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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

**OBJECTION TO PROPOSED
ORDER AMENDING JUDGMENT
NUNC PRO TUNC**

TO THE HONORABLE COURT AND ALL INTERESTED PARTIES:
PLEASE TAKE NOTICE that the Wood Class hereby objects to the
proposed Order to Amend Judgment Nunc Pro Tunc, submitted by counsel for
Los Angeles County Waterworks District No. 40, on June 9, 2016, on the
following grounds:

Objection to Proposed Order Amending Judgment Nunc Pro Tunc

1 1. At the hearing on District 40's Motion to Amend the Judgment, the
2 Court, while granting the motion, specified that "It's not the Court's intent to
3 effect or impact any time limitation that may arise from the judgment."
4 (Transcript, 05/25/2016, p. 9:17-19.)

5 2. But, as indicated at the hearing, correcting the judgment *nunc pro*
6 *tunc*, as the proposed order seeks, potentially affects the timeliness of the Wood
7 Class's memorandum of costs.¹ Any amendment that potentially affects post-trial
8 or appellate dates cannot be made *nunc pro tunc*. (*CC-California Plaza Ass. V.*
9 *Paller & Goldstein* (1996) 51 Cal.App.4th 1042, 1048-49; *Sanchez v. Strickland*
10 (2011) 200 Cal.App.4th 758, 765-66.)

11 3. Thus, the Wood Class objects to the language on page 1, lines 10-11 of
12 the proposed Order: "and that this order be entered *nunc pro tunc* as of
13 December 28, 2015." The Order should omit that clause.

14
15 DATED: June 9, 2016

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17 By: _____/S/
18 DANIEL M. O'LEARY
19 Attorneys for Plaintiff and the Class
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27 1 District 40 has already made this exact argument in its motion to tax, filed on May 31, 2016. The motion
28 includes the typographical folly that the Wood Class's Memorandum of Costs was filed 231 days after the *nunc pro*
tunc date of the amended Judgment. In fact, December 28, 2015 to May 11, 2016 (the date the Memo was filed) is
135 days, within the 180 limit from entry of judgment, since the Notice of Entry of Judgment did not correctly
identify the Wood Class lawsuit.