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9 Attorneys for Primo Tapia as Successor Trustee of the
10 Charles and Nellie Tapia Family Trust established u/t/a dated
11 January 12, 1990

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

14 Coordinated Proceeding,
15 Special Title (Rule 1550(b))

16 ANTELOPE VALLEY
17 GROUNDWATER CASES.

Judicial Council Coordination
Proceeding No. 4408

LASC Case No. BC 32501

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

**REQUEST FOR CONTINUANCE OF THE
WATERMASTER’S AMENDED MOTION
FOR MONETARY, DECLARATORY AND
INJUNCTIVE RELIEF AGAINST TAPIA
PARTIES; DECLARATION OF ROBERT
H. BRUMFIELD, III**

Date: December 10, 2021
Time: 9:00 a.m.
Dept.: By Court call

18 COMES NOW Primo Tapia as Successor Trustee of the Charles and Nellie Tapia Family
19 Trust established u/t/a dated January 12, 1990 and submits this request for continuance of the
20 Antelope Valley Watermaster’s (“Watermaster”) Amended Motion for Monetary, Declaratory,
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1 and Injunctive Relief Against Zamrzla’s (“Amended Motion”) which is set for hearing on
2 December 10, 2021. In support of the continuance request, it is alleged as follows:

3 1. The Amended Motion was timely filed November 16, 2021.

4 2. The purpose of the Amended Motion per Mr. Parton’s office was to bring in
5 additional parties. The manner in which that has occurred necessitates this request for the hearing
6 date to be continued at least thirty days and for the new parties named to be personally served
7 with the Amended Motion.

8 3. The initial Motion only named as a responding party “the Trustee of the Charles
9 and Nellie Tapia Family Trust established u/t/a dated January 12, 1990.” We mentioned to Mr.
10 Parton that he had not named all landowners for the land where the alleged pumping occurred.

11 4. A simple record search reveals that the landowners are Primo Tapia as Successor
12 Trustee of the Charles and Nellie Tapia Family Trust established u/t/a dated January 12, 1990 and
13 Thomas Tapia and Steven Falchini, Co-Trustees of the Felix and Eulalia Tapia Family Trust
14 established u/t/a dated February 18, 1997. We advised Mr. Parton of the same before filing this
15 Request.

16 5. Settlement discussions ensued and it appeared this matter was completely settled.
17 A proposal was made to satisfy the outstanding claim of the Watermaster by a purchase and
18 transfer of water rights held by a third party. The purchase price of that water was \$163,170. We
19 understood that the settlement had been accepted in principle. In connection with that settlement,
20 Mr. Parton asked for the names of the beneficiaries of the trusts because he wanted to make sure
21 they were bound to the future obligations imposed by the Watermaster. Those were obtained and
22 provided to Mr. Parton. The next thing we receive is a stipulation calling for full payment of just
23 over \$183,000 plus about \$65,000 more in interest and attorney’s fees! Or over 40% higher than
24 had been agreed to in principle. We even offered to pay the Watermaster the \$163,170 directly
25 instead of paying it to a third party. The “Tapia Parties” as the Amended Motion calls them have
26 no further funds to settle or otherwise pay to the Watermaster. Both offers have been reiterated
27 and resubmitted this week and not responded to as yet.

1 6. The next thing of substance that occurred is Mr. Parton filing the Amended Motion
2 listing the names of the trust beneficiaries provided him during settlement discussions as
3 responsible parties for the relief requested in the Amended Motion, which includes monetary
4 relief. This step was taken even though Mr. Parton and his firm knows that the landowners where
5 the pumping occurred and where the well in issue is located is solely owned by two trusts and that
6 the pumping and farming on the subject property was done by the Tapis Bros., Inc. company. We
7 have sent Mr. Parton a Code of Civil Procedure §128.5 “safe harbor” notice today due to these
8 actions.

9 7. Turning back to the Amended Motion, it has now named eight parties (including
10 naming the person who is the current trustee of the Charles and Nellie Tapia Trust), as follows:

- 11 a. Primo Tapia.
- 12 b. Charles Tapia.
- 13 c. George Tapia.
- 14 d. Steven Tapia.
- 15 e. Thomas Tapia.
- 16 f. Felix Tapia.
- 17 g. Primo Tapia as Successor Trustee of the Charles and Nellie Tapia Family Trust
18 established u/t/a dated January 12, 1990.
- 19 h. Thomas Tapia and Steven Falchini, Co-Trustees of the Felix and Eulalia Tapia
20 Family Trust established u/t/a dated February 18, 1997.

