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6 Attorneys for
7 Antelope Valley Watermaster

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

10
11 Coordination Proceeding,
12 Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

13 **ANTELOPE VALLEY**
14 **GROUNDWATER CASES**

LASC Case No.: BC 325201

Santa Clara Court Case No. 1-05-CV-049053
Assigned to the Hon. Jack Komar, Judge of the
Santa Clara Superior Court

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16
17
18 **AND ALL RELATED ACTIONS**

**OPPOSITION TO PRIMO TAPIA'S
REQUEST FOR CONTINUANCE OF
WATERMASTER'S AMENDED MOTION
FOR MONETARY, DECLARATORY
AND INJUNCTIVE RELIEF AGAINST
THE TAPIA PARTIES**

19
20 Date: December 10, 2021
Time: 9:00 a.m.
Dept: By Courtcall

21
22 The Antelope Valley Watermaster ("**Watermaster**") hereby submits this Opposition to
23 the request by Primo Tapia, individually and as Successor Trustee of the Charles and Nellie Tapia
24 Family Trust established u/t/a dated January 12, 1990 ("**Primo Tapia**"), for a continuance of the
25 hearing on the Watermaster's First Amended Motion for Monetary, Declaratory, and Injunctive
26 Relief Against the Tapia Parties (the "**Amended Motion**"), which is currently set for December
27 10, 2021 at 9:00 a.m. via Courtcall. The basis for the Watermaster's opposition to Primo Tapia's
28 request for continuance is as follows:

1 1. The original version of the Amended Motion (the “**Original Motion**”) was filed
2 by the Watermaster on September 29, 2021, with a hearing date of October 28, 2021. The
3 Original Motion named only “the Trustee of the Charles and Nellie Tapia Family Trust
4 established u/t/a dated January 12, 1990” (the “**C&N Trust**”).

5 2. One week later, on or about October 6, 2021, attorney Robert H. Brumfield
6 contacted the Watermaster General Counsel to request a continuance of the hearing on the
7 Original Motion due to a scheduling conflict with Mr. Brumfield’s vacation. The Watermaster
8 accommodated Mr. Brumfield’s request and the parties eventually agreed upon a continued
9 hearing date of November 12, 2021.

10 3. Thereafter, in an email dated November 4, 2021, Mr. Brumfield requested that the
11 hearing on the Original Motion be continued again, until December 10, 2021, to correspond with
12 the continued hearing date of a separate and unrelated motion by the Watermaster. In another
13 email to the Watermaster General Counsel on the same date, Mr. Brumfield stated as follows:

14 “Proceeding with [the Original Motion] really doesn’t do you any good as you’ve
15 only named the Charles and Nelly [sic] Tapia trust as the responding party as it
16 only owns 50% of the land and has no money. It seems as though if you wanted to
17 proceed you would need to amend your motion and also add the other trust and
18 possibly Tapia Brothers as they are the ones that pumped all of the water as
19 shown on the electrical billing statements which are all in that corporation’s
20 name. I confirmed that continues to this day in regards to the billing statements.”

21 4. The Watermaster again accommodated Mr. Brumfield’s request and the parties
22 agreed upon a continued hearing date of December 10, 2021. The continued hearing date would
23 allow the Watermaster to amend the Original Motion to name the additional parties identified by
24 Mr. Brumfield and would accommodate a briefing schedule in accordance with the Code of Civil
25 Procedure.

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1 5. On November 16, 2021, the Watermaster filed the Amended Motion, naming the
2 C&N Trust, the other trust identified by Mr. Brumfield as owning the real property at issue in the
3 Amended Motion, and the six individual beneficiaries of said ownership trusts identified by Mr.
4 Brumfield as having some claim to an ownership interest in the subject property and/or the water
5 rights associated therewith.

6 6. Primo Tapia filed his request for continuance of the hearing on the Amended
7 Motion on November 19, 2021, alleging that: (1) settlement had been accepted in principle by the
8 Watermaster immediately prior to filing the Amended Motion; (2) Mr. Brumfield was not advised
9 ahead of time that the Watermaster intended to add the six individual beneficiaries named in the
10 Amended Motion; (3) the addition of the six individual beneficiaries in the Amended Motion is
11 frivolous and inappropriate; and (4) the six individual beneficiaries named in the Amended
12 Motion are not represented by Mr. Brumfield, and therefore must be personally served with the
13 Amended Motion and given adequate time to retain counsel and file a responsive pleading.

14 7. None of these allegations provide a valid basis to continue the hearing on the
15 Amended Motion.

16 8. As a preliminary matter, the confidential settlement discussions referenced in
17 Paragraphs 5 and 6 of Primo Tapia's request for continuance are inaccurate and mischaracterized.
18 Moreover, allegations relative to confidential settlement discussion should be disregarded by the
19 Court, and should not be taken into consideration when ruling on the request for continuance.

