

1 BEST BEST & KRIEGER LLP  
ERIC L. GARNER, Bar No. 130665  
2 JEFFREY V. DUNN, Bar No. 131926  
WENDY Y. WANG, Bar No. 228923  
3 18101 VON KARMAN AVENUE, SUITE 1000  
IRVINE, CALIFORNIA 92612  
4 TELEPHONE: (949) 263-2600  
TELECOPIER: (949) 260-0972  
5 Attorneys for Cross-Complainant  
LOS ANGELES COUNTY WATERWORKS  
6 DISTRICT NO. 40

**EXEMPT FROM FILING FEES  
UNDER GOVERNMENT CODE  
SECTION 6103**

7 OFFICE OF COUNTY COUNSEL  
COUNTY OF LOS ANGELES  
8 MARY WICKHAM, BAR NO. 145664  
COUNTY COUNSEL  
9 WARREN WELLEN, Bar No. 139152  
PRINCIPAL DEPUTY COUNTY COUNSEL  
10 500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012  
11 TELEPHONE: (213) 974-8407  
TELECOPIER: (213) 687-7337  
12 Attorneys for Cross-Complainant  
LOS ANGELES COUNTY WATERWORKS  
13 DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

16 ANTELOPE VALLEY GROUNDWATER CASES  
Included Actions:  
17 Los Angeles County Waterworks District No. 40 v.  
Diamond Farming Co., Superior Court of  
18 California, County of Los Angeles, Case No. BC  
325201;

Judicial Council Coordination  
Proceeding  
No. 4408

CLASS ACTION

19 Los Angeles County Waterworks District No. 40 v.  
20 Diamond Farming Co., Superior Court of  
California, County of Kern, Case No. S-1500-CV-  
21 254-348;

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

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

**DECLARATION OF JEFFREY V.  
DUNN IN SUPPORT OF  
OPPOSITION TO MOTION TO  
SET ASIDE JUDGMENT  
ENTERED AGAINST MARK  
RITTER, SUCCESSOR TRUSTEE  
OF THE RITTER FAMILY TRUST  
AND MARK S. RITTER AND  
DANA E. RITTER**

25 RICHARD WOOD, on behalf of himself and all  
26 other similarly situated v. A.V. Materials, Inc., et  
al., Superior Court of California, County of Los  
27 Angeles, Case No. BC509546  
28

1 I, Jeffrey V. Dunn, declare as follows:

2 1. I am a partner with the law firm of Best Best & Krieger LLP, counsel for  
3 defendant Los Angeles County Waterworks District No. 40 (“District 40”). I have personal  
4 knowledge of the facts stated herein and, if called upon to do so, I could testify to these facts.

5 2. Attached hereto as **Exhibit A** is a true and correct copy of the rough draft  
6 transcript of Mark Ritter’s deposition with the relevant portions highlighted.

7 3. District No. 40 first named Edgar C. Ritter, Paula E. Ritter, and Paula E. Ritter, as  
8 trustees of the Ritter Family Trust (the Ritter trustees) in an amendment to its complaint on  
9 November 2, 2005. Attached here to as **Exhibit B** is a true and correct copy of the relevant  
10 portions of District No. 40’s Amendment to Complaint.

11 4. The Ritter trustees first appeared in the case in a case management conference  
12 statement, listed as members of the Antelope Valley Groundwater Agreement Association  
13 (AGWA), on November 28, 2005. Attached hereto as **Exhibit C** is a true and correct copy of the  
14 November 28, 2005 AGWA Case Management Conference Statement.

15 5. The Ritter trustees filed an answer of January 2, 2007. Attached hereto as **Exhibit**  
16 **D** is a true and correct copy of the relevant portions of that answer.

17 6. Trustee Paula Ritter signed an acknowledgement of receipt of District No. 40’s  
18 First Amended Cross-Complaint on June 18, 2009. Attached hereto as **Exhibit E** is a true and  
19 correct copy of that acknowledgement.

20 7. The Ritter trustees were consistently listed as AGWA members in court filings  
21 until March of 2013.

22 8. Attached hereto as **Exhibit F** is a true and correct copy of the Case Management  
23 Order for Phase 4 Trial.


24 9. Mark Ritter, successor trustee of the Ritter Family Trust, reappeared in a case  
25 management conference statement filed by a different law firm on September 3, 2015.

26 10. The Ritter trustees appeared on AGWA’s Notice of Intent to Participate in Phase  
27 Four Trial but did not participate nor move to be excused from the obligation so to do. Attached  
28 hereto as **Exhibit G** is a true and correct copy of AGWA’s Notice.

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- 11. Mark Ritter never presented a schedule or date or try his case on the merits.
- 12. Mark Ritter failed to oppose the Wood Class’s Request for Judgment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 1st day of February, 2016, at Irvine, California.

  
\_\_\_\_\_  
Jeffrey V. Dunn

# **Exhibit A**

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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, )  
----- ) Case No.  
RICHARD A. WOOD, an individual, ) BC 391869  
on behalf of himself and all )  
others similarly situated, )  
Plaintiff, )  
v. )  
LOS ANGELES COUNTY WATERWORKS )  
DISTRICT 40; et al. )  
\_\_\_\_\_Defendants.\_\_\_\_\_)

DEPOSITION OF MARK STEVEN RITTER  
Wednesday, January 27, 2016

Reported By:  
DEBORAH KINSELLA  
CSR No. 13808  
Job No. 2224143  
Pages to

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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 ) Case No.  
similarly situated, ) BC 391869  
Plaintiff, )  
v. )  
LOS ANGELES COUNTY WATERWORKS )  
DISTRICT NO.40; et al )  
\_\_\_\_\_Defendants\_\_\_\_\_ )

Deposition of MARK STEVEN RITTER, taken on behalf of  
Plaintiff Richard Wood and the Class, at 2049 Century  
Park East, Suite 2450, Los Angeles, California 90069,  
commencing at 2:08 p.m., and ending at 3:12 p.m. on  
Wednesday, January 27, 2016, before Deborah Kinsella,  
CSR No. 13808.

1 APPEARANCES:

2 FOR PLAINTIFF RICHARD WOOD AND THE CLASS:

3 LAW OFFICES OF DANIEL M. O'LEARY  
4 BY: DANIEL M. O'LEARY, ESQ.

5 Phone  
6 email

7  
8 FOR MARK RITTER, INDIVIDUALLY AND AS SUCCESSOR  
TRUSTEE OF THE RITTER FAMILY TRUST:

9 BRUMFIELD & HAGAN, LLP  
10 BY: ROBERT H. BRUMFIELD, ESQ.

11 Phone  
12 email

13  
14 FOR ANTELOPE VALLEY GROUNDWATER AGREEMENT  
ASSOCIATION:

15 BROWNSTEIN, HYATT, FARBER & SCHRECK  
16 BY: MICHAEL T. FIFE, ESQ.

17  
18 Phone  
19 email

20 FOR L.A. COUNTY WATERWORKS, DISTRICT 40:

21 OFFICE OF COUNTY COUNSEL, COUNTY OF LOS  
ANGELES  
22 BY: WARREN R. WELLEN, ESQ.

23  
24 Phone  
email  
25 Also Present (via phone) Mr. McElhaney

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I N D E X

DEPONENT	EXAMINATION	PAGE
MARK STEVEN RITTER		
	BY MR. O'LEARY	5
	BY MR. FIFE	31
	BY MR. WELLEN	38

EXHIBITS

NUMBER	DESCRIPTION	PAGE
Exhibit 1	DECLARATION OF MARK RITTER	18
Exhibit 2	RECORDED AFFIDAVIT OF DEATH OF PAULA ELAINE RITTER	19
Exhibit 3	GRANT DEED RECORDED 9/4/15	22
Exhibit 4	LETTER TO MR. BRUMFIELD FROM MR. FIFE DATED NOVEMBER 3, 2015	24
Exhibit 5	ANSWER TO ALL CROSS COMPLAINTS PERTAINING TO ANTELOPE VALLEY GROUNDWATER CASES	29
Exhibit 6	NOTICE OF ACKNOWLEDGMENT OF RECEIPT, CIVIL, DATE JUNE 10, 2009	30
Exhibit 7	COPY OF RITTER FAMILY TRUST	31
Exhibit 8	TICOR REPORT	31



1                   Los Angeles, California;  
2                   Wednesday, January 27, 2016  
3                   2:08 p.m.

4  
5                   MARK STEVEN RITTER,  
6                   having been first duly sworn by the reporter,  
7                   was examined and testified as follows:

8  
9                   EXAMINATION

10 BY MR. O'LEARY:

11           Q    Let me have you start by stating your name and  
12 spelling it, please.

13           A    Full name?

14           Q    Yeah, full name, please.

15           A    Mark Steven Ritter, M-a-r-k, S-t-e-v-e-n,  
16 R-i-t-t-e-r.

17           Q    Okay, Mr. Ritter, my name is Dan O'Leary. I'm  
18 going to be taking your deposition. We're going to move  
19 pretty quick. You're not going to be here very long,  
20 but there's a couple ground rules that I want to make  
21 clear at the beginning.

22                   Number one, the most important, the oath just  
23 administered by the court reporter is the same oath you  
24 would take if this were a courtroom with the judge and  
25 jury present.

1 Do you understand that?

2 A Uh-huh.

3 Q Number two, you have to make your answers  
4 verbal. So you're communicating when you say "Uh-huh,"  
5 but it doesn't show up well in the transcript. So I  
6 might prod you for a "yes" or a "no," okay?

7 A Okay.

8 Q So yes, you understand the significance of the  
9 oath that was just administered?

10 A Yes.

11 Q Okay. Like I said, this will be pretty quick,  
12 I think. Nevertheless, it's not a contest of endurance.  
13 If you want to take a break for any reason or speak with  
14 your lawyer, let me know, and I will accommodate you,  
15 okay?

16 A Yeah.

17 Q All right. Let me start off by asking you  
18 this: When did you first learn about groundwater  
19 litigation in the Antelope Valley?

20 A I don't remember exactly when it was. Probably  
21 whenever everybody else found out about it.

22 (Interruption. Mr. McElhaney joins the deposition via  
23 telephone.)

24 BY MR. O'LEARY:

25 Q All right. Let me ask you to repeat that

1 answer.

