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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

Lead Case No. BC 325201

Case No.: BC 391869

**DECLARATION OF DANIEL  
O'LEARY IN SUPPORT OF  
MOTION FOR APPELLATE AND  
POST-JUDGMENT ATTORNEYS'  
FEES**

**I, Daniel O’Leary, declare:**

## QUALIFICATIONS

## WORK PERFORMED

4. The time sheet attached as **Exhibit 1** was maintained contemporaneously. I have included time spent on matters related to parties with which the Wood Class has resolved all its claims. Where time was spent on matters solely related to these parties, I have kept the entries in the timesheets, but removed the time from the total sought by this Motion. For example, the entries of November 4, 2019 and November 14, 2019 involved work related solely to parties that have settled, so the entry for those days reflects zero hours.

1           5.     To date, I have 136.6 hours of post-judgment appellate and post-  
2 remand time, and estimate I will spend another 15 hours working on reply briefs,  
3 and preparing for and attending the hearing on these motions.

4           6.     When submitting fee declarations in 2016, I stated that the total time  
5 substantially understates the actual effort and time involved in the representation  
6 of the Class. With a few exceptions, Mr. McLachlan and I did not both bill for the  
7 same task and we did not bill at all for what were probably hundreds of  
8 conversations and email exchanges about the appeals, the briefs, the oral  
9 argument, the review and assessment of the court of appeal opinion, and the  
10 petition and answer for review filed in the Supreme Court.

11          7.     I have worked on this case for nearly fourteen years with no  
12 compensation or cost reimbursement from Los Angeles County Waterworks  
13 District 40, the primary adversary of the Wood Class. Nevertheless, we have  
14 represented the Class zealously and achieved a result that will allow small  
15 domestic pumpers in the area of adjudication to continue to pump water without  
16 the threat of prescriptive claims or, generally, assessments. Both the trial court  
17 and court of appeal agreed that we are entitled to fees for our work.

18          8.     I am confident that no attorney would have undertaken this  
19 representation knowing in advance that the bulk of fees and costs would not be  
20 paid for nearly fourteen years.

21          9.     To echo my prior declarations, there is a wide array of relevant facts  
22 that justify the full amount of fees we have requested for the work on appeal.  
23 Generally, they are: the case's long duration (eight years in the trial court, nearly  
24 six more on appeal, with the risk of further appeal), the risks of loss and  
25 uncertainty, the high quality and great efficiency of the work, the excellent  
26 outcome for the Class members, the inability to take on other business, as well as  
27 the financial toll this case has taken on my office. They all weigh in favor of a 1.5  
28 multiplier for the appellate and post-remand work sought in this motion.

1 I declare under penalty of perjury under the laws of the State of California  
2 that the foregoing is true and correct. Executed this 28<sup>th</sup> day of February 2022 at  
3 Los Angeles, California.

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5 /s/Daniel O' Leary  
6 Daniel O'Leary  
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# **Exhibit 1**

Law Office of Daniel M. O’Leary  
*Wood v. Los Angeles County Waterworks Dist. No. 40*

DATE	WORK PERFORMED	HOURS
July 14, 2016	Research on memo of costs (0.6), review of Kaufman v. Diskeeper case and citing cases (1.3)	1.9
August 2, 2016	Prepare and file Response to Joint Motion to Amend Designation (0.8)	0.8
August 12, 2016	TCW McLachlan (0.2), emails on gov’t interest rate on fee judgment (0.1)	0.3
August 24, 2016	Emails/research on Govt Code sec. 984 (0.6)	0.6
September 9, 2016	Emails and TC on appeal strategy (0.3), second fee award (0.3)	0.6
January 14, 2017	TC re: briefing schedule (0.1)	0.1
May 5, 2017	Research on Joshua S., caselaw developments (1.6)	1.6
January 15, 2019	Receive/review proposed briefing order from CoA (0.2)	0.2
January 25, 2019	TCW M. LippSmith re briefing	0.3
May 13, 2019	Review/outline Reporter’s Transcript, v. 8/27 (1.9)	1.9
May 14, 2019	Review/outline Reporter’s Transcript, v. 9-11/27 (2.4)	2.4
May 15, 2019	Review/outline Reporter’s Transcript, v. 12-13/27 (2.7)	2.7
May 16, 2019	Review/outline Reporter’s Transcript, v. 14A/27 (1.7)	1.7
May 17, 2019	Review/outline Reporter’s Transcript, v. 14A, 14B/27 (3.9)	3.9
May 20, 2019	Review/outline Reporter’s Transcript, v. 17-19/27 (4.1)	4.1
May 21, 2019	Review/outline Reporter’s Transcript, v. 20/27 (1.4)	1.4
May 22, 2019	Review/outline Appendix (2.7)	2.7
July 18, 2019	Research on standard of review (0.8) and Joshua S. (1.8)	2.6
July 19, 2019	Research on standard of review (0.5) and Joshua S. (0.1)	0.6
September 16, 2019	Review of Willis (0.8) and Phelan (0.6) briefs	1.4
September 18, 2019	Emails re: Appendix (0.2); research/TC nunc pro tunc order/appealability (0.8)	1.0
September 26, 2019	Revisions/edits to AOB (2.4)	2.4
September 29, 2019	Revisions/edits to AOB (1.9)	1.9
October 7, 2019	Revisions/edits to AOB (1.8)	1.8
October 10, 2019	Revisions to AOB (0.8); review of fee orders and research on fees (2.4); research on lodestar and multipliers (1.2)	4.4
October 11, 2019	TCW M. McLachlan (0.2); editing of fact section of AOB (2.5)	2.7
October 16, 2019	Edits to AOB, standard of review, class definition, ‘pro bono’ standard	3.0
October 24, 2019	Edit to AOB, costs and periodic payments	2.5
November 4, 2019	Draft/send PRA requests to Small Districts (1.5)	0.0
November 14, 2019	Review responses to PRA requests (0.2)	0.0
November 17, 2021	Prepare cover page (0.2)/PoS (0.1)/formatting for AOB (3.0)	3.3
November 18, 2019	Prepare/file Application for Oversize Brief (0.9)	0.9

