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Attorneys for BRUCE BURROWS, an individual, and 300 A
40 H, LLC, a California Limited Liability Company, Plaintiffs
in Case No. MC021281, Appearing Specially Solely for the
Purpose of Lodging this Objection to a Related Case Notice

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

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included 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-254-348Wm. 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

Judicial Council Coordination Proceeding
No. 4408

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

**SPECIALLY APPEARING PARTIES
BRUCE BURROWS, AN INDIVIDUAL,
AND 300 A 40H, LLC'S OBJECTION TO
TEJON RANCHCORP'S REPLY TO
OBJECTION TO NOTICE OF RELATED
CASE**

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

2 **PLEASE TAKE NOTICE** that Bruce Burrows, an individual, and 300 A 40 H, LLC, a
3 California Limited Liability Company, (collectively, “Plaintiffs” in Los Angeles County Superior
4 Court Case No. MC021281¹ (referred to herein as the “Burrows Real Property Dispute”)) hereby
5 object to the *Reply to Objection to Notice of Related Case* filed by Tejon Ranchcorp, a California
6 Corporation, Tejon Ranch Company, a Delaware Corporation, and Centennial Founders, LLC, a
7 Delaware Limited Liability Company (collectively, “Defendants” in the Burrows Real Property
8 Dispute) on November 2, 2010 (“Reply”). Defendants’ Reply is procedurally improper,
9 mischaracterizes the operative pleadings, and distracts from the issue of whether the cases are
10 related by introducing irrelevant service of process issues from the AV Groundwater Cases.

11 As a preliminary matter, the Reply is procedurally improper because neither the California
12 Rules of Court nor the Code of Civil Procedure provides for a hearing on a Notice of Related
13 Case, or allows multiple pleadings to be filed. Under Rule of Court Rule 3.300(g), a party served
14 with a Notice of Related Case may serve and file a response opposing the notice. Once a Notice
15 of Related Case and opposition are filed, the court then has discretion to order that the cases be
16 related or not. Since Rule 3.300 does not provide for a hearing or a reply to Plaintiffs’ opposition,
17 this Court should disregard Defendants’ Reply.

18 Second, Defendants’ Reply cites to inoperative pleadings and issues no longer in
19 contention to support its arguments. Defendants again claim that Plaintiffs seek a quantification
20 of groundwater rights in the Antelope Valley Groundwater Basin (“Basin”), citing language from
21 Plaintiffs’ previously filed *Ex Parte Application for a Temporary Restraining Order and Order to*
22 *Show Cause re Temporary Injunction*. This is not true and Defendants are not even citing to
23 language from the operative complaint—the more recent Second Amended Complaint—because

24
25 ¹ For the purposes of this *Objection to Reply to Objection to Notice of Related Case*, the parties
26 are designated “Plaintiff” and “Defendant” solely for the purposes of designating their party
27 status in Case No. MC021281. Bruce Burrows, an individual, and 300 A 40 H, LLC, a California
28 Limited Liability Company do not admit that they are properly parties to the above-captioned
case, as they believe the Notice of Related Case is improper. They are specially appearing in the
above-captioned matter (“AV Groundwater Cases”) solely to object to the *Notice of Related Case*
filed by Tejon Ranchcorp, a California Corporation, Tejon Ranch Company, a Delaware
Corporation, and Centennial Founders, LLC, a Delaware Limited Liability Company.

1 the Second Amended Complaint does not seek any quantification of groundwater rights relative
2 to the entire groundwater basin in its request for relief. Yet, in citing Plaintiffs' previous *Ex Parte*
3 *Application for a Temporary Restraining Order*, Defendants simply prove Plaintiffs' previous
4 point as to why this case will not duplicate judicial resources: as stated in the Declaration of
5 Steven L. Hoch filed concurrently with Plaintiffs' *Objection to Notice of Related Case*, Plaintiffs
6 contemplate, due to actions by Defendants, to again seek injunctive relief in this case. Such relief
7 demands immediate access to judicial resources that the current presiding judge, Judge Rogers, is
8 better-positioned to provide.

9 Defendants also argue that the McCarran Act requires that the cases be deemed related
10 because all groundwater rights are correlative. (See Reply, at 4:24-5:17.) Plaintiffs understand
11 the AV Groundwater Cases require an *inter se* adjudication to satisfy the requirements of the
12 McCarran Act. But the McCarran Act does not require the adjudication to comprehensively
13 litigate all potential legal claims and cases that may involve parties who are landowners in the
14 Basin. As explained, the only issue in the Burrows case is a legal determination between a few
15 private parties over bargained for and contractually guaranteed property rights obtained pursuant
16 to contracts and grant deeds between them. They do not seek a quantification of groundwater or
17 storage rights throughout the Basin.


18 Lastly, Defendants state that Bruce Burrows is a named party to the AV Groundwater
19 cases and possibly 300 A 40 H, LLC as well. The Declaration of Bob Joyce accompanying
20 Defendants' Reply states, "Attorney Jeff Dunn advised me that he believed that service of process
21 had been completed as to both plaintiffs." (Declaration of Bob Joyce In Support of Reply to
22 Plaintiffs' *Objection to Notice of Related Case*, at 4:15-17.) Setting aside the multiple levels of
23 hearsay, there is no evidence proffered showing that Mr. Burrows or 300 A 40 H, LLC have been
24 personally served in the AV Groundwater Cases, and there is no evidence demonstrating that any
25 attempt has been made to do so. Were this a "motion," the burden would be on Mr. Joyce to
26 prove this, and he has failed to do so. But the whole question of service of process is a
27 proverbial "red herring." Whether or not Plaintiffs should have been properly served or are
28 indispensable parties in the AV Groundwater cases is irrelevant to whether the property and

1 contract dispute at issue should be deemed related to the massive adjudication in Antelope Valley
2 by applying the factors in Rule 3.300.

3 For all of the above reasons, Plaintiffs object to Defendants' Reply as improper and
4 irrelevant, and reiterate the arguments made in Plaintiffs' prior objection that the AV
5 Groundwater Cases are an improper forum to litigate this relatively minor property and
6 contractual dispute.

7 Dated: November 4, 2010

BROWNSTEIN HYATT FARBER SCHRECK,
LLP

9
10 By: 

STEVEN L. HOCH
ROBERT J. SAPERSTEIN
Attorneys for Plaintiffs

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I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On November 4, 2010, I served the foregoing document described as:

**SPECIALY APPEARING PARTIES BRUCE BURROWS, AN
INDIVIDUAL, AND 300 A 40H, LLC'S OBJECTION TO TEJON
RANCHCORP'S REPLY TO OBJECTION
TO NOTICE OF RELATED CASE**

on the interested parties in this action.

By posting it on the website at 12:30 p.m. on November 4, 2010. This posting was reported as complete and without error.

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

Executed in Santa Barbara, California, on November 4, 2010.



SIGNATURE