2 A Whenever all the other farmers found out about  
3 it.

4 Q Okay. Any estimate for us as to how long ago  
5 that was?

6 A It was a long time. I don't know. It must  
7 have been 15 years ago, I guess.

8 Q Okay.

9 A Something like that.

10 Q Okay. Your mother was still alive at the time?

11 A Yeah.

12 Q All right. And how did you learn about it if  
13 you recall?

14 A I think just all the other farmers talking  
15 amongst ourselves, you know.

16 Q Okay. Any particular group? Farm Bureau? 4H?

17 A The neighbors next door, Maritorena Farms  
18 because they're the ones that had the meeting about this  
19 right away.

20 Q Okay. Did you attend that meeting?

21 A Yeah.

22 Q Okay. And your best estimate is somewhere in  
23 the range of 15 years ago?

24 A Yes.

25 Q All right. Did your mom attend that meeting?

1           A    No.

2           Q    Anyone else in your family?

3           A    No.

4           Q    Okay.  You currently farm alfalfa in the

5 Antelope Valley; is that right?

6           A    Yes.

7           Q    Am I right that the address, this property

8 address, the property where you do that farming is 51201

9 90th Street West?

10          A    Yes.

11          Q    Lancaster?

12          A    Yes.

13          Q    And that property is served by two groundwater

14 wells?

15          A    Yes.

16          Q    And that was true at the time you first learned

17 about the groundwater litigation?

18          A    Yes.

19          Q    Okay.  Do you live at that address?

20          A    Yes.

21          Q    How long have you lived there?

22          A    Since probably 1982.

23          Q    All right.  Continuously?

24          A    Yeah.

25          Q    Did your father live at that address while he

1 was alive?

2 A No.

3 Q Okay. And how about your mother?

4 A No.

5 Q Have you been involved in farming that land  
6 continuously since 1982?

7 A Yes.

8 Q All right. You mentioned that the groundwater  
9 litigation was discussed among farmers and there was a  
10 meeting maybe 15 or so years ago at a neighboring farm.  
11 Anything after that, in that time period, that you  
12 recall regarding litigation involving groundwater  
13 pumping rights in the Antelope Valley?

14 A You mean did I hear of anything after that?

15 Q Yeah. And I'm not talking about in the last  
16 year or two, but back in 2000, early 2000s?

17 A No.

18 Q Okay. Do you recall ever being served with any  
19 legal documents related to groundwater litigation at  
20 your property in Lancaster, you personally?

21 A No.

22 Q Do you know if your mom ever was?

23 A Yes.

24 Q What do you know about that?

25 A I don't know if it was legal, or what it was.

1 It was just something she got in the mail telling her  
2 about this groundwater thing.

3 Q Do you remember when that was?

4 A No, I don't remember when that was.

5 Q All right. Your mom passed in 2010?

6 A Yes.

7 Q Okay. So sometime before 2010?

8 A Yes.

9 Q And kind of a broad question, but between 2000  
10 or whenever this first meeting was at the neighboring  
11 ranch and the time your mom passed, did you have any  
12 involvement beyond conversational with other farmers  
13 regarding groundwater pumping rights?

14 A No.

15 Q Okay. The lawyer to my left is Michael Fife.  
16 He introduced himself to you before we started. You  
17 never met him before?

18 A No.

19 Q To your knowledge, have you ever had any  
20 communications with him or his law firm?

21 A No.

22 Q Okay. And excluding Mr. Brumfield, your  
23 lawyer, in the last 15 years, have you had any  
24 conversations with any lawyers regarding your  
25 groundwater pumping rights?

1           A    No.

2           Q    The farm at 51201 90th Street West, am I right  
3 that when your mom was alive in 2009 and '10, that that  
4 land was owned by your parents' trust?

5           A    Yes.

6           Q    Your mom served as trustee at the time?

7           A    Yes.

8           Q    And you were the beneficiary of that trust, if  
9 you know?

10          A    The trustee of the trust.

11          Q    Well, your mom was the --

12          A    Well --

13          Q    Go on.

14          A    You mean the beneficiary of that land or of the  
15 trust?

16          Q    Well, that's good. Let me ask it this way.  
17                Under your parents' trust, did you stand to  
18 come in title of that land upon your mom's passing?

19          A    Yes. I think we pretty much figured that at  
20 the time.

21          Q    Okay. Do you have any brothers and sisters?

22          A    Yes.

23          Q    Okay. Do they have any involvement in that  
24 ranch?

25          A    No.

1 Q And have they at any time in the past?

2 A No.

3 Q It's always been you?

4 A Uh-huh.

5 Q That's a "yes"?

6 A Yes.

7 Q Okay. Did your mom serve as the trustee of the  
8 Ritter Family Trust until her death?

9 A Yes.

10 Q Okay. And I understand you're the successor  
11 trustee?

12 A Yes.

13 Q Were you the successor trustee under the trust  
14 instrument itself? In other words, if you know, did the  
15 trust instrument appoint you to be trustee upon your  
16 mom's passing? You may not know.

17 A That's the way she wrote it up in her trust --

18 Q Okay.

19 A That I was the trustee.

20 Q Okay. Thank you. And when your -- let me ask  
21 you this way. Upon your mom's death, were any court  
22 proceedings instituted as a result of the trust?

23 A No.

24 Q Okay. No court to have you appointed as  
25 successor trustee?



1 A No.

2 Q Or to have title to the property changed?

3 A No.

4 Q Okay. You or your lawyer gathered some  
5 documents that you're producing today?

6 A Yes.

7 Q So I'll ask Mr. Brumfield --

8 MR. BRUMFIELD: A bit of a combination, but  
9 yes.

10 MR. O'LEARY: What do you -- just tell me what  
11 you have.

12 MR. BRUMFIELD: I have -- there are -- well,  
13 you had six categories here.

14 MR. O'LEARY: Right.

15 MR. BRUMFIELD: The first --

16 MR. O'LEARY: And I saw your email about -- so  
17 no communications with Mr. Fife or his --

18 MR. BRUMFIELD: Right. Nothing -- no  
19 correspondence or other written communications with  
20 Mr. Fife's firm, either the predecessor, the Hatch &  
21 Parent firm or his current firm, and nothing -- the  
22 other one was correspondence or written communications  
23 between Mr. Ritter and the AGWA. And Mr. Ritter does  
24 not have any such communications at all.

25 MR. O'LEARY: Okay.

1           MR. BRUMFIELD: And you also asked for -- 3 was  
2 records and documents and other writings relating to the  
3 administration of the Ritter Family Trust. There's  
4 really nothing particular except the recorded Affidavit  
5 Death of Trustee if you want. If you don't have a copy  
6 of that, you're welcome to have that for the deposition.

7           There are a couple of copies --

8           MR. O'LEARY: Okay.

9           MR. BRUMFIELD: -- one for the reporter and  
10 yourself and me. And then there's the deed. Mr. Ritter  
11 did that back, I think, in September of '15. And then  
12 there's the deed, both of these from L.A. County,  
13 transferring the Ritter Ranch properties which -- we're  
14 dealing with three parcels here by the way.

15           One is owned by Mr. Ritter personally and has  
16 been for 25 years approximately. And the ranch is on  
17 APN's 3262-006-002 and -003, I think.

18           Mr. O'Leary, let me just make sure.

19           MR. O'LEARY: Yeah. That's the grant deed.

20           MR. BRUMFIELD: Right. That's what the ranch  
21 is. And the residence is on, I think, -004.

22           MR. O'LEARY: Okay.

23           MR. BRUMFIELD: And there is no communication,  
24 item 4, no communications between the beneficiaries of  
25 the trust. It's just Mr. Ritter and his sister who

1 lives nearby. And so Mr. Ritter told me that they just  
2 simply talk about any issues that had to come up.

3           You wanted the copy of the trust instrument.  
4 You're welcome to that. It's just a standard -- I guess  
5 you call them AB-type trusts that husbands and -- it's  
6 nothing particularly unique you'll find in there, just a  
7 regular revocable trust.

8           Documents relating to the ownership of real  
9 property. I think I gave you some of those, and I'm  
10 happy to give you this as well. We received this from  
11 -- I think Ticor Title Insurance -- but this shows a  
12 little bit of the recorded document history.

13           It looks like in 1995 the Ritter Trust got the  
14 balance of the property. I think it may have been  
15 jointly owned between Mr. Ritter's parents and a fellow  
16 named Forrest Godde. And then in '95, Mr. Godde  
17 transferred his interest and then --I gave you that  
18 deed -- in September 2015 is when Mr. Ritter transferred  
19 it out to himself personally. And those are just the  
20 real estate reports, and that's all we have for you.

21 BY MR. O'LEARY:

22           Q    Okay. So, Mr. Ritter, you listened to that  
23 explanation your lawyer just provided?

24           A    Uh-huh.

25           Q    And -- "yes"?

1 A Yes.

2 Q And it did strike you as accurate?

3 A Yes.

4 Q So specifically -- let me ask you this.

5 Prior to the time you retained Mr. Brumfield,

6 had you ever heard of the Antelope Valley Groundwater

7 Agreement Association which we refer to as AGWA

8 typically?

9 A Yes.

10 Q How so?

11 A Just from other farmers.

12 Q Okay. Going back what period of time?

13 A Four or five years probably.

14 Q Did you ever consider yourself a member of the

15 Antelope Valley Groundwater Agreement Association?

16 A No.

17 Q Do you know whether your mom ever considered

18 herself a member of that association?

19 A I don't know.

20 Q You don't know, or she did not?

21 A I don't know, but I would say no.

22 Q Okay. Did you ever have any conversations that

23 you recall with your mom about AGWA?

24 A No.

25 Q Okay. Did you ever have any conversations with

1 your mom about the groundwater litigation going on in  
2 the Antelope Valley?

3 A After the first meeting --

4 Q Yeah.

5 A -- that we went to, I discussed it with her.

6 Q Okay. And do you recall what you guys  
7 discussed?

8 A Well, at that time, it was kind of in its first  
9 stages, you know. But they were talking about getting  
10 lawyers to fight this whole deal, and then it could take  
11 10 to 15 years and this and that.

12 MR. O'LEARY: And low and behold.

13 MR. BRUMFIELD: Here we are.

14 THE WITNESS: So I told her that. And she kind  
15 of got mad and said, "There's no way we're going to pay  
16 lawyers for 15 years for -- because we've already got  
17 water rights anyway." I mean this is, you know -- you  
18 know how most people would react.

