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7 CLAN KEITH REAL ESTATE INVESTMENTS,
LLC, dba LEISURE LAKE MOBILE ESTATES
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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

12 ANTELOPE VALLEY GROUNDWATER
13 CASES

14 Included Actions:
Los Angeles County Waterworks District No.
15 40 v. Diamond Farming Co., Superior Court
of California, County of Los Angeles, Case
16 No. BC 325201;

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

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

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

Judicial Council Coordination Proceeding
No. 4408

CLASS ACTION

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

**EX PARTE APPLICATION TO
SUBSTITUTE CLAN KEITH REAL
ESTATE INVESTMENTS, LLC, dba
LEISURE LAKE MOBILE ESTATES IN
PLACE OF CROSS-DEFENDANTS
GOODYORK CORPORATION AND
LANCASTER SUMMIT PROPERTIES,
LTD.**

Date: September, 21, 2015
Time: 1:00 p.m.
Dept.: Telephonic via CourtCall

*[Filed concurrently with:
(1) DECLARATION OF LUCAS I. QUASS IN
SUPPORT OF EX PARTE APPLICATION TO
SUBSTITUTE PARTIES ; and
(2) [PROPOSED] ORDER TO SUBSTITUTE
PARTIES.]*

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on September 21, 2015, at 1:00 p.m. or as soon
3 thereafter as the matter may be heard, Clan Keith Real Estate Investments, LLC dba Leisure
4 Lake Mobile Estates ("Clan Keith") will, and hereby does, move this Court by way of an *ex*
5 *parte* application, for an order substituting Clan Keith, as a Cross-Defendant, in place of
6 Goodyork Corporation and Lancaster Summit Properties, Ltd. (collectively "Goodyork") for all
7 purposes. Because failure to substitute Clan Keith for Goodyork would cause irreparable harm
8 to Clan Keith's ability to represent its interests in forthcoming proceedings, good cause exists for
9 the relief sought.

10 This *ex parte* application is made pursuant to California Rules of Court, rules 3.1200 et
11 seq., and Code of Civil Procedure section 128. This application is based on this application, the
12 attached memorandum of points and authorities and Declaration of Lucas I. Quass and exhibits
13 thereto, the Proposed Order, the pleadings and papers on file herein, and on such further
14 arguments and material as the Court may consider at the hearing on this matter.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Pursuant to California Rules of Court, rules 3.1200 et seq., and Code of Civil Procedure
4 Section 128, Clan Keith hereby makes this *ex parte* application for an order substituting Clan
5 Keith as a Cross-Defendant, in the place of Goodyork, for all purposes.

6 On or about August 31, 2015, Clan Keith recorded a valid deed transferring all of
7 Goodyork's rights and interest in the real property located at 48303 N. 20th Street West,
8 Lancaster, California (Los Angeles County Assessor's Parcel Nos. 3116-015-002, 31160015-
9 003, 3117-007-001) (the "Property"), including all water rights, formerly owned by Goodyork.

10 On or about September 4, 2015, following this Court's a case management conference of the
11 same date, Judge Komar issued a minute order advising that a substitution of attorney should be
12 filed to permit Clan Keith's counsel of record to continue the representation with respect to the
13 acquired Property. Since that case management conference, Goodyork has declined to execute a
14 substitution of attorney.

15 Accordingly, absent an agreement to execute a substation of attorney, Clan Keith brings
16 this *ex parte* application for an order substituting Clan Keith, as the new successor-in-interest
17 and owner of the Property, for Goodyork as a Cross-Defendant in this proceeding.

18 **II. CLAN KEITH SHOULD BE SUBSTITUTED INTO THIS PROCEEDING AS**
19 **GOODYORK'S SUCCESSOR-IN-INTEREST**

20 When an interest relating to an action or proceeding is transferred, the person to whom
21 the interest is transferred may be substituted into the action or proceeding. C.C.P. § 368.5.

