

1 **MICHAEL T. FIFE (State Bar No. 203025)**
2 **BRADLEY J. HERREMA (State Bar No. 228976)**
3 **BROWNSTEIN HYATT FARBER SCHRECK, LLP**
4 **21 East Carrillo Street**
5 **Santa Barbara, California 93101**
6 **Telephone No: (805) 963-7000**
7 **Facsimile No: (805) 965-4333**

8 **Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri
9 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence
10 A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen
11 Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family
12 Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, Inc., Edgar C. Ritter Paula
13 E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Trust, Hines Family Trust , Malloy
14 Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as
15 Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas
16 Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E.
17 Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Juniper Hills Water Group, Eugene V.,
18 Beverly A., & Paul S. Kindig, Paul S. & Sharon R. Kindig, Jose Maritorena Living Trust, Richard H.
19 Miner, Jeffrey L. & Nancee J. Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz,
20 Beverly Tobias, Leo L. Simi, White Fence Farms Mutual Water Co. No. 3., William R. Barnes &
21 Eldora M. Barnes Family Trust of 1989, Healy Enterprises, Inc., John and Adrienne Reca, Sahara
22 Nursery, Sal and Connie L. Cardile, Gene T. Bahlman, **collectively known as the Antelope Valley**
23 **Ground Water Agreement Association (“AGWA”)**

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 **ANTELOPE VALLEY**)
18 **GROUNDWATER CASES**)
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19 Included Actions:
20 Los Angeles County Waterworks District No.
21 40 v. Diamond Farming Co. Superior Court of
22 California County of Los Angeles, Case No. BC
23 325 201 Los Angeles County Waterworks
24 District No. 40 v. Diamond Farming Co.
25 Superior Court of California, County of Kern,
26 Case No. S-1500-CV-254-348Wm. Bolthouse
27 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 No. RIC 353 840,
RIC 344 436, RIC 344 668

Judicial Council Coordination Proceeding
No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**ANTELOPE VALLEY GROUNDWATER
AGREEMENT’S JOINDER AND
OBJECTION TO PUBLIC WATER
SUPPLIERS’ MOTION TO SIGN ORDER
RE JURISDICTION OVER
TRANSFEREES**

28 **OBJECTION TO MOTION TO SIGN ORDER RE JURISDICTION OVER TRANSFEREES**

1 The Antelope Valley Groundwater Agreement Association (“AGWA”) hereby submits this
2 Objection to the Public Water Suppliers’ *Motion for Court to Sign Proposed Order Re Jurisdiction*
3 *Over Transferees*, filed May 26, 2010 (“Motion”) and joins in the *Van Dam Parties’ and Antelope*
4 *Valley Water Storage LLC’s Opposition to Public Water Suppliers’ Motion to Sign Order re*
5 *Jurisdiction Over Transferees*, filed May 27, 2010 (“Van Dam Opposition”). AGWA also joins
6 *Richard Wood’s Opposition to Public Water Suppliers’ Motion to Sign Proposed Order re*
7 *Jurisdiction Over Transferees*, filed June 1, 2010 (“Wood Opposition”).

8 At the May 6, 2010 Case Management Conference, the Court asked the Public Water
9 Suppliers to brief the issue of whether and how the *Proposed Order Regarding Jurisdiction Over*
10 *Transferees*, argued on January 14, 2008 (“Proposed Order”) needed to be modified to address
11 notice issues regarding class members who transfer property and potential transfers that may have
12 occurred since the Proposed Order. (Court’s Order After Case Management Conference on May 6,
13 2010, filed May 25, 2010, p. 4:11-17.) The Public Water Suppliers’ Motion is non-responsive to the
14 concerns raised at the May 6, 2010 Case Management Conference and simply asks the Court to
15 approve the Proposed Order as originally written. As a result, the Motion leaves several unanswered
16 questions which the parties must address before moving forward with the imposition of a transferor
17 notice obligation for property transfers within the adjudication boundaries.

- 18 • First, the Motion and Proposed Order do not address the numerous land
19 transactions that have occurred in the nearly two-and-a-half year interim since the
20 Proposed Order was introduced, and if so, how these transactions will be treated.
21 The Proposed Order requires that the transferors of property post notice of any
22 property transactions on the Court website and notify their transferees of this
23 obligation. (Proposed Order, p. 1:26-27.) Parties have provided anecdotal
24 evidence that numerous significant land transfers have occurred over the past
25 couple years resulting in jurisdictional problems for the adjudication. At the May
26 6, 2010 hearing, the United States was clear that jurisdictional problems over the
27 United States are not waivable and may be raised by the United States at any time.
28 The Public Water Suppliers have made no attempt to inform the Court of the
magnitude of the jurisdictional problems that currently face this case. The Motion
does not address these issues and the Proposed Order as written does not solve
them.
- Second, the Motion and Proposed Order lack details as to how the Proposed Order
will be enforced and what liabilities may attach to transferors who do not comply
with the order. Although the Proposed Order states that it applies to all parties to
this adjudication—including individual parties and class members—who own real
property or an interest in real property within the jurisdictional boundaries of the

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adjudication, the Proposed Order does not explain how progress on notification of land transfers will be monitored or what will happen if transferor landowners ignore or fail to follow the Proposed Order. (See Proposed Order, pp. 2:5-3:6.) Although counsel for all parties are to advise their clients of the requirements of the Proposed Order, it is unclear how an unrepresented individual's failure to post notice of a transfer may affect the enforceability of a final judgment, since without posting notice a transferee of real property within the adjudication may be unlikely to receive notice of the adjudication or a copy of the Public Water Suppliers' First Amended Cross-Complaint. Additionally, if a transferor filed a defective notice of transfer of property without including the address of the transferee or assignee, it is unclear how such a notice would be treated.

The Motion and Proposed Order do not address any of the issues raised at the May 6, 2010 Case Management Conference – contrary to the Court's order that they do so – and leave unanswered the questions described above. Unless and until these issues are resolved, AGWA objects to the Motion asking the Court to sign the unmodified Proposed Order.

Dated: June 2, 2010

BROWNSTEIN HYATT FARBER
SCHRECK, LLP



By: _____
MICHAEL T. FIFE
BRADLEY J. HERREMA
ATTORNEYS FOR AGWA