19 BY MR. O'LEARY:

20 Q Okay. So to your knowledge, did your mom ever  
21 retain a lawyer with respect to the groundwater  
22 litigation?

23 A No.

24 Q Okay. And did you ever retain a lawyer prior  
25 to Mr. Brumfield?

1 A No.

2 Q And I should ask -- I meant to ask this a few  
3 minutes earlier. But the two groundwater wells on the  
4 farm, how long have they been operating? Decades?

5 A Yeah.

6 Q Okay. Let me ask you to look at what I'll mark  
7 as Exhibit 1.

8 (Exhibit 1 was marked for identification.)

9 BY MR. O'LEARY:

10 Q And, Mr. Ritter, I'll represent to you that  
11 this is a declaration of yours that was posted to the  
12 Antelope Valley Groundwater Litigation website, I  
13 believe on November 9, 2015.

14 Do you recognize it?

15 A No.

16 Q Okay. You want to look at the -- page 5. Do  
17 you recognize your signature?

18 A Yes.

19 Q That is your signature?

20 A Yes.

21 Q Okay. Let me ask you to look at paragraph 4 on  
22 page 2.

23 MR. BRUMFIELD: One more page back. There.

24 This one. Yeah. This paragraph.

25 ///

1 BY MR. O'LEARY:

2 Q Just read it to yourself.

3 (Pause in the proceedings.)

4 BY MR. O'LEARY:

5 Q Okay. That paragraph indicates that in  
6 January 2015 you had prepared an Affidavit of Death of  
7 Trustee related to the Ritter Family Trust which you  
8 were kind enough to bring a copy of today; right?

9 Do you recall doing that?

10 A No.

11 Q I'll have the Affidavit of Death, the recorded  
12 version marked as Exhibit 2.

13 (Exhibit 2 was marked for identification.)

14 BY MR. O'LEARY:

15 Q Let me have you take a look at Exhibit 2.  
16 You'll see your signature. It's a few pages in.

17 MR. BRUMFIELD: It says page 3 at the bottom.  
18 It's the next page, page 3 of 4.

19 THE WITNESS: What is this from? Is this from  
20 the transfer of property?

21 BY MR. O'LEARY:

22 Q Yeah, it's part of that.

23 A Well, that could be, yeah. Because here's all  
24 these -- yeah, that's Starlette. She did it for us.

25 Q Okay. So what I'm going to ask you about that

1 is this. Your mom died in 2010?

2 A Yeah.

3 Q And then you transferred the property out of --  
4 I guess in 2015?

5 A Uh-huh.

6 Q Right?

7 A Yes.

8 MR. BRUMFIELD: Is that "yes"?

9 THE WITNESS: Yes.

10 BY MR. O'LEARY:

11 Q Okay. And the transfer, was that -- why did  
12 you do it? What was it about that time that caused you  
13 to do it?

14 A Well, we just put it off long enough, so we  
15 figured we better get it done.

16 Q Right. And did the specific reason have  
17 anything to do with the status of your property with  
18 respect to the groundwater litigation?

19 A No.

20 Q Okay. And the affidavit is dated January 2015.  
21 It was recorded in L.A. County in September. Do you  
22 know why there was a delay of a little over eight  
23 months?

24 A That's kind of the way things get done around  
25 the house. They get pushed back, and they get forgot



1 about. And then you finally -- "Well, what happened to  
2 this?

3 "Well, you'd better get that done."

4 "Okay." So...

5 Q Okay. So this is --

6 A That's kind of the way it happened.

7 Q -- not to make light of it, but standard  
8 procedure more or less?

9 A Yeah.

10 Q Okay.

11 A And going to the -- we tried to do it ourselves  
12 and get all this property changed. And so after the  
13 first meeting, you know, we got sent home. "You need  
14 this." You need that." And, you know, it's L.A.  
15 County, and you can pretty much figure.

16 You need all this stuff, so okay. So we tried  
17 to get all that stuff and went back. Did it again. Got  
18 sent home again. I think it was like the third time,  
19 and, you know, there was time in between all this.  
20 There were weeks or two.

21 And finally we had to get this girl to set it  
22 all up for us and take it in and have it done. So we  
23 just paid her to have it done.

24 Q That girl being Starlette Kreig?

25 A Yes.

1 Q Okay. You also brought with you today what  
2 I'll have marked as Exhibit 3, which is a grant deed  
3 recorded in L.A. County the same day as Exhibit 2.

4 (Exhibit 3 was marked for identification.)

5 BY MR. O'LEARY:

6 Q And if you could look at Exhibit 3, Mr. Ritter.  
7 I'm just going to -- the question is going to be: Is  
8 this prepared for the same reason, just to effectuate  
9 the transfer of the property to you?

10 A Yes.

11 Q You and your wife?

12 A Yes.

13 Q Okay. You can put that aside then. Exhibit 1,  
14 your declaration, indicates that at least for some  
15 period of time the property was farmed as a partnership  
16 between you parents and Forrest Godde, G-o-d-d-e?

17 A Godde.

18 Q Godde. Okay. Do you know what period of time  
19 they were in partnership on that property?

20 A Ever since they bought it back in -- I don't  
21 know when exactly they brought that property, but it was  
22 a long time ago when I was just a kid.

23 Q Okay. 1970s maybe?

24 A I thoughts it was 70s, but I think it may have  
25 been before that.

1 Q Okay. But okay, a long time?

2 A Uh-huh.

3 Q Sufficient for my purposes?

4 A Yes.

5 Q And Mr. Godde, as I understand it, died  
6 in 2009? Does that sound right?

7 A Yes.

8 Q Did the partnership continue up until his  
9 death?

10 A Yes.

11 Q Did you ever have any conversations, you  
12 personally, with Mr. Godde regarding the groundwater  
13 litigation?

14 A No.

15 Q Do you know whether he was a member of the  
16 Antelope Valley Groundwater Agreement Association?

17 A From what I heard, he was for awhile. But then  
18 he got out of it was the last thing I heard.

19 Q Okay. And, you know, who did you hear that  
20 from?

21 A I don't know. It could have been a couple of  
22 guys that work with me. \*Gorge Webb. He may have said  
23 something about it.

24 Q All right. Any conversation with Mr. Godde  
25 himself about it?

1 A No.

2 Q And do you know whether or not Mr. Godde was a  
3 member of the Groundwater Agreement Association? Do you  
4 know whether he had ever retained a lawyer to deal with  
5 the groundwater litigation?

6 A No.

7 Q It's a man, right, Forrest Godde?

8 A Yes.

9 Q Okay. Let me ask you to look at what I'll mark  
10 as Exhibit 4. It's a November 3, 2015, letter from  
11 Mr. Fife to Mr. Brumfield.

12 (Exhibit 4 was marked for identification.)

13 MR. BRUMFIELD: Have you ever seen that letter  
14 before?

15 BY MR. O'LEARY:

16 Q I suspect you may not have, but feel free to  
17 read it. You're entitled to do that. But my questions  
18 are kind of -- I'm using this as kind of a jumping off  
19 point to ask you some questions which in fairness you  
20 may not know the answer to.

21 If you look at the second paragraph, there is a  
22 sentence that reads, "Sometime in 2005, the Ritters  
23 approached me about joining the group of defendants that  
24 my firm represents in the Antelope Valley adjudication."

25 Do you know who in your family may have

1 approached Mr. Fife in 2005 about joining the group of  
2 defendants which is the Antelope Valley Groundwater  
3 Agreement Association?

4 A It must have been me.

5 Q Okay.

6 A I remember calling and talking --

7 THE WITNESS: I guess it was to you.

8 BY MR. O'LEARY:

9 Q So let me give you a little bit of what we call  
10 an admonition. I'm entitled to what you know. I'm  
11 entitled to find out today what you remember to the --  
12 your obligation of course to tell the truth, the whole  
13 truth, and nothing but the truth.

14 I'm not entitled nor do I want you to guess or  
15 speculate, all right? So, for example, if you know that  
16 sometime, a long time ago now, you called a lawyer about  
17 this who was maybe representing other parties, I'm  
18 entitled to find out about at least the fact that you  
19 called, maybe not what you talked about.

20 But if you're not sure who it was and Mr. Fife  
21 doesn't ring a bell in your mind, then that would be a  
22 guess. I know that's not the greatest example.

23 A I called and talked to Nebeker.

24 Q Okay. Gene Nebeker?

25 A Yeah. We had a long conversation on the phone.

1 That must have been in 2005 when that happened, I guess.

2 THE WITNESS: And then I -- I don't remember  
3 talking to you. I thought I left a message.

4 MR. BRUMFIELD: You mean to Mr. Fife?

5 THE WITNESS: Yeah.

6 MR. BRUMFIELD: Just so we're clear.

7 THE WITNESS: Then I talked to somebody else,  
8 and he seemed to be a real nice guy. He kind of  
9 discussed things with me and said he really couldn't  
10 tell me anything. I don't know if it was another  
11 lawyer, or who it was. It's been so long ago, I can't  
12 remember.

13 BY MR. O'LEARY:

14 Q Yeah. Okay. And so is it your recollection,  
15 such as it is, that Mr. Nebeker gave you a number of a  
16 lawyer to call?

17 A That must be.

18 Q All right.

19 A He must have gave me a number.

20 Q And any time since then, have you had  
21 conversations with Mr. Nebeker about litigation?

22 A No.

23 Q Okay. You just remember one long --

24 A I think that was the last time I talked to him  
25 about it.

1 Q One long conversation probably in 2005?

2 A Uh-huh.

3 Q Yes?

4 A Yes.

5 Q Okay. And was your mom actively involved in  
6 any of this at the time?

7 A Not as far as I know.

8 Q Okay. Other than she had an objection to 15  
9 years of legal fees?

10 A Yes.

11 Q Yeah. Okay. That paragraph, it goes on to  
12 say, "Subsequently however" -- I'm skipping a sentence  
13 or two. "They," meaning the Ritters, "refused to sign  
14 any of the necessary representation documents such as  
15 the fee agreement and conflict waiver for the group."  
16 Do you see where I'm reading?

17 A Uh-huh.

18 Q Yes?

19 A Yes.

20 Q At any rate, would it be your testimony that  
21 you never signed up with any firm or lawyer --

22 A No.

23 Q -- back in 2015?

24 A No.

25 Q What I said is correct?

1 A Yes.

2 Q Okay. And then the last sentence of that  
3 paragraph says, "They" -- meaning the Ritters again --  
4 "represented that they did not want to be a part of this  
5 group of defendants and did not want to be represented  
6 by my firm in the adjudication."