21 8. With the exception of the trusts, none of the other named parties are landowners
22 where the alleged pumping occurred.

23 9. Undersigned counsel was not advised at all ahead of time that Mr. Parton’s office
24 planned on seeking relief against eight parties in the Amended Motion (many of which additions
25 are believed to be, in actuality, highly improper and frivolous).

26 10. As stated above, Mr. Parton knows that the only owners of the real property where
27 the pumping occurred and the well in issue is located are: (1) the Charles and Nellie Tapia Family
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1 Trust established u/t/a dated January 12, 1990; and (2) the Felix and Eulalia Tapia Family Trust
2 established u/t/a dated February 18, 1997.

3 11. Undersigned counsel only represents Primo Tapia as Successor Trustee of the
4 Charles and Nellie Tapia Family Trust established u/t/a dated January 12, 1990.

5 12. Undersigned counsel has no idea if the other seven parties will be served
6 personally with the Amended Motion (as they should based upon the relief requested), nor do we
7 know if they will ask undersigned counsel (or if he even can be due to potential conflicts of
8 interest) to represent them. We only have contact information for Primo Tapia and Thomas Tapia
9 and have never spoken with any other person noted above (except for briefly with Felix Tapia).

10 13. So that all parties have a chance to hire counsel of their own choosing and properly
11 evaluate their response to the Amended Motion, the Court should require that the Amended
12 Motion be served personally on all parties except Primo Tapia, individually and as Successor
13 Trustee of the Charles and Nellie Tapia Family Trust established u/t/a dated January 12, 1990.

14 14. Also, to allow the other seven parties to receive, review and decide on counsel to
15 represent them in response to the Amended Motion, we would suggest that the hearing be
16 continued at least thirty days (if sixty days) with the opposition and reply measured per Code with
17 reference to the new hearing date.

18 PREMISES CONSIDERED, it is respectfully submitted that this Request for Continuance
19 be granted on such terms as the Court, in its discretion, deems just and proper.

20 Dated: November 19, 2021

LAW OFFICES OF ROBERT H. BRUMFIELD,
A Professional Corporation

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23 By: s/ Robert H. Brumfield, III

Robert H. Brumfield, III
Attorneys for Primo Tapia, individually and
as Successor Trustee of the Charles and
Nellie Tapia Family Trust established u/t/a
dated January 12, 1990

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DECLARATION OF ROBERT H. BRUMFIELD, III

I, ROBERT H. BRUMFIELD, III, declare as follows:

1. I am an attorney at law duly licensed to practice law before all courts in the State of California.

2. I have read and reviewed the Watermaster’s Motion (and Amended Motion) for Monetary, Declaratory and Injunctive Relief Against Tapia Parties and am personally familiar with its contents.

3. I have personal knowledge of the matters set forth herein could competently testify thereto if called as a witness.

4. I personally prepared the foregoing Request for Continuance and it is true and correct in all respects.

I declare under the penalty of perjury under the laws of the State of California that this declaration is true and correct and was executed on November 19, 2021, at Bakersfield, California.

s/ Robert H. Brumfield, III
Robert H. Brumfield, III

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PROOF OF SERVICE (C.C.P. §1013a, 2015.5)

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1810 Westwind Drive, Suite 100, Bakersfield, CA 93301.

On November 19, 2021, I served the foregoing document(s) entitled:

REQUEST FOR CONTINUANCE

X by placing the original, X a true copy thereof on all interested parties

X **BY ELECTRONIC SERVICE**
I posted the document(s) listed above to the Santa Clara Superior Court Website @ www.scefiling.org and Glotrans website in the action of the Antelope Valley Groundwater Cases.

 BY EXPRESS MAIL
I deposited such envelopes in a facility regularly maintained by the U.S. Postal Service for receipt of Express Mail, as specified in C.C.P. §1013(c), with Express Mail postage prepaid.

X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 19, 2021, at Bakersfield, California.


Serena Bravo