22 Here, Goodyork formerly owned the Property. Quass Decl., ¶ 5. Goodyork is named as
23 Cross-Defendants in this proceeding, as the Property falls within the Antelope Valley
24 Groundwater Basin boundaries adjudicated by this Court on November 3, 2006, and is among
25 extensive land that is the subject of this proceeding. Id. ¶ 3.

26 On or about August 31, 2015, Clan Keith acquired all of Goodyork's rights to the
27 Property, including all water rights, when Goodyork recorded a valid Gant Deed documenting
28 the transfer. Id. ¶ 4. A true and accurate copy of the Grant Deed evidencing this transfer is

1 attached as Exhibit "A" to the Singarella Declaration. Accordingly, Clan Keith has ever since
2 been, and now is, the real party in interest with regard to the Property in this proceeding. Id. ¶¶
3 3-5.

4 Further, it is well established that water rights, including groundwater rights, are
5 transferred with the overlying property unless specifically withheld. (*Rancho Santa Margarita v.*
6 *Vail* (1938) 11 Cal.2d 501, 540.) As counsel for Goodyork stated in its Case Management
7 Statement to this Court, Goodyork has no continuing claim or interest in the Property, which has
8 been fully conveyed to Clan Keith. Quass Decl., ¶ 5. Therefore, Clan Keith has assumed all
9 groundwater rights in the Property as it relates to this litigation.

10 On or about September 4, 2015, following this Court's a case management conference of
11 the same date, Judge Komar issued a minute order advising that a substitution of attorney should
12 be filed to permit Clan Keith's counsel of record to continue the representation with respect to
13 the acquired Property. Id. ¶ 7. However, since that case management conference, Goodyork has
14 declined to execute a substitution of attorney. Id. ¶¶ 8-9. Therefore, to afford Clan Keith and its
15 counsel of record an adequate opportunity to represent Clan Keith's interests in all forthcoming
16 proceedings, including the September 28, 2015 hearing before this Court where this Court will
17 consider evidence from the non-stipulating parties and a presentation of physical solutions and
18 objections thereto, this Court should substitute Clan Keith in place of Goodyork in the interest of
19 avoiding irreparable harm to Clan Keith.

20 Therefore, in accordance with C.C.P. § 368.5, the Court should substitute Clan Keith as a
21 Cross-Defendant in this proceeding in place of Goodyork, because Clan Keith is the successor-
22 in-interest and owner of the Property.

23 **III. CONCLUSION**

24 Based on the foregoing, Clan Keith respectfully requests that Clan Keith, as the
25 successor-in-interest and owner of the subject Property, be substituted for Goodyork as a Cross-
26 Defendant in this proceeding.

1 Dated: 9/17/2015

Respectfully submitted,

LATHAM & WATKINS LLP
Paul N. Singarella
Lucas I. Quass
John K. Morris

By 
Lucas I. Quass

Attorneys for
CLAN KEITH REAL ESTATE LLC, dba
LEISURE LAKE MOBILE ESTATES

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 355 South Grand Avenue, Los Angeles, CA 90071-1560.

On **September 17, 2015**, I served the following document described as:

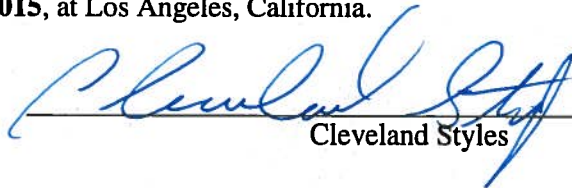
EX PARTE APPLICATION TO SUBSTITUTE CLAN KEITH REAL ESTATE INVESTMENTS, LLC, dba LEISURE LAKE MOBILE ESTATES IN PLACE OF CROSS-DEFENDANTS GOODYORK CORPORATION AND LANDCASTER SUMMIT PROPERTIES, LTD.

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

The party on whom this electronic mail has been served has agreed in writing to such form of service pursuant to agreement.

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **September 17, 2015**, at Los Angeles, California.


Cleveland Styles