the Declaration of Richard M. Pearl, the Court of Appeal Opinion, the Appendix of Fee Motion Filings, all records and file herein, and on such evidence as may be presented at the hearing of the Motion.

DATED: February 28, 2022

McLACHLAN LAW, APC LAW OFFICE OF DANIEL M. O'LEARY

By: //s// Michael D. McLachlan

Michael D. McLachlan

**Attorneys for Plaintiff** 

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<sup>1</sup> On October 4, 2021, Judge Jack Komar consented to his replacement following the filing of a Statement of Disqualification under C.C.P. section 170.3. He promptly requested the Judicial Council replace him but as of this date – the date the parties have stipulated to filing this motion — that has not occurred. Hence, this case presently has no assigned Judge with jurisdiction to hear this motion.

## **PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is 2447 Pacific Coast Highway, Suite 100, Hermosa Beach, California 90254. My electronic notification address is katelyn@mclachlan-law.com.

On February 28, 2022, I caused the foregoing document(s) described as **SMALL PUMPER CLASS' NOTICE OF MOTION FOR MODIFIED ATTORNEYS' FEES CONSISTENT WITH COURT OF APPEAL OPINION** to be served on the parties in this action, as follows:

- (X) (BY ELECTRONIC SERVICE) Per court order requiring service and filing by electronic means, this document was served by electronic service to the by posting to Glotrans via the watermaster service page, including electronic filing with the Los Angeles Superior Court.
- ( ) (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced document(s) were placed in sealed envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at Los Angeles, California, addressed to:
- ( ) (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for delivery on the next business day. Each copy was enclosed in an envelope or package designed by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.
- ( ) (BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.
- (X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

<u>/s/ Katelyn Furman</u> Katelyn Furman