7 Is that consistent with your recollection?

8 A Yes.

9 Q In other words, there was some kind of  
10 communication in which you said, "No, thank you. We're  
11 not going to join the group"?

12 A I don't think I ever said "No." I think I  
13 just, you know, never talked to anybody again about it.  
14 That could have been the first time that I talked to my  
15 mother about this maybe.

16 Yeah, because I don't know when all this  
17 started, but 2005 ain't that far from '99 or 2000,  
18 whenever the farmers started doing this. That could  
19 have been that time when she told me, "No, we don't want  
20 to get involved in this for 20 years," or whatever.

21 Q Okay. And is it correct then that you and your  
22 mom, to your knowledge, never paid any attorneys any  
23 money --

24 A No.

25 Q -- before you hired Mr. Brumfield for work



1 related to groundwater rights in the Antelope Valley?

2 A Before, no.

3 Q I don't want to know what -- I'm not going to  
4 ask about your fee arrangement with Mr. Brumfield, your  
5 current lawyer. I just want to know -- so 2005, no  
6 money was paid?

7 A No.

8 Q All right. Let me ask you to look at what will  
9 be marked Exhibit 5.

10 (Exhibit 5 was marked for identification.)

11 BY MR. O'LEARY:

12 Q Mr. Ritter, I will represent to you that  
13 Exhibit 5 is a copy of a document filed in the  
14 groundwater litigation back in January 2007, okay?

15 A Yes.

16 Q Have you ever seen it before?

17 A No.

18 Q In the block listing at the top of the parties  
19 represented by the Hatch & Parent firm, do you see the  
20 name of your father?

21 A Yes.

22 Q He was deceased in 2007?

23 A Yes.

24 Q And then your mom, Paula E. Ritter is listed?

25 A Yes.

1 Q And Paula E. Ritter as trustee of the Ritter  
2 Family Trust?

3 A Yes.

4 Q And she was in fact trustee of the Ritter  
5 Family Trust as of 2007?

6 A Yes.

7 Q Okay. That's it for that document.

8 Let me have you look at Exhibit 6.

9 (Exhibit 6 was marked for identification.)

10 BY MR. O'LEARY:

11 Q And I'll represent to you this is also a  
12 document that came from the docket in the groundwater  
13 litigation. No reason for you to have ever seen it  
14 before, but it's a Notice of Acknowledgment of Receipt,  
15 Civil. It's dated June 10, 2009.

16 Do you see at the bottom where Paula E. Ritter  
17 Trustee is handwritten in?

18 A Yes.

19 Q Do you recognize your mom's writing there?

20 A Yes.

21 Q And the signature Paula E. Ritter Trustee to  
22 the right of that?

23 A Yes.

24 Q It's your mom's signature?

25 A It looks like it.

1 Q Okay. That's it for that.

2 I'm going to mark, since we have them, a copy  
3 of the Ritter Family Trust -- thank you for producing  
4 it -- as Exhibit 7. And the Ticor report produced by  
5 Mr. Brumfield will be Exhibit 8.

6 (Exhibit 7 was marked for identification.)

7 (Exhibit 8 was marked for identification.)

8 MR. O'LEARY: I'm not going to ask any  
9 questions about that.

10 I don't think I'm going to ask any more  
11 questions at all.

12 Thank you, Mr. Ritter.

13

14 EXAMINATION

15 BY MR. FIFE:

16 Q Good afternoon, Mr. Ritter. My name is Michael  
17 Fife. I have just a couple of follow-up questions to  
18 ask you.

19 A Okay.

20 Q If we could start with Exhibit 6.

21 MR. BRUMFIELD: There you go. Right there.

22 BY MR. FIFE:

23 Q That's the exhibit you have in front of you.

24 Have you ever seen this document before?

25 A No.

1 Q So when you took over as trustee of the trust,  
2 you didn't see this in any files or anything like that?

3 A No.

4 Q Okay. Did you ever talk to your mother about  
5 her signing this document?

6 A No.

7 Q And I'm only asking these questions because I  
8 want a complete record. So do you know whether -- do  
9 you have any knowledge as to whether she had any legal  
10 advice with regard to signing this document?

11 A No.

12 Q You talked about the transfer of property from  
13 the trust in January of 2015; is that correct?

14 A Say it again.

15 Q There was a transfer of property out of the  
16 trust in January of 2015?

17 A Yes.

18 Q Is that correct?

19 A Yes.

20 Q Was that transfer a transfer of all the real  
21 property in the trust?

22 A Yes.

23 Q Does the trust currently contain any real  
24 property at all?

25 A No.

1 Q You indicated you had some help at some level,  
2 and I forget the name of the person.

3 A Starlette or something.

4 Q Starlette. And that's good enough.

5 MR. BRUMFIELD: It's in Exhibits 2 and 3, yeah.

6 MR. FIFE: Yeah.

7 BY MR. FIFE:

8 Q Did you have any other help --

9 A No.

10 Q -- with regard to that?

11 A No.

12 Q Did you have any legal help at all?

13 A No.

14 Q Okay. Have you ever had legal help with regard  
15 to the trust in any sense?

16 A No, I don't believe so.

17 Q Okay. Have you ever had legal help associated  
18 with the farm in any sense?

19 A No.

20 Q There was an eight-month gap between the  
21 transfer of the property and the recording of it, and it  
22 was recorded in September of 2015. Did you have any  
23 legal advice associated with that recording?

24 A No.

25 Q No lawyer told you to record it?

1 A I don't believe so.

2 Q Okay. Are you familiar with a company or a  
3 corporation known as LV Ritter Ranch, LLP?

4 A No.

5 Q You've never heard of such a company?

6 A I don't think so.

7 Q And so you have no ties to a company by that  
8 name?

9 A No.

10 Q Okay. No ties of any kind?

11 A That must be the Ritter Ranch Development.

12 Q Yes.

13 A Oh, no. That has nothing to do with us. They  
14 just used our name because we used to own that mountain  
15 up there years and years ago.

16 Q Do you know when approximately you owned it?

17 A I think they sold it in '55 or bought it in '55  
18 or sold it in '55. I'm pretty sure they sold it in '55.  
19 I don't remember.

20 Q And when you refer to "they" in that sentence,  
21 who are you talking about?

22 A My father's father and his brothers. They  
23 owned that mountain up there and a lot of the land down  
24 in Palmdale. They used to dry farm, run cattle. And  
25 they had a hunting club up there and everything.

1 Q Do any of your family members besides yourself  
2 and your wife own property in the Antelope Valley right  
3 now?

4 A My sister.

5 Q And what does she own? A farm?

6 A No. She just owns a house, a couple houses and  
7 a couple lots.

8 Q Okay.

9 MR. BRUMFIELD: Just to be clear for the  
10 record, if you look at the back of the trust -- not that  
11 we need to go into it in detail. There are two improved  
12 properties listed. Those are both houses if you look  
13 them up on Google or the L.A. Assessor's Office. Those  
14 are distributed from the trust to Mr. Ritter's sister.

15 They're houses where his parents lived,  
16 Mr. Ritter's parents lived, and there's a little rental  
17 house right next to it. It's also on 90th Street, but  
18 it's a few miles away.

19 THE WITNESS: Yeah. When we split up the trust  
20 -- well, we had already talked to my mother about, you  
21 know, this. I would get the ranch, and she would get  
22 all the other properties. So that's the way we did it.

23 BY MR. FIFE:

24 Q And I'm sorry. I haven't looked at the trust  
25 documents. Did the trust -- prior to your mother's

1 death, did the trust contain real property other than  
2 the ranch which you got?

3 A Yes.

4 Q Okay. How much property was in the trust? Do  
5 you know generally? Acreage?

6 A Well, I mean just the -- the only real property  
7 was the 150 acres that I got that I'm farming.

8 Q Okay.

9 A The other ones were two and a half acres here  
10 and there, you know, and then where she lived, and then  
11 the house next door. And they got a piece of property  
12 by the freeway and then a couple of other lots out in  
13 the desert, you know.

14 Q Okay. And these were all properties -- prior  
15 to your mother's death, these were all real properties  
16 that were contained in the trust?

17 A Yes.

18 Q But they were distributed to your sister. Did  
19 that happen upon your mother's death?

20 A After.

21 Q 2010?

22 A Or after. Whenever. Whenever we got all that  
23 stuff run through the, you know, the -- to get it put in  
24 her name, and then that property put in my name.

25 Q Okay. So when you said "her" just now, you



1 were talking about your sister not your mother?

2 A Yes, my sister.

3 Q Okay. And when did that happen? When did the  
4 property, your sister's -- the property that's now your  
5 sister's property, when was that distributed from the  
6 trust to your sister?

7 A The same time. Well, I guess it was whenever  
8 we switched the properties. And it was done the same  
9 time I did the 150 acres, put it in my name.

10 Q Would that be January of 2015?

11 A Must have been, yeah.

12 Q Okay. So the property stayed in the trust  
13 until 2015?

14 A Yes.

15 Q Okay.

16 MR. BRUMFIELD: And I did not and have never  
17 pulled those records. I was aware of it yesterday  
18 actually.

19 BY MR. FIFE:

20 Q You described some difficulties accomplishing  
21 the transfer, that they sent you back home and stuff  
22 like that. Do you remember when you first tried to  
23 affect the distribution of the property from the trust?

24 A I don't remember when it was exactly.

25 Q Do you have an order of magnitude? Was it

1 2014? 2013? 2010? Something on that order?

2 A It's probably 2014.

3 Q Okay. Do you belong to the L.A. County Farm  
4 Bureau?

5 A Yes.

6 Q Have you ever heard discussion of the  
7 adjudication through the Farm Bureau?

8 A No.

9 MR. FIFE: I think that's all I have.

10 MR. O'LEARY: Anyone on the phone have any  
11 questions?

12 (No Response.)

13 MR. WELLEN: I might have some questions, but  
14 if you don't mind, if we could go off the record for a  
15 second. I just want to talk to Mr. O'Leary.

16 MR. BRUMFIELD: Sure. That's fine.

17 (Recess taken.)

18

19 EXAMINATION

20 BY MR. WELLEN:

21 Q Hi. My name is Warren Wellen. I'm with the  
22 County Counsel's Office. I represent L.A. County  
23 Waterworks, District Number 40.

24 So if I understand correctly, you first learned  
25 about the Antelope Valley Groundwater Adjudication

1 approximately 15 years ago. Is that a fair statement?

