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7 Attorneys for Defendant and Cross-Defendant  
SPC DEL SUR RANCH LLC and its  
8 successor-in-interest, DEL SUR RANCH, LLC

9  
10 **SUPERIOR COURT OF CALIFORNIA**

11 **COUNTY OF LOS ANGELES**

12 Coordination Proceeding  
Special Title (Rule 1550(b))

13 **ANTELOPE VALLEY GROUNDWATER**  
14 **CASES**

15 **Included Actions:**

16 Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.  
17 Superior Court of California, County of  
Los Angeles, Case No. BC 325 201

18 Los Angeles County Waterworks District  
19 No. 40 v. Diamond Farming Co.  
Superior Court of California, County of Kern,  
20 Case No. S-1500-CV-254-348

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

24  
25 **AND RELATED CROSS-ACTIONS.**  
26  
27  
28

Judicial Council Coordination  
Proceeding No. 4408

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

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION FOR ORDER SUBSTITUTING  
SUCCESSOR-IN-INTEREST DEL SUR  
RANCH, LLC, FOR DEFENDANT AND  
CROSS-DEFENDANT SPC DEL SUR  
RANCH LLC**

DATE: November 19, 2007  
TIME: 9 a.m.  
DEPT: One  
JUDGE: Hon. Jack Komar

1 **I. INTRODUCTION**

2 Defendant and Cross-Defendant SPC Del Sur Ranch LLC ("SPC") no longer owns  
3 property in the Antelope Valley Groundwater Basin. On September 21, 2007, Del Sur Ranch,  
4 LLC ("Del Sur Ranch") acquired all of SPC's rights and interest in the real property formerly  
5 owned by SPC in the City of Lancaster, California. Accordingly, SPC and Del Sur Ranch jointly  
6 request that Del Sur Ranch, as the new successor-in-interest owner of the land shown in the  
7 accompanying Declaration of Michael Badner ("Badner Decl."), be substituted for SPC as  
8 Defendant and Cross-Defendant in this proceeding.

9 **II. DEL SUR RANCH SHOULD BE SUBSTITUTED INTO THIS PROCEEDING AS**  
10 **SPC'S SUCCESSOR-IN-INTEREST**

11 When an interest relating to an action or proceeding is transferred, the person to whom the  
12 interest is transferred may be substituted into the action or proceeding. C.C.P. § 368.5.

13 Here, SPC formerly owned certain real property located in the City of Lancaster,  
14 California (the "Property"). Badner Decl., ¶ 2. SPC was a named Defendant and Cross-Defendant  
15 in this proceeding because the Property falls within the Antelope Valley Groundwater Basin  
16 boundaries adjudicated by this Court on November 3, 2006, and is among extensive land that is  
17 the subject of this proceeding. *Id.* ¶¶ 2-3.

18 On September 21, 2007, Del Sur Ranch acquired all of SPC's rights and interest in the  
19 Property. *Id.* ¶ 3. A true and accurate copy of the Grant Deed evidencing this transfer is attached  
20 as Exhibit "A" to the Badner Decl. Del Sur Ranch has ever since been, and now is, the real party  
21 in interest with regard to the Property in this proceeding.<sup>1</sup> *Id.* ¶ 4.

22 Therefore, the Court should substitute Del Sur Ranch as a defendant and cross-defendant  
23 in this proceeding in place of SPC, since Del Sur Ranch is the new successor-in-interest owner of  
24 the Property. Del Sur Ranch should also be granted leave to file a supplemental answer showing  
25

26 <sup>1</sup> Del Sur Ranch also owns several other parcels within the boundaries of the Antelope Valley  
27 Groundwater Basin and, therefore, will be seeking to enforce its rights with regard to those  
28 parcels, as well as its rights with regard to the Property, in this proceeding. Those other  
parcels owned by Del Sur Ranch include: Assessor Parcel Map Nos. 3265-003-014; 3265-  
007-002; 3265-007-008; 3265-007-021; and 3203-018-095. Badner Decl., ¶ 5.

1 the substitution pursuant to section 464 of the Code of Civil Procedure. The supplemental answer  
2 will also include a few additional parcels owned by Del Sur Ranch that should be included in the  
3 action, all as shown in the Badner Decl.

4 **III. CONCLUSION**

5 Based on the foregoing, SPC and Del Sur Ranch respectfully request that Del Sur Ranch,  
6 as the successor-in-interest owner of the Property, be substituted for SPC as Defendant and Cross-  
7 Defendant in this proceeding, and that Del Sur Ranch be allowed to file a supplemental answer  
8 showing the substitution.

9  
10 Dated: October 17, 2007

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

11  
12 By: Michael J. Holmes  
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14 Defendant and Cross-Defendant  
15 SPC DEL SUR RANCH LLC and its  
16 successor-in-interest, DEL SUR RANCH,  
17 LLC  
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