

1 FRANK SATALINO, ESQ., CSB NO. 143444  
LAW OFFICES OF FRANK SATALINO  
2 19 Velarde Court  
Rancho Santa Margarita, Ca 92688  
3 Telephone: 949-735-7604; Facsimile: 949-459-5789  
Attorneys for Defendants ROSAMOND RANCH, L.P ; ELIAS and SHIRLEY SHOKRIAN  
4

5 SUPERIOR COURT OF CALIFORNIA  
6 COUNTY OF LOS ANGELES  
7

8 ANTELOPE VALLEY GROUNDWATER ) Judicial Counsel Coordination Proceeding  
CASES ) No.: 4408  
9 )  
Including Consolidated Cases: ) Lead Case: BC 325 201  
10 )  
Los Angeles County Waterworks District No. 40 )  
11 v. Diamond Farming Co., Superior Court of ) DEFENDANT ROSAMOND RANCH,  
California, County of Los Angeles, Case No.: ) ELIAS SHOKRIAN AND SHIRLEY  
12 BC 325201 ) SHOKRIAN RESPONSE TO OSC RE  
AND RELATED CONSOLIDATED CASES: ) DISCOVERY, PUMPING  
13 ) INFORMATION, WATER RIGHTS;  
14 ) DECLARATION OF FRANK SATALINO  
15 )  
16 )  
17 ) DATE: February 14, 2012  
TIME: 9:00 a.m.  
ROOM: 1515  
18 )

19 \_\_\_\_\_  
20 TO THE COURT AND ALL PARTIES :

21 Defendants ROSAMOND RANCH, L.P .; ELIAS SHOKRIAN, and SHIRLEY

22 SHOKRIAN (collectively as “SHOKRIAN”) provide the following response in opposition to  
23 OSC re failure to file with court information regarding water useage, pumping rights. Said  
24 opposition is based on the following: (1) Counsel for the above named parties was not aware of  
25 the court’s order and any requirement to file that information with the court, or of the scheduling  
26 of any OSC hearing, and (2) Counsel has provided this information to several major opposing  
27  
28

1 counsel and settlement conference Judge Justice ROBIE and understood that it was being  
2 circulated to all parties; (3) respondent apologises for any inconvenience to the court and or  
3 opposing counsel and also provides the requested information known to date herein.  
4

5 I. STATEMENT OF FACTS

6 Defendants ROSAMOND RANCH, L.P .; ELIAS SHOKRIAN, and SHRILEY  
7 SHOKRIAN are small property owners who own property which is part of the above litigation in  
8 this matter. As the court is aware, the present matter involves consolidated lawsuits regarding  
9 limiting water useage in certain areas of Southern and Central California. Various phases of the  
10 litigation have already taken place regarding major issues concerning government, utility and  
11 water agencies. The current phase of the litigation now involves smaller property owners.  
12

13 Several sessions of mediation have taken place with Judge Robie. Among the recent  
14 issues at mediation have been water useage from the 2000-2004 time period. Defendants  
15 ROSAMOND RANCH, L.P .; ELIAS SHOKRIAN, and SHRILEY SHOKRIAN are small  
16 property owners who did not even purchase their parcel until well late in 2004. They don't have  
17 access to water useage records of the prior owner, and have been unable to date to obtain water  
18 useage records since then as of this time. Subpoenas and discovery to obtain those records may  
19 be necessary. However, at and for various mediations, this party has circulated information  
20 regarding its APN Numbers, estimated water useage, and crop useage; the aforementioned  
21 information is also enclosed herein.  
22  
23  
24

25 II. WATER USEAGE  
26  
27  
28

1 Information for property of claimant/Defendants ROSAMOND RANCH, L.P, ELIAS  
2 SHOKRIAN, and SHIRLEY SHOKRIAN is as follows, which is the most updated information  
3 obtained the last 2 months, including today:  
4

5 **Property: APN Numbers 359-031-(02, 03,04, 05, and 06); 359-052(02)**

6 **County: Kern**

7 **Size (Total): 730 acres**

8 **Irrigated Acreage: 320 Acres – 2 pumps**

9 **Crops -Crops grown were primarily alfalfa (320 acres over several years); carrots  
10 and onions (80 of the 320 acres 1 year only)**

11 **Purchased from: COALINGA CORPORATION, a Nevada corporation, on  
12 August, 9, 2004**

13 **ESTIMATED Approximate Water Usage/Pumping/Rights (farming)**

14 **4000 gallons/minute (approx); 8 months per year**

15 **Converted to acre feet: 6,500 acre/foot per year.**

16 **\*\*However, during mediation settlement negotiations respondent's have  
17 consented and stipulated to a lower water useage for purposes of settlement  
18 of matter.**

19 **LOCATION- throughout property on above APN numbers**

20 **TIME FRAME- Late 2004- 2008-9**

21 **Basis for calculation : Consultation with farmer Scott Harter who farmed the land  
22 for respondents for several years after late 2004, and for over 15 years before that,  
23 based on metering, pumps.**

### 24 III. OSC- ISSUES

25 Respondent counsel was not aware of any OSC or order by the court as to filing this  
26 information directly with the court. Respondent is a minor party in this matter. Respondent is on  
27 the court e file service list, but in the last 4 months there have been several HUNDRED filings  
28 on the court e service docket; respondent checks the docket periodically, but did not see, note,  
read, nor realize the court had issued an order in the matter as to providing this information to the  
court (rather than to opposing parties and the mediator which had been done). Further, as stated,  
respondent did provide this information to opposing parties and the mediator, and believed it had  
been forwarded to all required parties.

