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2 LAW OFFICES OF FRANK SATALINO
3 19 Velarde Court
4 Rancho Santa Margarita, Ca 92688
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6 Attorneys for Defendants ROSAMOND RANCH, L.P ; ELIAS and SHIRLEY SHOKRIAN

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF LOS ANGELES
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11 ANTELOPE VALLEY GROUNDWATER) Judicial Counsel Coordination Proceeding
12 CASES) No.: 4408
13 Including Consolidated Cases:)
14) Lead Case: BC 325 201
15 Los Angeles County Waterworks District No. 40)
16 v. Diamond Farming Co., Superior Court of) DEFENDANT ROSAMOND RANCH,
17 California, County of Los Angeles, Case No.:) ELIAS SHOKRIAN AND SHIRLEY
18 BC 325201) SHOKRIAN OPPOSITION TO QUARTZ
19 AND RELATED CONSOLIDATED CASES:) HILL WATER DISTRICT MOTION TO
20) COMPEL RESPONSES TO (1) SPECIAL
21) INTERROGATORIES (2) FROM
22) INTERROGATORIES (3)REQUEST FOR
23) ADMISSIONS (Set one and two), and (4)
24) DOCUMENT PRODUCTION;
25) DECLARATION OF FRANK SATALINO
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DATE: February 14, 2012
TIME: 9:00 a.m.
ROOM: 1515

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TO THE COURT AND ALL PARTIES :

Defendants ROSAMOND RANCH, L.P .; ELIAS SHOKRIAN, and SHIRLEY

SHOKRIAN (collectively as “SHOKRIAN”) provide the following response in opposition to
Defendant QUARTZ HILLS Motion to compel responses to (1) SPECIAL

1 INTERROGATORIES (2) FROM INTERROGATORIES (3)REQUEST FOR ADMISSIONS
2 (Set one and two), and (4) DOCUMENT PRODUCTION.

3 Said opposition is based on the following: (1) Counsel for the above named **parties was**
4 **not aware of any such discovery being served on it before this week**, as it had apparently
5 been served only by electronic service, and during a time period in November, 2011 when scores
6 of other items had been e served within the same week, such that the electronic transmission was
7 missed. (2) No such discovery was mailed, or actually delivered to responding party, such that
8 respondent had no knowledge of the actual existence of such discovery, (3) No meet and confer
9 letters or phone calls were sent to respondent, such that he did not have knowledge of the
10 discovery itself, nor of any obligation to respond and non response.

11 Respondents SHOKRIAN thus opposes the above motion as to all such discovery, and
12 requests that the court grant and order 30 days for such responses to be made.

13 As to the request for admissions, RESPONDENTS will provide verified responses before
14 the hearing, so that no matters are deemed admitted.

15 Respondents, in light of the same, respectfully request that no sanctions be awarded,
16 which moving party graciously agreed to today .

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21 I. .STATEMENT OF FACTS

22 Defendants ROSAMOND RANCH, L.P .; ELIAS SHOKRIAN, and SHRILEY
23 SHOKRIAN are small property owners who own property which is part of the above litigation in
24 this matter. As the court is aware, the present matter involves consolidated lawsuits regarding
25 limiting water useage in certain areas of Southern and Central California. Various phases of the
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1 litigation have already taken place regarding major issues concerning government, utility and
2 water agencies. The current recent phase of the litigation now involves smaller property owners.
3

4
5 **II. DISCOVERY**

6 Respondent counsel was not aware of any discovery by QUARTZ being served on it.
7 Respondent is a minor party in this matter. Respondent is on the court e file service list, but in
8 the last 4 months there have been several HUNDRED filings on the court e service docket;
9 respondent checks the docket periodically, but at times items may have been missed.