2 A Yes.

3 Q And when you became aware of the groundwater  
4 adjudication about 15 years ago, were you aware that the  
5 adjudication could impact the rights that you may have  
6 or your mother may have had with respect to groundwater  
7 pumping?

8 MR. BRUMFIELD: I'll just object as calling for  
9 a legal conclusion.

10 But you can answer to the extent you have any  
11 understanding.

12 THE WITNESS: Well, I guess we thought it could  
13 happen, but I mean this is America. You have water  
14 rights. That's what we thought.

15 BY MR. WELLEN:

16 Q Okay. And your understanding that this is  
17 America and you have water rights, what is that based  
18 on? Is it a conversation with someone?

19 A No, that's just what I believe.

20 Q Okay. And what is the basis for that belief?

21 A Well, your water rights are -- that's supposed  
22 to be the most rights you have, the way they talk about  
23 it, water rights anywhere. I mean they used to fight  
24 over this stuff, you know, shoot each other. And that's  
25 kind of what I thought.

1           I thought, you know, I never broke the law. I  
2 never did anything. I'm sitting here running my life,  
3 farming, and then somebody comes along and sues me for  
4 water. "This is ridiculous," I thought. I mean my  
5 mother felt the same way. It's just terrible. It's  
6 just terrible.

7           Q    Well, roughly 15 years ago when you first  
8 learned about this case, did you think it was necessary  
9 to appear in court to protect your water rights?

10          A    No.

11          Q    Did you -- when was first time you spoke with a  
12 lawyer about the adjudication?

13          A    I guess when I talked to Mr. Fife that one time  
14 on the phone.

15          Q    Okay. And when was that?

16          A    I don't remember. I don't remember it, but...

17          Q    Have you spoken to any other attorneys  
18 regarding the Antelope Valley Groundwater Adjudication  
19 other than Mr. Brumfield and Mr. Fife?

20          A    No.

21          Q    And when did you first retain Mr. Brumfield?

22                THE WITNESS: When was that?

23                MR. BRUMFIELD: I know it's in a filing with  
24 the court, but I think I said the legal representation  
25 agreement was signed mid-September.

1 THE WITNESS: September.

2 MR. BRUMFIELD: Of '15.

3 BY MR. WELLEN:

4 Q Okay. And I take it you agree with what your  
5 attorney says?

6 A Yeah.

7 MR. BRUMFIELD: I was trying to remember back  
8 when I filed it. I know I was going to file it in one  
9 of the recent filings that we did.

10 MR. WELLEN: Thanks.

11 BY MR. WELLEN:

12 Q And did you contact Mr. Brumfield first, or did  
13 he contact you?

14 A I contacted him.

15 Q And when was that?

16 A Whenever he said I contacted him. I don't  
17 remember.

18 Q So roughly in September of 2015?

19 A Yeah. Yeah.

20 Q Okay. Why did you contact Mr. Brumfield?

21 A Well, from what I was all hearing from  
22 everybody, that this thing was about ready to come to an  
23 end, and you're not going to get water rights if you  
24 don't have an attorney and this and that. So I thought  
25 I better get somebody to talk for me at least.

1 Q Who told you that you needed to get a lawyer  
2 otherwise you would risk losing water rights?

3 A Just these other farmers around because they  
4 all, you know, they were in this group. And so I  
5 thought I might get a lawyer just to figure out what's  
6 going on, you know.

7 Q Do you remember the names of any of the farmers  
8 that you spoke with that prompted you to retain an  
9 attorney?

10 A No.

11 Q You testified a few minutes ago that you're a  
12 member of L.A. County Farm Bureau?

13 A Yes.

14 Q How long have you been a member?

15 A Probably 20 years.

16 Q Does the farm bureau have meetings?

17 A Yes.

18 Q Have you attended any of those meetings?

19 A No.

20 Q To your knowledge, does the farm bureau have  
21 any mailers, things that they mail to people?

22 A They mail stuff sometimes.

23 Q Did you receive stuff in the mail from the L.A.  
24 County Farm Bureau?

25 A Once in a while.

1 Q And when you receive information from the L.A.  
2 County Farm Bureau in the mail, do you read it or just  
3 toss it in the trash or what?

4 A I kind of scan over it a little bit, see what  
5 it's all about and throw it away usually.

6 Q Do you ever recall receiving anything from the  
7 L.A. County Farm Bureau in the mail that discussed the  
8 Antelope Valley Groundwater Adjudication?

9 A I can't remember anything right offhand,  
10 uhn-un.

11 Q Does the L.A. County Farm Bureau have an email  
12 list as far as you know?

13 A No, I don't know nothing about that.

14 Q Is it fair to say you don't receive emails?

15 A No, I don't.

16 Q Are you a member of any other organizations in  
17 the Antelope Valley that concern farming or the use of  
18 water for farming?

19 A No.

20 Q Are you aware that the court has set up a  
21 website regarding the Antelope Valley Groundwater  
22 Adjudication?

23 A No.

24 Q So is it fair to say you've never looked at the  
25 website?

1 A I've never looked at it.

2 Q Before you retained Mr. Brumfield as your  
3 attorney, did you ever contact the court regarding the  
4 Antelope Valley Groundwater Adjudication?

5 A No.

6 Q Before you retained Mr. Brumfield, did you make  
7 any sort of effort to learn anything about the  
8 groundwater adjudication?

9 A No.

10 Q Okay. So is it fair to say that you knew about  
11 the groundwater adjudication, you knew that it could  
12 have an impact on your water rights, but you waited  
13 until September of 2015 before you first contacted a  
14 lawyer?

15 A Yes.

16 Q Before you contacted a lawyer, did you ever  
17 attempt to file anything with the court regarding the  
18 Antelope Valley Groundwater Adjudication?

19 A No.

20 Q Prior to retaining Mr. Brumfield, did you ever  
21 read any documents that had been filed in the Antelope  
22 Valley Groundwater Adjudication?

23 A No.

24 Q Before you hired Mr. Brumfield, had you ever  
25 read any orders issued by the Court in the Antelope



1 Valley Groundwater Adjudication?

2 A No.

3 Q Other than Gene Nebeker who you spoke with  
4 roughly around 2005, have you spoken with any other  
5 members of AGWA regarding the Antelope Valley  
6 Groundwater Adjudication?

7 A No, not at length. I mean just in passing.

8 Q Do you recall the contents of any of those  
9 passing conversations?

10 A No. They're usually, you know, "This thing is  
11 going to take another ten years," and this and that, you  
12 know. That's about all it was.

13 Q You testified that at some point around  
14 September of 2015 you spoke with some farmers and said  
15 the case is coming to a close and you should retain a  
16 lawyer. Do you recall having many conversations with  
17 those same farmers earlier where you discussed this  
18 case?

19 A No.

20 Q Was that the first time that anyone had told  
21 you that you ought to get a lawyer to represent your  
22 interest in the Antelope Valley?

23 A Nobody told me I should. I just decided on my  
24 own about that time. So I went to my neighbor Charlie  
25 Tapia because he had Mr. Brumfield as his attorney and

1 got his phone number and talked to him.

2 Q Was that the first time that you spoke to  
3 Mr. Tapia about the lawsuit?

4 A Yes.

5 Q So now I'm a little bit confused, which some  
6 people would say is my natural state. So you decided to  
7 retain an attorney based on what farmers told you, or  
8 was it because of a decision that you made on your own?

9 A Just from what I've been hearing from other  
10 farmers. You know, this case is getting close to an  
11 ending, and I'm thinking, "Well, I never thought I'd see  
12 the end of this thing, but maybe I better talk to a  
13 lawyer just to see what's happening."

14 Q So it was your understanding that the case was  
15 drawing to a close that prompted you to want to talk to  
16 a lawyer? Is that fair to say?

17 A Yes.

18 Q Was there any other reason why you thought it  
19 would be necessary to talk to a lawyer?

20 A Just to protect my water rights.

21 Q Okay.

22 A I pretty much figured by the time this thing  
23 got said and done, the judge would probably just give  
24 everybody that's farming, you know, whatever percent of  
25 water they're supposed to have or whatever they come up

1 with, and that would be the end of it.

2 Q And when did you first form the belief that  
3 that's what the judge would do?

4 A A few years ago I kind of figured that much  
5 out.

6 Q By "a few," do you just mean a couple of years  
7 or maybe longer than that?

8 A Just a few years ago probably.

9 Q And when you developed the belief that the  
10 judge would divide up water rights based on what people  
11 were farming, was that something that you thought of on  
12 your own, or did that come out of a conversation with  
13 someone?

14 A No, that's just something I thought up on my  
15 own. I would figure that would be the fair way to do  
16 it, you know. If they're going to do it, they're going  
17 to have to do it fair.

18 Q And when you formed the idea that that's how  
19 the judge would resolve the case, did you undertake any  
20 effort to speak with someone who has knowledge about  
21 water rights cases?

22 A No.

23 Q Did you try to read anything on the Internet?

24 A No.

25 MR. WELLEN: If my notes are correct, Exhibit 6

1 was the Notice Acknowledgment of Receipt?

2 MR. BRUMFIELD: Yes.

3 MR. WELLEN: Thanks.

4 BY MR. WELLEN:

5 Q Do you have Exhibit 6 in front of you, sir?

6 A Yes. Yes.

7 Q When was the first time that you saw Exhibit 6?

8 A Today.

9 Q Did your mother ever tell you that she had  
10 signed a document in regard to the Antelope Valley  
11 Groundwater Adjudication?

12 A No.

13 Q Did she ever tell you that she had become a  
14 party to the Antelope Valley Groundwater Adjudication?

15 A No.

16 Q Did you ever discuss the Antelope Valley  
17 Groundwater Adjudication with your mother?

18 A No.

19 MR. WELLEN: I have no further questions.

20 Thanks.

21 MR. O'LEARY: Nothing.

22 MR. BRUMFIELD: No.

23 MR. O'LEARY: You want to go off the record a  
24 sec?

25 (A discussion was held off the record.)

1 MR. O'LEARY: I will propose the following:

2 The court reporter will prepare the original  
3 transcript. She will forward that transcript to  
4 Mr. Brumfield at which point we will all agree to  
5 release her from any further responsibilities for the  
6 original transcript.

7 Mr. Brumfield will maintain the original.

8 He'll arrange for Mr. Ritter to review it and  
9 sign it under penalty of perjury.

10 However, the timing of the signature will be  
11 deferred to further discussions because we think it may  
12 not matter in light of what happens at the hearing on  
13 the motion to set aside the default. So we can cross  
14 that bridge when we need to.

