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Attorneys for Charles Tapia and the Nellie Tapia Family
Trust

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES—CENTRAL DISTRICT

**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 325201

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
No. S-1500-CV-254348

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

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053

**DECLARATION OF CHARLES TAPIA IN
SUPPORT OF MOTION TO SET ASIDE
DEFAULT IN CROSS-COMPLAINT**

Date: September 26, 2014

Time: 10:00 a.m.

Place: 191 No. First St., Dept. 20
San Jose, CA 95113

I, CHARLES TAPIA, declare as follows:

1. I am an adult over the age of sixty-five years old and a resident of Newhall, California, County of Los Angeles.

2. I am the owner of agricultural property which grows, at this time, corn and pumpkin crops, located at 8301 Avenue A, Rosamond, Kern County. The mailing address is 8425 W. Avenue A, Rosamond, Kern County. My property is irrigated by water that is in a water rights dispute, commonly known as the Antelope Valley Groundwater Cases ("Case").

1 3. I am also the Trustee of the Nellie Tapia Family Trust ("Trust").

2 4. I first became aware of the Case in 2012 through other landowners, but at that time
3 did not now that I and the Trust were named as cross defendants as my name was not specifically
4 amended in as a ROE cross defendant.

5 5. I further received no process of service to alert me that I was a possible cross
6 defendant and, thereafter, having not heard anything else nor being served with anything, had no
7 actual notice that I was a party to the Case.

8 6. I did not know that I and the Trust were specifically named as cross defendants
9 until the end of June 2014, when I hired a Lancaster attorney to look into the matter. It was at this
10 same time, June 2014, that I learned my default had been taken over two years prior.

11 7. Also in June 2014, I learned that counsel for County would not set aside the
12 defaults, causing me to hire Brumfield & Hagan, LLP in August 2014 to make a motion on my
13 behalf.

14 8. I have never received service of process of the Case, although I have lived at the
15 same address for 25 years.

16 9. Additionally, I never received actual publication notice of the Case.

17 10. According to the Declaration of Non Service attached hereto as Exhibits "A" and
18 "B," the service attempts were all made while I was either at my agricultural property or asleep
19 for the night. I am advanced in age and retire at a time customary for my age.

20 11. My typical routine for the last five years and beyond that is as follows:

21 a. I am at my agricultural property from early morning to late afternoon, Monday
22 through Saturday.

23 b. I am at my home on Sunday, and after 5:00 p.m. Monday through Saturday.

24 c. I retire for the evening at 8:30 p.m.

25 12. I have a security gate around my property's perimeter, but it possesses a doorbell.
26 If it is rung while I am at home and not asleep for the night, I answer it.

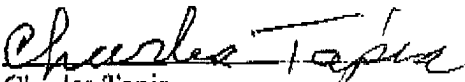
27 13. I am easily accessible at the agricultural property's address and can be found near
28 the office, yard or in the fields.

1 14. There is no fence or gate around either the fields or office.

2 15. I have never attempted to avoid service of the summons and complaint, nor have I
3 unreasonably delayed in bringing this motion.

4 16. I have never received written notice of my default, nor the default of the Trust.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct and that this declaration was executed on September 4, 2014 at
7 Newhall, California.

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Charles Tapia

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DECLARATION OF CHARLES TAPIA IN SUPPORT OF MOTION TO SET ASIDE DEFAULT

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3 **PROOF OF SERVICE BY MAIL**

4 I am a citizen of the United States and employed in Kern County, California. I am over
5 the age of eighteen years and not a party to the within-entitled action. My business address is
6 2031 F Street Bakersfield, California 93301. I am readily familiar with this firm's practice for
7 collection and processing of correspondence for mailing with the United States Postal Service.
8 On September 4, 2014, I placed with this firm at the above address for deposit with the
9 United States Postal Service a true and correct copy of the within document(s):

10 **DECLARATION OF CHARLES TAPIA IN SUPPORT OF MOTION TO
11 SET ASIDE DEFAULT IN CROSS-COMPLAINT**

12 in a sealed envelope, postage fully paid, addressed as follows:

13 Jeffrey V. Dunn, Esq.
14 Best Best & Krieger, LLP
15 5 Park Plaza, Suite 1500
16 Irvine, CA 92614

17 Following ordinary business practices, the envelope was sealed and placed for collection
18 and mailing on this date, and would, in the ordinary course of business, be deposited with the
19 United States Postal Service on this date.

20 I declare under penalty of perjury under the laws of the State of California that the above
21 is true and correct.

22 Executed on September 4, 2014, at Bakersfield, California.

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Olga Lampkin