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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

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~~proposed~~ **ORDER GRANTING
PRELIMINARY APPROVAL OF
SMALL PUMPER CLASS ACTION
SETTLEMENT AND NOTICE TO
THE CLASS**

1 On March 26, 2015, this matter has come before the Court on the Motion of
2 Plaintiff Richard Wood and Los Angeles County Waterworks District 40 (“District 40”)
3 (the “Motion”) for Preliminary Approval of Class Action Settlement (the “Stipulation” or
4 the “Settlement”) between and among Richard Wood and the Small Pumper Class, on the
5 one hand, and California Water Service Company, City of Palmdale, Desert Lake
6 Community Services District, Littlerock Creek Irrigation District, Los Angeles County
7 Waterworks District 40 (“District 40”), Palm Ranch Irrigation District, and Quartz Hill
8 Water District (collectively, “Settling Defendants”) on the other hand, all of whom are
9 referred to herein as the “Settling Parties.”

10 The Motion having come on for hearing before the above Court; the Court having
11 reviewed and considered all documents, evidence and arguments presented by counsel in
12 support of and opposition to said Motion; the Court being fully advised in the premises
13 and good cause appearing, the Court enters its order and, subject to final determination by
14 the Court as to the fairness, reasonableness, and adequacy of the Settlement following
15 Notice to the Class and a final fairness hearing, finds and orders as follows:

16 The Stipulation of Settlement (filed as Exhibit “1” to the Motion) and the Settlement
17 set forth therein are *preliminarily* approved as fair, reasonable, and adequate, subject to a
18 final fairness hearing to be held after notice has been provided to the Class.

- 19 1. The Court finds that the form and content of the notice of the proposed Settlement
20 (as set forth in the Notice of Proposed Small Pumper Class Action Settlement
21 lodged as Exhibit “2” to the Motion) (the “Class Notice”) will provide the best
22 practicable notice to Class Members, certified by this Court’s Order of September
23 2, 2008. Accordingly, class counsel shall cause the administrator, by April 6,
24 2015, to provide notice of the proposed Settlement by mailing the Class Notice via
25 first class U.S. mail to the last known address of Class Members and by posting
26 the Class Notice on the Class website, as set forth in paragraph V.B of the
27 Settlement.

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2. District 40 and class counsel shall also cause to be published a Summary Notice of Proposed Class Action Settlement (“Summary Notice”) in three widely read newspapers ~~papers~~ in the area. The costs and expenses of said Class Notice and Summary Notice shall be paid by Settling Defendants. The Court authorizes the Settling Parties to make minor, non-substantive revisions to the Class Notice as they may jointly deem necessary or appropriate, without the necessity of further Court action or approval.
3. A final approval hearing shall be held by this Court on August 3, 2015 at 10:00 A.M. in Room 222 of the Stanley Mosk Courthouse of the Los Angeles Superior Court to consider and finally determine:
- a. Whether the Settlement should be finally approved as fair, reasonable, and adequate;
 - b. The merits of any objections to the Stipulation and the Settlement set forth therein, or any of its terms; and
 - c. Whether attorneys’ fees, costs and expenses should be awarded to Plaintiff’s Counsel and an incentive award made to the Representative Plaintiff.
4. Any Class Member who objects to approval of the proposed Settlement may appear at the final approval hearing in person or through counsel to show cause why the proposed Settlement should or should not be approved as fair, reasonable, or adequate. Any member of the Class who seeks to intervene in the Action may file and serve a motion to intervene in accordance with applicable law.
5. However, no Class Member may be heard at the final approval hearing nor file any papers or briefs with respect thereto, unless by May 15, 2015, such person files with the Clerk of the Court and serves on counsel for the Class and Settling Defendants a timely written objection and notice of intent to appear, in accordance with the procedures specified in the Class Notice. Any Class Member who does

1 not make his or her objection to the Settlement or request for intervention in the
2 manner provided herein and in the Class Notice, shall be deemed to have waived
3 such objection or right to intervene for purposes of appeal, collateral attack, or
4 otherwise.

5 6. The dissemination of the Class Notice, as directed by this Order, constitutes the
6 best notice practicable under the circumstances and sufficient notice to all Class
7 Members. The contents of the Class Notice and the manner of its dissemination
8 satisfy the requirements of Rule 3.769 of the California Rules of Court, other
9 applicable California laws, and state and federal due process.

10 7. Any and all persons who timely excluded themselves from the Class and did not
11 rejoin the Class shall *not* be Class Members and shall have no rights and
12 obligations with respect to the Settlement.

13 8. If the Settlement is finally approved, the Court shall enter a Final Judgment
14 approving the Settlement, which shall be binding on the Settling Parties, including
15 all Class Members.

16 9. In the event, for any reason, the proposed Settlement as provided in the Stipulation
17 is not approved by the Court, or the Court does not enter the Final Judgment, then
18 the Stipulation, and all drafts, negotiations, discussions, and documentation
19 relating thereto, shall become null and void.

20 10. The dates of performance of this Order are as follows:

21 a. The Class Notice shall be disseminated by website posting and U.S. mail by
22 April 6, 2015. District 40 and Class Counsel shall cause to be published a
23 Summary Notice shall also be published in three widely read newspapers in
24 the area, as set forth in paragraph V.B of the Settlement.

25 b. Any objections or oppositions to the Settlement, requests for intervention
26 and notices of intention to appear and be heard at the final approval hearing
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shall be deemed timely only if filed with the Court and served on counsel for the parties by May 15, 2015.

- c. Plaintiff shall file a motion for final approval of the Settlement and supporting papers by July 9, 2015.
- d. By July 31, 2015, District 40 and class counsel shall certify to the Court that it has complied with the notice requirements set forth in this Order.
- e. The Final Settlement Hearing shall take place in Courtroom 222 of the above Court on August 3, 2015, at 10:00 A.M.

IT IS SO ORDERED.

Dated: April 6, 2015



Judge of the Superior Court
JACK KOMAR