15 That's what I would propose.

16 MR. BRUMFIELD: I think that's agreeable, yes.

17 MR. FIFE: Agreed. Sorry.

18 MR. WELLEN: So stipulated.

19 MR. O'LEARY: I would like a rough.

20 MR. FIFE: I would like a rough.

21 MR. BRUMFIELD: I would like a rough.

22 THE REPORTER: Mr. Wellen, would you like a  
23 rough as well?

24 MR. WELLEN: Yes, please.

25 (Deposition concluded at 3:12 p.m.)

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-oOo-

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

Executed at \_\_\_\_\_ on \_\_\_\_\_.  
(Place) (Date)

\_\_\_\_\_  
(Signature of Deponent)

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REPORTER'S CERTIFICATE

I, Deborah Kinsella, Certified Shorthand  
Reporter certify;

That the foregoing proceedings were taken before me  
at the time and place therein set forth, at which time  
the witness was put under oath by me;

That the testimony of the witness, the questions  
propounded, and all the objections and statements made  
at the time of the examination were recorded  
stenographically by me and were thereafter transcribed;

I further certify that I am not a relative or  
employee of any attorney of the parties nor financially  
interested in the action.

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

Dated \_\_\_\_\_

<%signature%>Deborah Kinsella

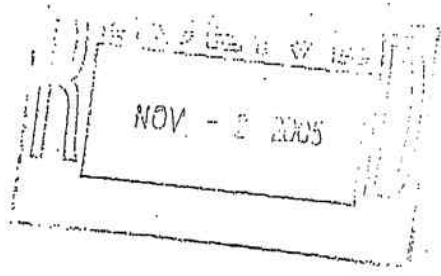
# **Exhibit B**



10/26

1 BEST BEST & KRIEGER LLP  
 ERIC L. GARNER, Bar No. 130665  
 2 JEFFREY V. DUNN, Bar No. 131926  
 SANDRA M. SCHWARZMANN, Bar No. 188793  
 3 5 PARK PLAZA, SUITE 1500  
 IRVINE, CALIFORNIA 92614  
 4 TELEPHONE: (949) 263-2600  
 TELECOPIER: (949) 260-0972

EXEMPT FROM FILING FEES  
 UNDER GOVERNMENT CODE  
 SECTION 6103



5 OFFICE OF COUNTY COUNSEL  
 6 COUNTY OF LOS ANGELES  
 RAYMOND G. FORTNER, JR., Bar No. 42230  
 7 ASSISTANT COUNTY COUNSEL  
 FREDERICK W. PFAEFFLE, Bar No. 145742  
 8 SENIOR DEPUTY COUNTY COUNSEL  
 500 WEST TEMPLE STREET  
 9 LOS ANGELES, CALIFORNIA 90012  
 TELEPHONE: (213) 974-1901  
 10 TELECOPIER: (213) 458-4020

11 Attorneys for Plaintiff  
 12 LOS ANGELES COUNTY WATERWORKS  
 DISTRICT NO. 40

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 14 COUNTY OF SANTA CLARA

16 LOS ANGELES COUNTY  
 WATERWORKS DISTRICT NO. 40,  
 17 Plaintiff,  
 18 vs.  
 19 DIAMOND FARMING COMPANY;  
 20 BOLTHOUSE PROPERTIES, INC.;  
 CITY OF LANCASTER;  
 21 CITY OF LOS ANGELES;  
 CITY OF PALMDALE;  
 22 LITTLE ROCK CREEK IRRIGATION  
 DISTRICT;  
 23 PALMDALE WATER DISTRICT;  
 PALM RANCH IRRIGATION  
 24 DISTRICT,  
 QUARTZ HILL WATER DISTRICT;  
 25 and DOES 1 through 25,000 inclusive;  
 26 Defendants.

Case No. 105 CV 049053  
 Judicial Council Coordination Proceeding No. 4408  
 Los Angeles County Superior Court Case No. BC325201  
 Coordinated With:  
 Kern County Superior Court Case No. S-1500 CV 254348  
 Riverside County Superior Court Case Nos. RIC 344436, RIC 344668, RIC 353840

AMENDMENT TO COMPLAINT

1           Upon the filing of the complaint, the County of Los Angeles Waterworks District No. 40,  
 2 being unaware of the true names of several defendants, designated those defendants in the  
 3 Complaint by the fictitious names of Does 4-185. Now, the County has discovered the true  
 4 names of those defendants as follows;

Doe No.	True and Correct Name of Doe Defendant
Doe 4	ABC Williams Enterprises LP
Doe 5	Airtrust Singapore Private Limited
Doe 6	Marwan M. Aldais
Doe 7	Allen Alevy
Doe 8	Allen Alevy and Alevy Family Trust
Doe 9	A V Materials, Inc.
Doe 10	Guss A. Barks, Jr.
Doe 11	Peter G. Barks
Doe 12	Ildefonso S. Bayani
Doe 13	Nilda V. Bayani

LAW OFFICES OF  
 BEST BEST & KRIEGER LLP  
 5 PARK PLAZA, SUITE 1500  
 IRVINE, CALIFORNIA 92614

1	Doe No.	True and Correct Name of Doe Defendant
2		
3	Doe 134	Patricia J. Riggins
4		
5	Doe 135	Patricia J. Riggins as Trustee of the Riggins Family Trust
6		
7	Doe 136	Edgar C. Ritter
8		
9	Doe 137	Paula E. Ritter
10		
11	Doe 138	Paula E. Ritter as Trustee of the Ritter Family Trust
12		
13	Doe 139	Romo Lake Los Angeles Partnership
14		
15	Doe 140	Rosemount Equities LLC Series
16		
17	Doe 141	Royal Investors Group
18		
19	Doe 142	Royal Western Properties LLC
20		
21	Doe 143	Santa Monica Mountains Conservancy
22		
23	Doe 144	San Yu Enterprises, Inc.
24		
25	Doe 145	Daniel Saporzadeh
26		
27		
28		

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
5 PARK PLAZA, SUITE 1500  
IRVINE, CALIFORNIA 92614

Doe No.	True and Correct Name of Doe Defendant
Doe 181	Elizabeth Wong
Doe 182	Mary Wong
Doe 183	Mike M. Wu
Doe 184	Mike M. Wu as Trustec of the Wu Family Trust
Doe 185	State of California 50 <sup>th</sup> District and Agricultural Association

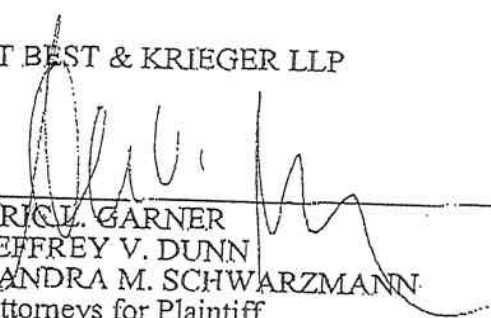
LAW OFFICES OF  
 BESTBEST & KRIEGER LLP  
 5 PARK PLAZA, SUITE 1500  
 IRVINE, CALIFORNIA 92614

Accordingly, the County amends the Complaint by substituting the true names of the above defendants wherever the fictitious names appear in the Complaint.

Dated: October 26, 2005

BEST BEST & KRIEGER LLP

By:

  
 ERIC L. GARNER  
 JEFFREY V. DUNN  
 SANDRA M. SCHWARZMANN  
 Attorneys for Plaintiff  
 LOS ANGELES COUNTY  
 WATERWORKS DISTRICT NO. 40

# **Exhibit C**

1 Michael T. Fife (State Bar No. 203025)  
Bradley J. Herrema (State Bar No. 228976)  
2 Hatch & Parent, A Law Corporation  
21 East Carrillo Street  
3 Santa Barbara, CA 93101  
(805) 963-7000  
4 (805) 965-4333

5 **Attorneys for:** B.J. Calandri (Doe 19), John Calandri (Doe 20), John Calandri as Trustee of the John  
and B.J. Calandri 2001 Trust (Doe 21), Forrest G. Godde (Doe 62), Forrest G. Godde as Trustee of  
6 the Forrest G. Godde Trust (Doe 63), Lawrence A. Godde (Doe 64), Lawrence A. Godde and Godde  
Trust (Doe 65), Kootenai Properties, Inc. (Doe 96), Gailen Kyle (Doe 97), Gailen Kyle as Trustee  
7 of the Kyle Trust (Doe 98), James W. Kyle (Doe 99), James W. Kyle as Trustee of the Kyle Family  
Trust (Doe 100), Julia Kyle (Doe 101), Wanda E. Kyle (Doe 102), Eugene B. Nebeker (Doe 120), R  
8 and M Ranch (Doe 131), **Edgar C. Ritter (Doe 136), Paula E. Ritter (Doe 137), Paula E. Ritter as**  
**Trustee of the Ritter Family Trust (Doe 138), collectively known as the Antelope Valley Ground**  
9 **Water Agreement Association (“AGWA”)**

10  
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF SANTA CLARA**

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

15 Included Actions:

16 Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co.Superior Court of  
17 CaliforniaCounty of Los Angeles, Case No. BC  
325 201Los Angeles County Waterworks  
18 District No. 40 v. Diamond Farming  
Co.Superior Court of California, County of  
19 Kern,Case No. S-1500-CV-254-348Wm.  
Bolthouse Farms, Inc. v. City of  
20 LancasterDiamond Farming Co. v. City of  
21 LancasterDiamond Farming Co. v. Palmdale  
Water Dist.Superior Court of California, County  
22 of Riverside, consolidated actions, Case  
Nos.RIC 353 840, RIC 344 436, RIC 344 668  
23

) Judicial Council Coordination Proceeding No.  
) 4408

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

) **CASE MANAGEMENT CONFERENCE**  
) **STATEMENT**

) Date: December 2, 2005  
) Time: 10:00 a.m.  
) Dept: 17

24  
25 At the September 27, 2005 Case Management Conference, the Court Ordered plaintiff Los  
26 Angeles County Waterworks to begin naming landowners to this lawsuit. Plaintiff has complied with  
27  
28

1 this Order and landowners are now being brought in to the case in a phased manner beginning with  
2 the largest landowners in the Valley.

