

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER
CASES**

Included Consolidated Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California
County of Los Angeles, Case No. BC 325 201

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
Riverside, consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 364 553

Richard A. Wood v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 391 869

Judicial Council Coordination
Proceeding No. 4408

Lead Case No. BC 325 201

**ORDER AFTER HEARING ON
FEBRUARY 10, 2016**

**Motion by Ritter Family Trust to Set
Aside Judgment Entered Against
Them on December 23, 2015**

Judge: Honorable Jack Komar, Ret.

The Motion to Set Aside Judgment entered against Mark Ritter, successor trustee of the Ritter Family Trust, and Mark Ritter and Dana Ritter, individually, was heard on February 10, 2016, in the Los Angeles County Superior Court pursuant to noticed motion. Robert Brumfield, Esquire, appeared for moving parties, and opposition appearances were made by Michael McLachlan, Esquire, for the Wood Class, Thomas Bunn, Esquire, for the Public Water Producer Parties, and Noah Golden-Krassner, Esquire, for the State of California. Michael Fife, Esquire, appeared for the Antelope Valley Groundwater Agreement Association (AGWA), as an interested party.

The court having reviewed the various papers submitted in favor of and in opposition to the Motion, including reply papers, as well as the records and documents in the case, and having considered the oral arguments of counsel, finds that the motion should be denied.

The predecessor Ritter Trustees were properly served sometime in at least 2007 with summons and complaint and duly filed a notice and acknowledgment of service on or about June 18, 2009. Counsel on their behalf and on behalf of AGWA filed an Answer and subsequent documents.

The then trustees of the Ritter Trust thereafter deliberately and intentionally declined to participate in the litigation, refused to sign an attorney engagement agreement, declined to pay the attorneys any fees, and ignored all Court Orders regarding discovery, the filing of claims, and failed to participate in any way in the various phases of trial as scheduled and noticed by the court. All orders of the court, including Statements of Decision as to the various phases, were posted electronically on the court's web site and available to all persons, whether parties or not.

The Ritter moving parties are the current owners of the subject real property. They also were successor trustees and are distributees of the subject real property which was conveyed to them as beneficiaries of the trust. By their own admission, they were aware of the litigation at the time that the decision was made by the predecessor trustees to not participate in the litigation, knew the ultimate judgment in this case could affect their interest in the real property, and although beneficiaries of the trust, and co-trustees, took no steps to participate in the adjudication

or to protect the trust's interest in the property, while aware that the adjudication could affect the real property. They clearly in any event are bound by the acts of their predecessors in interest.

In August 2015, as a final phase of trial was nearing, the current Ritter parties contacted Robert Brumfield, Esquire, and ultimately engaged him to appear at a Case Management Conference on September 4, 2015. At that time, Robert Brumfield made a first appearance on behalf of the Ritter parties and advised the court he would be representing his clients in the proceedings before the court; he advised the court that his clients had ostensibly previously been represented by other counsel, but that he was not aware of all the circumstances but he was requesting a substitution of attorneys from that firm.

As of September 4, 2016, the Federal Government, the Public Water Producers, almost all Land Owner parties, and the Wood Class had entered into a negotiated so-called Global Settlement, and the Court was preparing to set a 6th Phase of Trial to hear objections to the settlement, to hear evidence as to the defaulting and non-stipulating parties to be produced by the Public Water Producers, Plaintiffs and Cross Defendants, as well as any defenses by adverse parties, and claims of non-stipulating parties, and to hear evidence concerning a Physical Solution to the overdraft situation in the Antelope Valley Adjudication Area.

Robert Brumfield indicated both orally and in his Case Management Statement on September 4, 2015, that he might move to request a severance in the future although he would try to prepare for trial and to negotiate a settlement once he learned what his clients' position was with regard to the case. He was advised by the court to advise the court of his status.

The court made an order, as reflected in the minutes on September 4, 2015, that *any late served* parties would trail the case while the parties endeavored to gather evidence and try to negotiate a settlement. The Ritter parties were not a *late served party*.

The Court therefore finds that the failure of the Ritter parties, prior to September 4, 2015, to appear and participate in the trial, and all its phases, was deliberate and intentional on their part, with full knowledge that their real property could be affected by the judgment in this case, and that it was not the result of surprise, inadvertence, mistake, or excusable neglect. There was no fault of counsel, nor any claim that such was the case, either before or after Mr. Brumfield's

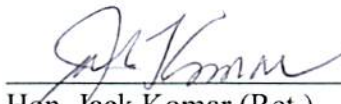
appearance on behalf of the Ritters. The Ritter parties, and their predecessors in interest, of their own accord and volition, failed to appear and participate in discovery proceedings. That participation was necessary to ensure that all parties to this coordinated matter were accorded due process, and would be able to assert their own rights in the contested water basin.

The adjudication as a coordinated matter has been in litigation for more than 10 years. The initial complaints were filed more than 15 years ago. The court's files contain thousands of documents reflecting filings over that period of time. The judgment entered affects thousands of parties' water rights. The various parties, including federal and state governmental entities, as well as private parties, have expended millions of dollars on attorneys' fees and costs. The court has expended countless court days and expenditures of court and staff time to provide due process in this case and to ensure that all rights were protected.

At this time, then, there is no good cause or excusable justification to permit moving parties to reopen their case, to belatedly reopen discovery as to all or any of the parties in the case, or to challenge the court's prior statements of decision through 6 phases of trial, or to make objection to any of the court's previous orders or findings. The moving parties failed to establish any water rights. They failed and refused to permit counsel to represent their interest in all phases of trial until September 2015. Moving parties have not established inadvertence, surprise, excusable neglect, or mistake, by their own conduct or the conduct of any counsel representing them. Accordingly, the motion is denied.

SO ORDERED.

Dated: February 11, 2016



Hon. Jack Komar (Ret.)
Judge of the Superior Court