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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

**OPPOSITION BY MARK RITTER,
SUCCESSOR TRUSTEE OF THE RITTER
FAMILY TRUST AND MARK S. RITTER
AND DANA E. RITTER TO RICHARD
WOOD'S EX PARTE APPLICATION TO
CONTINUE HEARING ON MARK
RITTER'S MOTION TO SET ASIDE
JUDGMENT**

Date: January 21, 2016

Time: 1:30 p.m.

Place: Telephonic (Courtcall)

29 COMES NOW MARK RITTER, SUCCESSOR TRUSTEE OF THE RITTER
30 FAMILY TRUST AND MARK S. RITTER AND DANA E. RITTER, WHO
31 COLLECTIVELY SUBMIT THE FOLLOWING OPPOSITION TO RICHARD WOOD'S
32 EX PARTE APPLICATION TO CONTINUE HEARING ON MARK RITTER'S
33 MOTION TO SET ASIDE JUDGMENT:

34 1. As previously noted by Applicant's attorney in a pleading filed on November 2,
35 2015 as Document Number 10921 entitled "Richard Wood's Objection to Purported Claim of

1 Ritter Family Trust" (of which this Ex Parte Application is duplicative of in most respects), the
2 Ritter Family Trust has been a party to this litigation since early 2007. The Ritter Family Trust
3 was, at least according to the Court's docket and as claimed by Applicant's attorney, continuously
4 represented by an attorney, Michael T. Fife. Mr. Fife believes that his firm did not ever represent
5 the Ritter Family Trust and explains the situation from his firm's perspective in his letter dated
6 November 3, 2015, which was filed with the Court that same date as Document Number 10928.

7 2. Whatever the Court believes as to the prior representation of the Ritter Family
8 Trust or lack thereof (and any legal ramifications of the pleadings filed by Mr. Fife's firm on
9 behalf of the Ritter Family Trust as detailed in the Application), the Ritter Family Trust existed as
10 a party in this case since at least 2007, if not earlier. Despite its status as a party, which was
11 obviously well known to Applicant's attorney and surely others, in the over eight years of time
12 that discovery was open prior to the Phase 6 trial, neither Applicant's attorney, nor any other
13 party or attorney, sought to take the deposition of any trustee of the Ritter Family Trust or any
14 other Party related to the Ritter's individually. Discovery is now closed, and has been closed for
15 at least five (5) months if not longer based upon the September 28, 2015 trial date in the Phase 6
16 trial. See, Code of Civil Procedure §2024.020(a).

17 3. Further, the Motion to Set Aside Judgment ("Motion") to which the Application
18 relates solely concerns statements that by the Court made at a September 21, 2015 Case
19 Management Conference that the Ritter Family Trust would trail with Robar for later presentation
20 of evidence, which statements by the Court have been verified by other counsel including
21 Michael T. Fife in his declaration submitted in support of the Motion. The Motion solely relates
22 to whether the Court will set aside the judgment as to the Ritter Family Trust and allow the Ritter
23 Family Trust to present its case due to surprise, mistake, or excusable neglect.

24 4. Actions taken or not taken prior to September 21, 2015 by any representative of
25 the Ritter Family Trust are not relevant to the Motion under any stretch of the imagination. It is
26 improper for Applicant's counsel to attempt to turn the hearing on this Motion into full-scale
27 litigation as to the Ritter Trust. That litigation has ended and the only issue is whether the Court
28 will allow the Ritter Family Trust to have its position heard at an evidentiary hearing as to its

1 water usage.

2 5. Applicant's attorney is foisting this highly unorthodox discovery request on
3 counsel for the Ritter Family Trust and requesting Court intervention to sanction the same when
4 post-judgment discovery of this type is not even available under California law. Unless the
5 judgment is set aside, any discovery is inappropriate.

6 6. Finally, Applicant's attorney is attempting to coerce and otherwise mandate that
7 the deposition take place on exceedingly short notice, that the deposition include production of
8 documents on exceedingly short notice, and that the deposition be held in a place which causes
9 great expense by the Ritter Family Trust by having its counsel travel for the deposition. In these
10 circumstances, should the Court require that a representative of the Ritter Family Trust sit for a
11 deposition, that deposition should be taken in a manner in which expenses of the Ritter Family
12 Trust are minimized such as requiring it be taken in Bakersfield, California, by videoconference,
13 or, at most, at a halfway point between the offices of counsel for Applicant and counsel for the
14 Ritter Family Trust such as Santa Clarita, California.

15 Based on the foregoing, the Ritter Family Trust requests that the Ex Parte Application be
16 denied or that the deposition only be required on such terms as are just including, but not limited
17 to, minimizing the required amount of travel time for counsel for the Ritter Family Trust and
18 limiting the scope of the deposition to issues solely related to the currently pending motion to set
19 aside the judgment and not any issues related to water usage or proving up the same by the Ritter
20 Family Trust.

21 Dated: January 20, 2016

BRUMFIELD & HAGAN, LLP
A Limited Liability Partnership

22
23 By: 

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