3 As anticipated, AGWA is composed of a large number of these initial landowners. AGWA  
4 continues to believe that plaintiff's timely naming of landowner defendants will help to move this  
5 case forward in an orderly manner. However, the Court can be of additional assistance in this  
6 process by providing a further Order which extends the deadline for the filing of responsive  
7 pleadings by these landowners. This extension should be to an unspecified date in the future when it  
8 will be more appropriate for such responsive pleadings to be received. LA County is prevented from  
9 consenting to this without Court authorization by Rule 201.7(d), which limits the parties' ability to  
10 stipulate without leave of Court to one 15-day extension beyond the 30-day time period prescribed  
11 for filing responses after service of the complaints.  
12

13 There are at least two reasons why such an Order would be appropriate at this time.  
14

15 First, Edwards Airforce Base has been named as a party to the lawsuit, raising the prospect  
16 that the case will be removed to federal court. Such removal may affect the responses available or  
17 appropriate to the landowner defendants. It may also render any pleadings filed with the current  
18 Court moot. The deadline for the filing of responsive pleadings should, at the very least, be extended  
19 until the question of whether the case will be removed to federal court has been resolved.  
20

21 Second, the landowners are currently organizing themselves into groups in order to more  
22 efficiently participate in this case. For example, many parties have contacted AGWA and are  
23 currently in the process of being added to our group. It will be to the advantage of all parties to allow  
24 the landowners defendants to organize in an orderly manner. This process can only be confused if  
25 these groups must also begin filing responsive briefs before fully organizing. The Court is already  
26 faced with a Demurrer and a Motion to Strike filed by two of the previously named landowner  
27 defendants. If an extension of time is not granted, then the Court will be faced with a multitude of  
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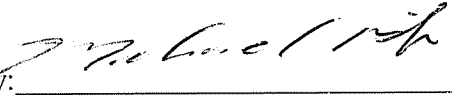
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such pleadings filed by disparate parties who may have otherwise organized into coherent groups had they been given adequate time. This process will then be repeated each time a new group of landowners is named by the plaintiff.

For these two reasons, the Court should provide an open extension of time in which the landowner defendants are required to file responsive pleadings. When the time is appropriate for the filing of responses, the Court can provide a response schedule and all of the landowner defendants can provide their responses at the same time to be addressed by the Court in an organized manner.

Dated: November 28, 2005

HATCH & PARENT, A LAW CORPORATION

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



# **Exhibit D**

1 MICHAEL T. FIFE (State Bar No. 203025)  
2 STEVEN L. HOCH (State Bar No.: 59505)  
3 STEPHANIE OSLER. HASTINGS (State Bar No.: 186716)  
4 BRADLEY J. HERREMA (State Bar No. 228976)  
5 HATCH & PARENT, A LAW CORPORATION  
6 21 East Carrillo Street  
7 Santa Barbara, California 93101  
8 Telephone No: (805) 963-7000  
9 Facsimile No: (805) 965-4333

10 **Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri  
11 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence  
12 A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen  
13 Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family  
14 Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, **Edgar C. Ritter Paula E.  
15 Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust,** Trust, Hines Family Trust , Malloy  
16 Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as  
17 Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas  
18 Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E.  
19 Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig,  
20 Paul S. & Sharon R. Kindig, Jose Maritorena Living Trust, Richard H. Miner, Jeffrey L. & Nancee J.  
21 Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Beverly Tobias, Leo Simi, White  
22 Fence Farms Mutual Water Company, William R. Barnes & Eldora M. Barnes Family Trust of 1989  
23 **collectively known as the Antelope Valley Ground Water Agreement Association ("AGWA")**

24 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
25 **FOR THE COUNTY OF SANTA CLARA**

26 **ANTELOPE VALLEY**  
27 **GROUNDWATER CASES**

) Judicial Council Coordination Proceeding  
) No. 4408

28 Included Actions:

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

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-254-348Wm. 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 No. RIC 353 840, )  
RIC 344 436, RIC 344 668 )

**ANSWER TO ALL CROSS-COMPLAINTS**

1 The parties listed in the caption to this Answer, collectively known as the Antelope Valley  
2 Groundwater Agreement Association (“AGWA”), hereby answer all Cross-Complaints<sup>1</sup> which have  
3 been filed as of the date of filing this Answer, specifically those of Antelope Valley East-Kern Water  
4 Agency, City of Palmdale, Palmdale Water District & Quartz Hill Water District, Rosamond  
5 Community Services District and Waterworks District No. 40 of Los Angeles County.

6 **GENERAL DENIAL**

7 1. Pursuant to Code of Civil Procedure section 431.30(d), Cross-Defendants hereby  
8 generally deny each and every allegation set forth in the Cross-Complaints, and the whole thereof,  
9 and further deny that Cross-Complainants are entitled to any relief against Cross-Defendants.

10 **AFFIRMATIVE DEFENSES**

11 **First Affirmative Defense**

12 (Failure to State a Cause of Action)

13 2. The Cross-Complaints and every purported cause of action contained therein fail to  
14 allege facts sufficient to constitute a cause of action against Cross-Defendants.

15 **Second Affirmative Defense**

16 (Statute of Limitation)

17 3. Each and every cause of action contained in the Cross-Complaints is barred, in whole  
18 or in part, by the applicable statutes of limitations, including, but not limited to, sections 318, 319,  
19 321, 338 and 343 of the California Code of Civil Procedure.

20 **Third Affirmative Defense**

21 (Laches)

22 4. The Cross-Complaints and each and every cause of action contained therein, is barred  
23 by the doctrine of laches.

24 **Fourth Affirmative Defense**

25 (Estoppel)

26 5. The Cross-Complaints and each and every cause of action contained therein, is barred  
27 by the doctrine of estoppel.

28 <sup>1</sup> None of the members of AGWA have been named in any of the Complaints.

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**Nineteenth Affirmative Defense**

20. The governmental entity Cross-Complainants are barred from taking, possessing or using cross-defendants' property without first paying just compensation. (United States Constitution, Amendment 5; Article I Section 19 of the California Constitution; California Code of Civil Procedure Section 1263.010(a)).

**Twentieth Affirmative Defense**

21. The governmental entity Cross-Complainants are seeking to transfer water right priorities and water usage which will have significant effect on the Antelope Valley Groundwater basin and the Antelope Valley. Said actions are being done without complying with and contrary to the provisions of California's Environmental Quality Act (CEQA) (Pub.Res.C. 2100 *et seq.*).

**Twenty-First Affirmative Defense**

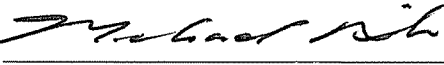
22. The governmental entity Cross-Complainants seek judicial ratification of a project that has had and will have a significant effect on the Antelope Valley Groundwater Basin and the Antelope Valley that was implemented without providing notice in contravention of the provisions of California's Environmental Quality Act (CEQA) (Pub.Res.C. 2100 *et seq.*).

WHEREFORE, Cross-Defendants pray that judgment be entered as follows:

1. That Cross-Complainants take nothing by reason of their Cross-Complaints;
2. That the Cross-Complaints be dismissed with prejudice;
3. For Cross-Defendants costs incurred herein; and
4. For such other and further relief as the Court deems just and proper.

Dated: January 2, 2007

HATCH & PARENT, A LAW CORPORATION

By:   
MICHAEL T. FIFE  
ATTORNEYS FOR AGWA

# **Exhibit E**

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):                  Jeffrey V. Dunn/SBN 131926                  Stefanie D. Hedlund/SBN 239787                  Best Best &amp; Krieger LLP                  5 Park Plaza, Suite 1500, Irvine, California 92614                  TELEPHONE NO: (949) 263-2600 FAX NO. (Optional): (949) 260-0972                  E-MAIL ADDRESS (Optional): jeffrey.dunn@bbklaw.com                  ATTORNEY FOR (Name): Los Angeles County Waterworks District No. 40</p>	<p><b>FOR COURT USE ONLY</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b>                  STREET ADDRESS: 111 North Hill Street                  MAILING ADDRESS:                  CITY AND ZIP CODE: Los Angeles, CA 90012                  BRANCH NAME: Central Branch</p>	
<p>PLAINTIFF/PETITIONER: LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, et al.                   DEFENDANT/RESPONDENT: DIAMOND FARMING COMPANY, et al.</p>	
<p><b>NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL</b></p>	<p>CASE NUMBER:                  Judicial Council Coordination                  Proceeding No. 4408</p>

TO (insert name of party being served): PAULA RITTER

**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: June 10, 2009

Stefanie D. Hedlund

(TYPE OR PRINT NAME)



(SIGNATURE OF SENDER - MUST NOT BE A PARTY IN THIS CASE)

**ACKNOWLEDGMENT OF RECEIPT**

This acknowledges receipt of (to be completed by sender before mailing):

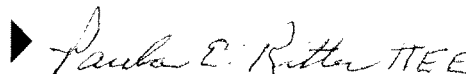
- 1.  A copy of the summons and of the complaint.
- 2.  Other (specify): Summons on First Amended Cross-Complaint, First Amended Cross-Complaint, Model Answer to Complaint and All Cross-Complaints

(To be completed by recipient):

Date this form is signed: 6/18/09

PAULA E. RITTER TEE

TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY, ON WHOSE BEHALF THIS FORM IS SIGNED)



(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

# **Exhibit F**

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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

Judicial Council Coordination  
Proceeding No. 4408

Lead Case No. BC 325 201

**CASE MANAGEMENT ORDER  
FOR PHASE 4 TRIAL**

Hearing Date(s): December 11, 2012  
Time: 9:00 a.m.  
Location: Department 1  
Santa Clara County  
Superior Court

Judge: Honorable Jack Komar



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

5  
6 IT IS HEREBY ORDERED:

7 1. The Phase 4 trial will commence at 9:00 a.m. on February 11, 2013, in  
8 Department 1 of the Superior Court of the County of Los Angeles, located at 111 North Hill  
9 Street, Los Angeles, California or such other location pursuant to court order upon notice.

10 2. The Phase 4 trial will address the issue of current groundwater production of all  
11 parties for the calendar year 2011 and January 1 through November 30, 2012, proof of claimed  
12 reasonable and beneficial use of water for each parcel to be adjudicated, claimed return flows  
13 from imported water, and federal reserved rights. Claims of prescription will be tried following  
14 the decision in Phase 4.

15 3. Expert witness disclosure shall take place on January 4, 2013. Designation of  
16 supplemental experts shall take place on January 11, 2013. Said designations shall meet the  
17 requirements of Code of Civil Procedure section 2034.010, *et seq.*, and include a statement as  
18 to availability for deposition during January 14-31, 2013. In addition, any expert designation  
19 shall produce a copy of any reports prepared concurrently with his or her designation.