10 The aforementioned discovery was apparently e served November 10 and 11, 2011.
11 Responding party's counsel NEVER saw that e mail/ electronic entry, or the aforementioned
12 discovery. A check of the electronic items from November 7-16 indicate there were 23 separate e
13 filings; this is clearly why this One was missed. Responding party is not free from blame, but
14 clearly, respondent's counsel never saw or know about this discovery. No such discovery was
15 mailed, or actually delivered to responding party, either, such that respondent had no knowledge
16 of the actual existence of such discovery. Also, as stated, No meet and confer letters or phone
17 calls were sent to respondent, such that he did not have knowledge of the discovery itself, nor of
18 any obligation to respond and non response. Respondent simply never knew there was any
19 outstanding discovery.
20

21
22 For the reasons set forth, SHOKRIAN respectfully opposes the above motions as to all
23 such discovery, and requests that the court grant and order 30 days for such responses to be
24 made. As to the request for admissions, RESPONDENTS will provide verified responses before
25 the hearing, so that no matters are deemed admitted.
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1 Respondents, in light of the same, respectfully request that no sanctions be awarded,
2 which moving party graciously agreed to today .
3

4 III. LEGAL AUTHORITIES

5 The court has authority to deny discovery motions and sanctions where there is some
6 substantial justification, as here. CCP 2030.290(c) et seq. As to requests for admissions, the
7 court shall not deem any admissions admitted if service of responses takes place before the
8 hearing, which will take place in this instance. See CCP 2033.280 (c).
9

10 Respondent is aware of the necessity of discovery and disclosure. However, for an item
11 such as discovery motions and any preclusion or issue sanctions such as barring water rights, it
12 would be hoped that verification that such discovery had actually been known about but
13 consciously disregarded (which did NOT happen here), would be seen before such a drastic
14 remedy was sought, such as pre-trial forfeiture of water rights, would ensue. See U.S. v. Alpine
15 Land & Reservoir Co., 291 F.3d 1062, 1077 (9th Cir. 2002) (the “law abhors a forfeiture” of
16 water rights); Barnes v. Hussa, 136 Cal.App.4th 1358 (2006) (water rights not forfeited where
17 failure to prove non-use).
18

19 IV. CONCLUSION

20 For the reasons set forth hereinabove, responding party hereby respectfully requests the
21 court not grant the present OSC against these responding parties, and or that if any OSC order is
22 granted it not include forfeiture of water or pumping rights, nor evidence or issue preclusion of
23 those rights.
24

25
26 Dated: February 1, 2012

By:

LAW OFFICES OF FRANK SATALINO

Frank Satalino

FRANK SATALINO, Esq.
Attorneys for Defendant ROSAMOND,
ELIAS AND SHIRLEY SHOKRIAN

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DECLARATION OF FRANK SATALINO

I, FRANK SATALINO, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California and an attorney with the Law Offices of Frank Satalino, attorneys of record for Defendants ROSAMOND RANCH, ELIAS SHOKRIAN, and SHIRLEY SHOKRIAN (hereinafter “SHOKRIAN’s”).

2. The SHOKRIAN’s are smaller landowners and relatively minor parties in this matter, yet they do have water rights as the other owner parties have, adjudication of which amongst other issues are the subject of this multi party action.

3. Because of the size and complexity of this matter, an electronic filing system was set up in this matter. This office has been on the system for several months as well.

4. This office has reviewed the electronic filing system regularly, but because of the size of the matter, with at times several matters being filed on the same day, over several months, some items on the system may have been missed. Almost all of the several hundred entries regularly seemed to have involved court call notices, or hearings and motions between the major water utility parties in the action.

5. Form interrogatories, Special Interrogatory request, Document requests, and Requests for admission discovery was apparently e filed by QUARTZ HILL WATER DISTRICT on November 10 and 11, 2011. This counsel did not see that e mail/ electronic entry, or the aforementioned discovery at that time, and in fact did not even know about it until 2 months later this past week.

6. A check of the electronic items from November 7-16 indicate there were on or around 23 separate e filings; this is clearly why the transmission regarding such discovery was missed by this counsel. I in fact did not see or know about that discovery at that time, and as stated only saw it for the first time this past week, 2 months later.

1 7. No such discovery was mailed, or actually delivered to my office either, the only
2 transmission was the court e file system, which this office inadvertently missed. I thus had no
3 actual knowledge of the actual existence of the discovery in question until this week.
4

5 8. Also, no meet and confer letters or phone calls were sent to me, such that I did not
6 have knowledge of the discovery itself, nor of any obligation to respond and any non response.

7 9. For the reasons set forth, this counsel respectfully opposes the above motions as to all
8 such discovery, and requests that the court grant and order 30 days for such responses to be
9 made, and not order sanctions.
10

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct. Executed this February 1, 2012 at Rancho Santa Margarita,
13 California

Frank Satalino

FRANK SATALINO

