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9 Attorneys for Mark Ritter, Successor Trustee of the
10 Ritter Family Trust and Mark S. Ritter and Dana E.
11 Ritter

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

14 ANTELOPE VALLEY
15 GROUNDWATER CASES

16 Included Actions:

17 Los Angeles County Waterworks District
18 No. 40 v. Diamond Farming Co., Superior
19 Court of California, County of Los
20 Angeles, Case No. BC 325201

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

25 Wm. Bolthouse Farms, Inc. v. City of
26 Lancaster, Diamond Farming Co. v. City of
27 Lancaster, Diamond Farming Co. v.
28 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

**CASE MANAGEMENT CONFERENCE
STATEMENT OF MARK RITTER,
SUCCESSOR TRUSTEE OF THE RITTER
FAMILY TRUST AND MARK S. RITTER
AND DANA E. RITTER;**

**OBJECTION TO ENTERING JUDGMENT
BY DEFAULT**

Date: December 23, 2015

Time: 10:00 a.m.

**Location: Mosk Courthouse, 111 N. Hill
Street, Room 222, Los Angeles, California**

29 COMES NOW Mark Ritter, Successor Trustee of the Ritter Family Trust and Mark S.
30 Ritter and Dana E. Ritter, individually (collectively "Ritter"), and collectively submits the
31 following Case Management Conference Statement and Objection to Entering Judgment by
32 Default:

33 1. Mark Ritter is the Successor Trustee of the Ritter Family Trust, having become the
34 Successor Trustee after the passing of his mother, Paula Ritter, in November 2010. The full and
35 complete name of the entity that has become known in this case as the Ritter Family Trust is

1 actually "The Edgar Carl Ritter and Paula Elaine Ritter Family Trust dated October 6, 1987."

2 2. Edgar Carl Ritter passed away close to 20 years ago, and Paula Elaine Ritter
3 passed away in November 2010. On September 4, 2015, Mark Ritter, in his capacity as
4 Successor Trustee of the Ritter Family Trust, transferred the subject real property in issue upon
5 which alfalfa is grown to himself and his spouse, Dana E. Ritter. Mark and Dana Ritter intend on
6 transferring the same real property to their own revocable trust in the near future.

7 3. As previously discussed between the Court and undersigned counsel at prior Case
8 Management Conferences, and as reflected in prior filings:

- 9 a. Undersigned counsel first met with Mark Ritter on August 14, 2015 as to possibly
10 representing the Ritter Family Trust in this case.
- 11 b. The fact of the potential new representation was mentioned to the Court at the
12 September 4, 2015 Case Management Conference.
- 13 c. Terms of representation were agreed to between the Ritter and Brumfield &
14 Hagan, LLP, and an Agreement for Legal Services was signed effective as of
15 September 21, 2015.
- 16 d. At a Case Management Conference held, as the undersigned recalls, on September
17 21, 2015, and after being advised of the new representation as to the Ritter Family
18 Trust and discussing the issues related to the trust's involvement in this case, the
19 Court stated that both Ritter and Robar would trail due to the recent involvement
20 of Robar in the case and the issues concerning Ritter's prior legal representation.
21 The stated purpose of trailing was to allow both parties to present evidence as to
22 their respective water usage in an effort to either achieve a resolution of the issues
23 or to set a time in the future for presentation of water usage evidence.
- 24 e. At a Case Management Conference held on October 30, 2015 in connection with
25 determining what proceedings were going to occur the following week in San Jose,
26 and that as to the situation with Ritter, the Court indicated that there had been
27 some level of neglect of either the client and/or counsel since the time of an
28 answer and cross-complaint being filed on Ritter's behalf in early 2007. At that

1 Case Management Conference, undersigned counsel indicated that the
2 documentation as to water usage of Ritter was almost complete and that it would
3 be filed the following week.

4 4. In addition, the history of the involvement of the Ritter Family Trust in this
5 litigation was recently set forth in a pleading filed by Michael D. McLachlan and Daniel M.
6 O'Leary, entitled "RICHARD WOOD'S OBJECTION TO PURPORTED CLAIM OF RITTER
7 FAMILY TRUST; DECLARATION OF MICHAEL D. MCLACHLAN" which was filed on
8 November 2, 2015 and appears as Document # 10921 on the Court's docket. Of relevance to this
9 Case Management Conference, Mr. McLachlan states in that Objection, on page 2 thereof, the
10 following:

