

Case No. B348133

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION P

ANTELOPE VALLEY WATERMASTER, et al.,
Plaintiffs and Respondents,
vs.

BENNIE E. MOORE and ANNETTE MOORE,
Defendants and Appellants.

Los Angeles County Superior Court Case No. : BC325201
Judicial Council Coordination Proceeding No. 4408

Santa Clara County Superior Court
Honorable Jack Komar
Case No. 1-05-CV-049053

**APPELLANT'S MOTION FOR ORDER DIRECTING CLERK TO
DATE THE FILING OF THE NOTICE OF APPEAL AS OF
JULY 14, 2025; DECLARATIONS OF ANNETTE MOORE,
ASHLEY YOUNG AND ROSS MESA; [PROPOSED] ORDER**

Bennie E. and Annette Moore
3600 Harbor Blvd, Suite 110-470
Oxnard, CA 93035
Tel: (661) 492-6150

In Pro Per,
BENNIE E. MOORE and ANNETTE MOORE

**APPELLANT’S MOTION FOR ORDER DIRECTING
CLERK TO DATE THE FILING OF THE NOTICE OF APPEAL AS
OF JULY 14, 2025**

Appellant Bennie E. Moore and Annette Moore (“Appellant”) initially submitted their Notice of Appeal on July 11, 2025, through the GloTrans electronic service provider platform utilized by the Superior Court and parties in this case. Out of an abundance of caution, on the next business day, July 14, 2025, Appellant sought to personally file the Notice of Appeal with the Los Angeles County Superior Court clerk by messenger service. The clerk, however, rejected the filing because Appellant’s names were mistakenly not listed as parties in the Court’s records. The very next morning Appellant’s messenger service personally presented documents from the Court’s own file to the clerk showing that Appellant is an active party in the case. The clerk then accepted the Notice of Appeal for filing, but stamped it July 15, instead of the date of the incorrect rejection, July 14.

Because the deadline for the filing of an appeal by Appellant was July 14, the clerk’s improper rejection, and later stamping of July 15 placed Appellant in a position whereby their appellate rights could be jeopardized. The Court should direct the clerk to date the appeal July 14, 2025, the date of the initial submittal which was wrongfully rejected by the clerk.

This Motion is based on the Memorandum of Points and Authorities, the Declarations of Annette Moore, Ashley Young and Ross Meza in

support thereof, and exhibits filed herewith. (See Cal. Rules of Court, rule 8.57(b).)

DATED: August 25, 2025

Respectfully submitted,

By:  
BENNIE E. MOORE and
ANNETTE MOORE

MEMORANDUM OF POINTS AND AUTHORITIES

1. INTRODUCTION.

On Friday, July 11, 2025, Appellant Bennie E. Moore and Annette Moore (“Appellant”) had their then-attorney of record electronically submit a Notice of Appeal on their behalf through the GloTrans electronic service provider platform utilized by the Court and parties in this case. Out of an abundance of caution, on the next business day, July 14, 2025, Appellant sought to personally file the Notice of Appeal with the Los Angeles County Superior Court clerk by messenger service. The clerk, however, rejected the filing because Appellant’s names were mistakenly not included as parties in the Court’s records. The very next morning Appellant’s messenger service personally presented documents from the Court file to the clerk showing that Appellant is an active party in the case, and the clerk then accepted the Notice of Appeal for filing. The clerk stamped the filing July 15, instead of the date of the incorrect rejection, July 14. As noted below, the deadline for the filing of an appeal by Appellant was July 14. Thus, by stamping it on July 15, the clerk placed Appellant in a position whereby their appellate rights could be jeopardized.

The clerk should have accepted the filing upon its first presentation. Under established law, the Notice of Appeal was deemed filed when presented to the clerk on July 14. Appellant’s rights of appeal should not be jeopardized because of the clerk’s mistake in failing to carry out the

ministerial task of filing a properly presented Notice of Appeal because of a technical issue with the court's own records. Accordingly, Appellant seeks an order from this court directing the court clerk to date the filing of its Notice of Appeal as of July 14, 2025, the date on which Appellant sought to personally file the Notice of Appeal by way of messenger service, only for the notice to be improperly rejected by the clerk.