20 9. The Watermaster added the six individual beneficiaries as parties to the Amended
21 Motion solely because of information provided by Mr. Brumfield in accordance with his
22 recommendation. Specifically, the Watermaster relied upon the following correspondence from
23 Mr. Brumfield in naming the additional parties in the Amended Motion:

24 a. In an email to the Watermaster General Counsel dated October 8, 2021,
25 Mr. Brumfield stated that, "The Charles and Nellie Tapia trust no longer exists and/or has
26 no assets. All were distributed to its beneficiaries. I understand that Charlie Tapia's heirs
27 hold 50% interest in the land and his brother Felix (who is also deceased), always owned
28 the other 50% (so Felix's heirs hold the other 50%)."

1 b. In an email to the Watermaster General Counsel dated October 27, 2021,
2 Mr. Brumfield stated, “I am not 100% sure of the ownership at this moment, but can say:

3 (1) On Charles and Nellie Tapia’s Trust, the successor trustee (Primo
4 Tapia) thought the property had been distributed. The most recent property tax
5 statement shows otherwise. So, it remains Primo Tapia, Successor Trustee. The
6 beneficiaries are Primo Tapia, Charles Tapia, George Tapia and Steven Tapia.

7 (2) On the Felix and Eulalia Tapia Trust, it is still in trust and the co-
8 trustees are Thomas Tapia and Steven Falchini (who is a CPA in Burbank). That
9 Trust divides its assets in a few different ways. But as to the property in question,
10 the beneficiaries are Thomas Tapia and Felix Tapia.”

11 c. The above-referenced email from Mr. Brumfield dated November 4, 2021,
12 indicated that the Original Motion did not correctly name all parties who claim an interest
13 in the subject property and/or the water rights associated therewith.

14 10. In short, the Watermaster named the individual beneficiaries in the Amended
15 Motion because Mr. Brumfield asserted it was necessary to add them to the pleadings in order for
16 the Watermaster to obtain the relief requested. The Watermaster also acted in reliance on Mr.
17 Brumfield’s assertion that at least one of the trusts that owns the subject property (and the water
18 rights associated therewith) may have been distributed to its beneficiaries.

19 11. The Watermaster is tasked with collecting delinquent Replacement Water
20 Assessments plus interest and costs of suit in the event a Party does not satisfy its obligations
21 under the Judgment. As such, the Watermaster General Counsel is responsible for ensuring that
22 all potentially liable parties are named in the Amended Motion. The individual beneficiaries
23 named in the Amended Motion are welcome to present evidence to the Court sufficient to
24 demonstrate that they, in their individual capacities, have no present claim or interest in and to the
25 subject property and/or the water rights associated therewith. This evidence can be submitted in
26 opposition briefs or at the hearing. If the Court agrees that the other parties named in the
27 Amended Motion either (a) were not properly served, and/or (b) are not liable for the relief
28 requested, then that can be determined at the hearing currently scheduled for December 10, 2021.

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Based on the foregoing and the attached declaration of Craig A. Parton, the Watermaster respectfully request that the Court deny Primo Tapia's request for a continuance.

Respectfully submitted,

Dated: November 19, 2021

PRICE, POSTEL & PARMA LLP

By: Craig A. Parton
CRAIG A. PARTON
TIMOTHY E. METZINGER
CAMERON GOODMAN
Attorneys for
Antelope Valley Watermaster

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DECLARATION OF CRAIG A. PARTON

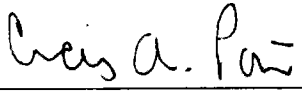
I, CRAIG A. PARTON, declare as follows:

1. I am a partner in the law firm of Price, Postel & Parma LLP, counsel of record for Antelope Valley Watermaster herein. I have personal knowledge of the matters set forth below and if called as a witness could testify competently thereto.

2. I prepared the Watermaster's foregoing opposition to the request by Primo Tapia for a continuance of the hearing on the Watermaster's First Amended Motion for Monetary, Declaratory and Injunctive Relief Against Tapia Parties, and it is true and correct in all respects.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 19, 2021



CRAIG A. PARTON

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PROOF OF SERVICE

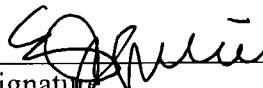
STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street, Fourth Floor, Santa Barbara, California 93101.

On November 19, 2021, I served the foregoing document described **OPPOSITION TO PRIMO TAPIA'S REQUEST FOR CONTINUANCE OF WATERMASTER'S AMENDED MOTION FOR MONETARY, DECLARATORY AND INJUNCTIVE RELIEF AGAINST THE TAPIA PARTIES**, on all interested parties in this action by placing the original and/or true copy.

- BY ELECTRONIC SERVICE:** I posted the document(s) listed above to the Santa Clara County Superior Court Website @ www.scefilings.org and GloTrans website in the action of the Antelope Valley Groundwater Cases.
- (*STATE*) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (*FEDERAL*) I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on November 19, 2021, at Santa Barbara, California.



Signature
Elizabeth Wright