- 11 a. During the status conference of October 30, 2015, attorney Robert Brumfield
12 advised the Court that he was continuing to investigate and intending to pursue
13 adjudication of a potential groundwater claim by the Ritter Family Trust ("Ritter
14 Trust") – a claim potentially in excess of 800 acre-feet per year.
- 15 b. The Ritter Trust has been a party to this litigation since 2005, when the several
16 individual cases transitioned to the coordinated proceeding.
- 17 c. The Ritter Trust, through its counsel of record, filed well in excess of 100 filings in
18 these actions over a more than seven years. On December 14, 2012, in response to
19 orders of this Court, the Ritter Trust filed its Notice of Intent to Participate in the
20 Phase 4 Trial.
- 21 d. However, the Ritter Trust did not appear at the Phase 4 trial to establish its current
22 groundwater production (nor did it file the Court-ordered discovery required for
23 Phase 4).
- 24 e. The Ritter Trust continues to be Party to this litigation, and still has the same
25 counsel of record – Brownstein Hyatt Farber Schreck, LLP – yet the Ritter Trust
26 again ignored this Court's Case Management Orders for the current phase of trial.
- 27 f. The Ritter Trust did not file a Notice of Claim, failed to participate in discovery,
28 and otherwise ignored all of this Court's Orders leading up to the Phase 6 Trial.

1 5. On November 3, 2015, Ritter filed a request to be allowed to present evidence in
2 support of water usage at a time and place convenient to the Court which can be coordinated to
3 take place at the same time as the presentation of evidence as to water usage by Robar. This
4 evidence is projected to take one day, if not significantly less (perhaps ½ day). This request
5 appears as Document # 10925 on the Court's docket.

6 6. On November 3, 2015, a "Substitution of Attorney: Cover Letter and Substitution
7 of Attorney" was filed by Michael Fife which reflected the change of representation of the Ritter
8 Family Trust from Brownstein Hyatt Farber Schreck, LLP to Brumfield & Hagan, LLP. This
9 pleading appears as Document # 10928 on the Court's docket. This substitution should have been
10 filed on or shortly after September 21, 2015 when Brumfield & Hagan, LLP agreed to terms of
11 representation of the Ritter Family Trust. This oversight was corrected by the aforementioned
12 November 3, 2015 filing.

13 7. On November 9, 2015, Ritter filed a declaration re water usage that shows over the
14 past 23 years, Ritter averages pumping 803 acre-feet per year of water from two agricultural wells
15 that supply water to approximately 150 acres of property on which alfalfa is grown. This request
16 appears as Document # 10963 on the Court's docket.

17 8. Most of the information that supports Ritter's claim has now been filed, and Ritter
18 is further willing to allow such discovery as other parties may feel is necessary to investigate
19 Ritter's claimed water usage.

20 9. Ritter notes that, at least as of this time, no settlement has been reached with
21 Robar. Ritter would submit that any subsequent hearing could be set contemporaneously with
22 that for Robar. That would minimize any inconvenience or scheduling issues.

23 10. Ritter anticipates that the presentation of evidence in its case certainly could be
24 completed within one court day which assumes that all evidence will have to come in by oral
25 testimony and none of it will be subject to stipulation. Based upon the history in this case, it is
26 possible that certain items of testimony such as electrical records and what they show in terms of
27 pumping activity will likely be stipulated to and admitted thereby reducing the amount of time
28 necessary for actual oral testimony.

1 11. Mark Ritter anticipates testifying along with possibly an expert as to the amount of
2 water necessary to grow alfalfa on the subject real property. If the electrical records and pumping
3 activity are not stipulated to, Ritter would call a witness to authenticate records and to testify to
4 water usage based upon pump test results conducted by Southern California Edison. Further
5 discovery and investigation may necessitate additional witnesses.

6 12. Ritter notes that in Exhibit B to the Proposed Judgment filed December 4, 2015 as
7 Document # 10976 on the Court's docket, that a request is made to enter the default of Ritter for
8 failing to present evidence at trial. In addition, Mr. McLachlan filed a Request for Judgment on
9 December 9, 2015 as Document # 10978 requesting the same relief. Ritter objects to the
10 characterization that its default should be taken or judgment entered against Ritter for all of the
11 reasons set forth above and further believes that any reference to the Ritter Family Trust should
12 be stricken from said Exhibit B to the Proposed Judgment and stricken from the Request for
13 Judgment. Ritter further submits that actions not taken by prior counsel of record (apparently for
14 many years) should not prevent Ritter from now presenting evidence as to historical water usage
15 which usage has long been known by many parties (and likely some counsel) in this case.

16 WHEREFORE, Mark Ritter, Successor Trustee of the Ritter Family Trust and Mark S.
17 Ritter and Dana E. Ritter, individually, requests that a time and date be set for the presentation of
18 evidence as to water usage in the Phase 6 trial on such terms as the Court may deem just and
19 proper under the circumstances including, but not limited to, formally severing Ritter's claims as
20 was apparently done in regards to the claims of Robar. Ritter further objects to the entry of a
21 default judgment against it based upon the circumstances outlined above.

22 Dated: December 10, 2015

BRUMFIELD & HAGAN, LLP
A Limited Liability Partnership

23
24 By: 

Robert H. Brumfield, III
Attorneys for Mark Ritter, Successor Trustee
of the Ritter Family Trust and Mark S. Ritter
and Dana E. Ritter