1 Respondent also did not learn of any OSC hearings until review of the court docket in  
2 the last 2 days. Respondent would have expected moving party would have called, written  
3 directly and personally or at least mail served such a dispositive assertion as an OSC and effect  
4 on the entire claim of water rights, but that did not occur. Phone calls to opposing parties counsel  
5 the past two days to discuss and meet and confer on this issue the last two days have gone  
6 unreturned (though respondent spoke to moving party's paralegal yesterday who was kind  
7 enough to provide information regarding the various motions).

9 For the reasons set forth, SHOKRIAN respectfully opposes the OSC against it,  
10 specifically as to barring any water claim, and respectfully requests the court not grant the OSC  
11 against this party as to any such sanction.

13 Respondent will provide any further required pumping information directly to the court  
14 should anything further be necessary.

#### 16 IV. LEGAL AUTHORITIES

17 Respondent is aware of the necessity of discovery and disclosure. However, for an item  
18 such as an OSC and penalties such as barring water rights, it would be hoped that personal or at  
19 least mail service of a such a motion would be undertaken before such a drastic remedy was  
20 sought, such as **pre-trial forfeiture of water rights**. See U.S. v. Alpine Land & Reservoir Co.,  
21 291 F.3d 1062, 1077 (9th Cir. 2002) (the "law abhors a forfeiture" of water rights); Barnes v.  
22 Hussa, 136 Cal.App.4th 1358 (2006) (water rights not forfeited where failure to prove non-use).

#### 25 V. CONCLUSION

26 For the reasons set forth hereinabove, responding party hereby respectfully requests the  
27 court not grant the present OSC against these responding parties, and or that if any OSC order is  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

granted it not include forfeiture of water or pumping rights, nor evidence or issue preclusion of those rights.

LAW OFFICES OF FRANK SATALINO

Dated: January 30, 2012

By: Frank Satalino  
FRANK SATALINO, Esq.  
Attorneys for Defendant ROSAMOND,  
ELIAS AND SHIRLEY SHOKRIAN

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF FRANK SATALINO

I, FRANK SATALINO, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California and an attorney with the Law Offices of Frank Satalino, attorneys of record for Defendants ROSAMOND RANCH, ELIAS SHOKRIAN, and SHIRLEY SHOKRIAN (hereinafter “SHOKRIAN’s”).

2. The SHOKRIAN’s are smaller landowners and relatively minor parties in this matter, yet they do have water rights as the other owner parties have, adjudication of which amongst other issues are the subject of this multi party action.

3. Because of the size and complexity of this matter, an electronic filing system was set up in this matter. This office has been on the system for several months as well.

4. This office has reviewed the electronic filing system regularly, but because of the size of the matter, with at times several matters being filed on the same day, over several months, some items on the system may have been missed. Almost all of the several hundred entries regularly seemed to have involved court call notices, or hearings and motions between the major water utility parties in the action.

4. Several sessions of mediations have taken place in this action, and in mediation this office has provided and exchanged several items such as pumping and water estimates, location of the property, crops, manner of estimate, etc, with the mediation judge, Justice Robie, and opposing counsel. This counsel thought that all required information regarding its claim had been provided to all necessary parties, and Judges, including Justice Robie, Attorney Tom Bunn, and other counsel.

5. This office had not seen any OSC hearing notices, orders, or motions for OSC before yesterday, January 31, 2012. No items had been mail served, personally served, or delivered to this counsel at its office. No phone calls were ever received from opposing counsel indicating any such information had to be filed with the court before today.

1           6. From a more thorough review of the pleadings on the electronic docket the last few  
2 days, I have now ascertained that an OSC notice, and a motion for OSC were in fact  
3 electronically filed and transmitted, amongst the 100's of other entries and items, and multiple  
4 scores of parties in the matter, which seem to also include my clients. However, as stated neither  
5 I or my office had ever seen these items or known of their existence before yesterday. However,  
6 I understand that this does not excuse the fact they were assessable but had not been discovered  
7 by this office.

8           7. However, I did not know and at no time before yesterday did not know that any court  
9 order requiring documents regarding water useage were required to be filed with the court, as  
10 opposed to the mediator, nor that any prior or current OSC hearing had been set. I had no actual  
11 notice of these events or requirements. A review of the docket indicates many other parties also  
12 may not have known of these items, indicating a difficulty with the system, but I make this  
13 response and request for my clients only, and based on my inadvertence, no one else's. I in fact  
14 actually believed the matter was close to settlement.

15           8. I have thus now filed herein all know water information required by the court.

16           9. I hereby respectfully request that my inadvertence and neglect not be imputed to my  
17 clients, and the court not issue an OSC barring my client's water rights, or right to provide proof  
18 and evidence of the same. As stated, I had no actual knowledge of this requirement, and I had in  
19 fact provided much of this information to the mediator, and to opposing counsel through prior e  
20 mail. I again stress also that no opposing counsel ever contacted me directly to discuss these  
21 issues and any lack of compliance, even for a motion for OSC order, which would normally be  
22 done.

23           10. I would thus like to apologize to opposing counsel and the court for any  
24 inconvenience caused, and request the court not grant or limit any OSC order as to my clients.

25           I declare under penalty of perjury under the laws of the State of California that the  
26 foregoing is true and correct. Executed this February 1, 2012 at Rancho Santa Margarita,  
27 California

\_\_\_\_\_  
*Frank Satalino*  
FRANK SATALINO