20 A party intending to call a non-expert witness shall post the name(s) of such witness(es)  
21 on the Court's website on January 4, 2013, which shall include a statement as to availability for  
22 deposition during January 10-31, 2013.

23 The parties who have designated expert or non-expert witnesses are directed to meet  
24 and confer in person and/or by telephone at 10:00 a.m. on January 7, 2013, to develop a  
25 schedule for the taking of depositions of witnesses for the Phase 4 trial who have been  
26 designated. Counsel for the Los Angeles County Waterworks District No. 40 is directed to  
27 provide telephone conference information to the parties by posting the same to the Court's  
28 website by 12:00 p.m. on January 4, 2013. The purpose of the telephone conference is to

1 develop a schedule for the taking of depositions, such that such taking is concluded by January  
2 31, 2013, which is the expert witness, percipient witness and written discovery cut-off. A  
3 similar telephone conference shall take place in the same manner on January 14, 2013 for the  
4 supplemental expert witnesses designated on January 11, 2013.

5 Any party failing to participate in the telephone scheduling conferences or who refuses  
6 to schedule their witnesses for deposition shall be deemed to have waived the right to  
7 coordinate, and may thereafter have their witness' deposition set at the convenience of the  
8 participating parties on 5 court days notice given pursuant to the Court's Electronic Filing and  
9 Service Order. To the extent that parties are unable to reach agreement as to any deposition,  
10 the Court will conduct a telephonic meet and confer to be scheduled at the earliest convenient  
11 to the Court.

12  
13 4. The parties are directed to conduct a telephone conference at 10:00 a.m. on  
14 December 14, 2012 to discuss a coordinating or liaison committee for purposes of the Phase 4  
15 trial. Counsel for the Los Angeles County Waterworks District No. 40 is directed to provide  
16 telephone conference information to the parties by posting the same to the Court's website by  
17 noon on December 13, 2012. The purpose of the committee is to create a means of attempting  
18 to resolve issues quickly and informally, and to streamline the presentations at trial. The  
19 existence of this committee, however, shall not deprive any other party from raising issues or  
20 concerns to the other parties.

21 5. Any expert or other witnesses designated by the parties on January 4, 2013 shall  
22 be available and prepared to provide deposition testimony, absent other agreement, beginning  
23 on January 14, 2013. Any expert designated by the parties on January 11, 2013 shall be  
24 available and prepared to provide deposition testimony beginning on January 23, 2013. The  
25 parties shall make every effort to complete the depositions of the initially designated experts in  
26 time for the depositions of the supplemental experts to take place before the discovery cut-off  
27 directed above. More than one deposition may be scheduled to take place on the same day.

28 6. Any expert or other witness who is not prepared to testify on the date agreed or

1 noticed for deposition is subject to exclusion at the time of trial.

2 7. All deponents are directed to produce their file on this matter, and any other  
3 requested materials for inspection at least three business days before the date set for the  
4 deposition at the expert's place of business or such location as the parties may agree. Such  
5 materials may be produced in electronic format.

6 8. Other than materials requested through a notice of deposition, the only written  
7 discovery allowed is the Court-ordered discovery dated December \_\_, 2012.

8 9. The parties are directed to meet and confer concerning any discovery dispute  
9 before contacting the Court and before filing any discovery motion. If such attempts prove  
10 unsuccessful, the Court will conduct a further meet and confer, either by telephone or in person  
11 as the Court may direct. The parties will provide the Court with a letter in advance setting forth  
12 the text of any written discovery requests and responses thereto that are in dispute, or other  
13 information that will assist the Court in conducting the meet and confer. The parties should  
14 contact the Court's clerk to schedule any such meet and confer. The Court expects that all  
15 discovery disputes will be resolved through the meet and confer process. Any party may  
16 thereafter apply *ex parte* for an order shortening time and specially setting a motion to compel  
17 for hearing by providing notice thereof pursuant to the Electronic Filing and Service Order.

18 10. Any party intending to participate in the Phase 4 trial must post a Notice of  
19 Intention to Participate in the Phase 4 Trial on the Court's website by December 18, 2012.  
20 Excuse from this requirement may be given upon a showing of good cause.

21 11. The parties shall post their witness and exhibit lists on February 1, 2013. The  
22 witness lists shall provide the name of the witness(es), a short summary of testimony expected  
23 to be elicited, and a time estimate. The exhibit lists shall be sufficiently specific as to enable  
24 the other parties to identify the exhibit prior to trial. Exhibits shall be sequentially numbered,  
25 starting with the Arabic number 1. The parties shall agree through the Liaison Committee as to  
26 the division of exhibit numbers by January 27, 2013.

27 12. The parties shall coordinate with one another to determine the actual date and  
28

1 time of the witnesses' testimony at trial. The parties shall make their best efforts to produce all  
2 documents relevant to that witnesses' testimony prior to the witness' deposition. Any other  
3 documents not previously produced, but which are intended to be used at trial, shall be made  
4 available as soon as practicable.

5 13. Upon request, the parties shall provide one another with electronic copies of  
6 their exhibits, except those exhibits that are not practical to provide in electronic format.

7 14. Trial briefs shall be filed and posted on or before January 29, 2013. Responding  
8 trial briefs, *if any*, shall be filed at posted on or before February 5, 2013. Allied parties are  
9 encouraged to file joint briefs.

10 15. Any motion to exclude witnesses or exhibits, or other motions *in limine*, will be  
11 heard at the commencement of the trial on February 11, 2013. Any such moving papers shall  
12 be filed and posted on February 4, 2013. Any opposition papers, including evidentiary  
13 objections, shall be filed and posted on February 7, 2013. Evidentiary objections to evidence  
14 submitted in opposition shall be filed and posted on February 7, 2013. No other reply papers  
15 are allowed.

16 16. Should any party elect to use a third party provider to assist in the projection or  
17 presentation of evidence, that party shall permit said third party provider to contract with any  
18 other party for the use the same services provided. Third party providers, in any event, shall  
19 work together to coordinate the use of equipment.

20 17. Any party desiring to monitor the Phase 4 trial by telephone may do so through  
21 CourtCall, but will not be allowed to question witnesses or participate in oral argument absent  
22 prior arrangement with the Court.

23 18. The Court shall be provided with courtesy copies of all exhibits, except those  
24 pertaining to impeachment, preferably in three ring notebooks with numbered dividers, on or  
25 before February 6, 2013. Counsel are directed to coordinate this project with one another.


26 19. Prior to the commencement of each day of trial, counsel shall confer as to the  
27 order of the next day's witnesses, and shall advise the Court of the same at the commencement  
28

1 of that day of trial.

2 20. The Court will consider whether to request closing trial briefs as the Phase 4  
3 proceeds.

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5 DEC 1 2 2012

6 Dated: \_\_\_\_\_

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9 Hon. Jack Komar  
10 Judge of the Superior Court  
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# **Exhibit G**

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:** Gene T. Bahlman, William and Julie Barnes, William R. Barnes & Eldora M. Barnes  
9 Family Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee  
10 of the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie  
11 L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven Godde  
12 as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde  
13 Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms, Healy  
14 Enterprises, Inc., Habod Javadi, Juniper Hills Water Group, Eugene V., Beverly A., & Paul S.  
15 Kindig, Paul S. & Sharon R. Kindig, Kootenai Properties, Inc., Gailen Kyle, Gailen Kyle as Trustee  
16 of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle,  
17 Wanda E. Kyle, Maritorena Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry S.  
18 Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard  
19 and Michael Nelson, Robert Jones, John and Adrienne Reca, **Edgar C. Ritter, Paula E. Ritter, Paula  
20 E. Ritter as Trustee of the Ritter Family Trust**, Sahara Nursery, Mabel Selak, Jeffrey L. & Nancee J.  
21 Siebert, Dr. Samuel Kremen, Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property  
22 FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow  
23 Springs Company, Donna and Nina Wilson, Ramin Zomorodi, Genz Development and Castle Ranch  
24 Estate, **collectively known as the Antelope Valley Groundwater Agreement Association**  
25 **(“AGWA”)**

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **FOR THE COUNTY OF LOS ANGELES**

18 **ANTELOPE VALLEY** )  
19 **GROUNDWATER CASES** ) Judicial Council Coordination Proceeding  
20 ) No. 4408

21 Included Actions: )  
22 ) **Santa Clara Case No. 1-05-CV-049053**  
23 ) Assigned to The Honorable Jack Komar

24 Los Angeles County Waterworks District No. )  
25 40 v. Diamond Farming Co. Superior Court of )  
26 California County of Los Angeles, Case No. BC ) **AGWA’s NOTICE OF INTENT TO**  
27 325 201 Los Angeles County Waterworks ) **PARTICIPATE IN PHASE 4 TRIAL**  
28 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 No. RIC 353 840, )  
RIC 344 436, RIC 344 668 )

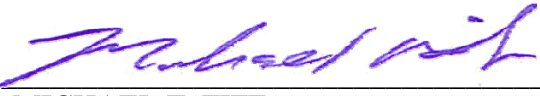
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**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

**PLEASE TAKE NOTICE** that the Antelope Valley Groundwater Agreement Association (“AGWA”) will participate in the Phase 4 Trial in all respects.

Dated: December 14, 2012

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 

MICHAEL T. FIFE  
BRADLEY J. HERREMA  
ATTORNEYS FOR AGWA



**PROOF OF SERVICE**

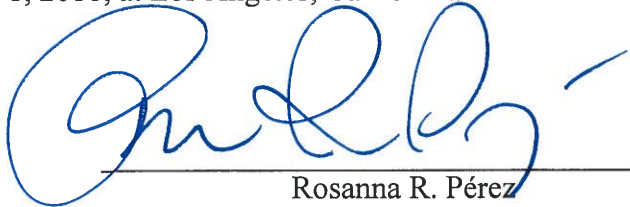
I, Rosanna R. Pérez, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On February 1, 2016, I served the following document(s):

**DECLARATION OF JEFFREY V. DUNN IN SUPPORT OF OPPOSITION TO MOTION TO SET ASIDE JUDGMENT ENTERED AGAINST MARK RITTER, SUCCESSOR TRUSTEE OF THE RITTER FAMILY TRUST AND MARK S. RITTER AND DANA E. RITTER**

by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 1, 2016, at Los Angeles, California.

  
\_\_\_\_\_  
Rosanna R. Pérez

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