November 20, 2019	Finish editing AoB (3.9), prepare Table of Contents and Table of Authorities (0.6)	4.5
November 21, 2019	Finish editing AoB (5.0)	5.0
November 25, 2019	Review AOB of the Water Suppliers (1.7)	1.7
December 20, 2019	Review responses to PRA requests (0.5)	0.0
June 16, 2020	Draft/finalize periodic payment module for Resp Brief (2.4)	2.4
June 16, 2020	Draft/finalize Memorandum of Costs module for Resp Brief (2.3)	2.3
June 29, 2020	Draft contractual fee module for RB (1.9)	1.9
July 2, 2020	Draft and finalize contractual fee module for RB (0.7)	0.7
July 16, 2020	Review/redline Joshua S. module for RB (0.9)	0.9
July 20, 2020	Review of conclusion section for RB (0.5)	0.5
October 6, 2020	Edit draft of Reply Brief (0.7)	0.7
October 13, 2020	Edit draft of Reply Brief, incorporation of arguments on waiver, periodic payments, costs (3.5)	3.5
October 14, 2020	Final edits of Reply Brief (1.7)	1.7
October 20, 2020	Review RB of Water Suppliers	0.8
July 21, 2021	TCW M. McLachlan re: oral argument	1.0
July 28, 2021	Attend Oral argument (1.6)	1.6
August 24, 2021	Review Opinion, TCW/emails M. McLachlan (1.5)	1.5
August 26, 2021	Emails w/ M. McLachlan (0.1); research re: interest on public entity judgments (0.7)	0.8
August 31, 2021	TCW M. McLachlan (0.4); research re: judicial disqualification (0.7); research re: interest on public entity judgments (0.5)	1.6
September 4, 2021	Review of Judge Komar's Declaration (0.3); research re: judicial disclosure standards (0.8)	1.1
September 5, 2021	Case review on judicial qualification (1.0); emails with M. McLachlan (0.3)	1.3
September 8, 2021	Review/edit draft letter to Judge Komar	0.3
September 13, 2021	Emails with M. McLachlan re: CCP 170.1, 170.3, 170.6	0.4
September 15, 2021	Review Requests for Publication (0.3); D. 40's opposition to requests (0.5); research re: judicial disqualification (1.4)	2.2
September 16, 2021	Review emails provided by JAMS re: Judge Komar's engagement history	0.4
September 29, 2021	Review draft of 170.3 statement	0.3
September 30, 2021	Emails with M. McLachlan re 170.6	0.2
October 1, 2021	Emails with M. McLachlan re: 170.6 (0.1); research re: timing of 170.6 and remittitur (0.4)	0.5
October 2, 2021	Review Petition for Review (0.5); update research on 1021.5, Joshua S. (1.3)	1.8
October 4, 2021	TCW M. McLachlan (0.2), research re: 2013 settlement on issue of waiver (0.7); review Judge Komar's statement on DQ (0.2)	1.1
October 5, 2021	Research re: due process and waiver, review of cases cited by D. 40 (2.1)	2.1

October 6, 2021	Research re due process, waiver (0.5); research re: SGMA (0.4)	0.9
October 14, 2021	Outline/notes re: Answer to Petition	0.7
October 18, 2021	Edit/revise Answer to Petition (2.9)	2.9
October 19, 2021	Edit/Revise Answer to Petition (0.5)	0.5
October 20, 2021	Edit/Revise Answer to Petition (1.1)	1.1
December 7, 2021	Research re: fees on appeal (1.4) Draft motion for appellate fees (3.6)	5.0
December 10, 2021	Draft motion for fees on appeal (3.7)	3.7
December 13, 2021	Draft motion for fees on remand (4.9)	4.9
December 14, 2021	Draft motion for fees on remand (4.2)	4.2
January 4, 2022	Revise motion for fees on appeal (2.4); TCW McLachlan (0.4)	2.8
January 5, 2022	Redline/finalize motion on remand (1.7); TCs MBLS (0.6)	2.3
January 6, 2022	Review/revise R. Pearl Decl. (0.5); Review Appendix (1.0); draft declaration (1.3)	2.8
January 7, 2022	TCW McLachlan (0.3); review remand motion w/ revisions (0.5); Review caselaw on fee enhancements and interest calculations (1.4)	2.2
January 10, 2022	Finalize Declaration (0.2)	0.2
January 18, 2022	TCW M. LippSmith re: declaration	0.4
January 20, 2022	TCW M. McLachlan re: CMC date, availability	0.1
January 26, 2022	TCW M. McLachlan re: remand/transfer issues (0.1); Review of proposed transfer order (0.1)	0.2
February 7, 2022	TCW M LippSmith (0.1); emails with M. LippSmith (0.4)	0.5
February 9, 2022	Edit CMC Statement	0.3
February 18, 2022	Attend CMC	0.4
	<b>Total Hours</b>	136.6



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On February 28, 2022, I caused the foregoing document(s) described as **DECLARATION OF DANIEL O'LEARY IN SUPPORT OF MOTION FOR FOR APPELLATE AND POST-JUDGMENT ATTORNEYS' FEES** to be served on the parties in this action, as follows:

- /s/ Katelyn Furman  
Katelyn Furman