2. FACTUAL BACKGROUND.

On October 28, 2024, the Watermaster filed a Motion for Monetary, Declaratory and Injunctive Relief against Appellant (the "Watermaster's Motion") in Judicial Council Coordination Proceeding No. 4408, otherwise known as the "Antelope Valley Groundwater Proceedings" (LASC Case No.: BC 325201). The Honorable Jack Komar, assigned for all purposes, held a hearing to consider the motion on March 28, 2025. On May 2, 2025, Judge Komar signed an order granting the Watermaster's Motion, and the Watermaster served Notice of Entry of Order on May 14, 2025. Under rule 8.104(a)(B) of the California Rules of Court, Appellant had 60 days to file a notice of appeal, i.e., until July 14, 2025.

On Friday, July 11, 2025, Appellant then-counsel of record submitted Appellant's Notice of Appeal to the GloTrans service provider used for filings throughout the proceedings and electronically served it on all parties to the case. (Moore Decl. ¶2, Ex. 1.) On that same day, Appellant submitted a substitution of attorney form reflecting its election to

proceed in pro per. Notwithstanding this service and the electronic submittal, out of an abundance of caution, on the very next business day – Monday, July 14, 2025, Appellant sought to physically file a copy of its Notice of Appeal at the Los Angeles County Superior Court. Appellant asked Jackson Tidus for assistance, and on the morning of July 14 at approximately 7:30 am, Jackson Tidus emailed its attorney service, First Legal, instructions to hand file a copy of a notice of appeal that day. (Young Decl., ¶2, Ex. 1; Meza Decl., ¶2.) Later that day, First Legal sent a Court Specialist, Ross Meza, to the Los Angeles Superior Court to file the Notice of Appeal. (Meza Decl., ¶3.) Upon presentation of the Notice at the filing window, the clerk rejected the filing because she could not find Appellant in the list of defendants on this case. (*Id.*)

The very next day, First Legal returned to the Court with a copy of a judgment in this case dated December 28, 2015, showing that Appellant was a party to the case. (Meza Decl., ¶4.) Upon seeing this information, the clerk accepted the same Notice of Appeal for filing, but file-stamped it July 15, and not the date of its original presentation July 14. (Meza Decl., ¶4.) The Notice of Appeal was timely submitted to the clerk for filing on July 14 and was deemed filed that day as a matter of law. Nevertheless, the Notice of Appeal was incorrectly file stamped July 15, 2025 (Young decl., ¶5 Ex. 2). The Court's recent letter assigning the appellate case number also incorrectly reflects the Notice of Appeal's filing date as July 15, 2025.

(Moore Decl. Ex. 2.) By this motion, Appellant seeks to have the Court records corrected to reflect July 14, 2025 as the filing date of the Notice of Appeal.

3. LEGAL ARGUMENT.

A. Notices of appeal are deemed filed the day they are Presented to the Clerk for Filing.

It is established that “[t]he act of delivering a document to the deputy clerk at the court during office hours constituted the act of filing.” (*Rapp v. Golden Eagle Ins. Co.* (1994) 24 Cal.App.4th 1167, 1172; see also *Spears v. Spears* (2023) 97 Cal.App.5th 1294, 1300 [notice of appeal was deemed filed when the “clerk received it”]; *Lazar v. Bishop* (2024) 107 Cal.App.5th 668, 676; *Garg v. Garg* (2022) 82 Cal.App.5th 1036, 1045 [notices of appeal “are deemed filed upon receipt”]; *Lezama-Carino v. Miller* (2007) 149 Cal.App.4th 55, 59 [notice of appeal deemed filed when “presented to the trial court for filing”]; and Cal. Rules of Court, Rule 1.20 [“Unless otherwise provided, a document is deemed filed on the date it is received by the court clerk”], Rule 8.25(b)(1) [“a document is deemed filed on the date the clerk receives it”].)

It is equally well established that a court clerk has a ministerial duty to file documents that substantially comply with the applicable rules of court. (*Voit v. Superior Court* (2011) 201 Cal.App.4th 1285, 1287; *Dillon v. Superior Court* (1914) 24 Cal.App. 760, 765–766 [when a document has

been submitted for filing, the party shall not suffer for the failure of the clerk to carry out the duty of filing it].) Indeed, not even a filing rejected for a technical failure to comply with administrative requirements renders an otherwise timely filing untimely. (*Pangilinan v. Palisoc* (2014) 227 Cal.App.4th 765, 770; see also *Lazar v. Bishop* (2024) 107 Cal.App.5th 668, 676 [clerk improperly rejected filing because the party failed to “use the proper category in the dropdown menu for electronic filing.”])

Even if a filing has a defect, the proper course of action is for the clerk’s office to promptly file it and “notify the party that the defect should be corrected.” (*Voit, supra*, 201 Cal.App.4th at p. 1287; *Rojas, supra*, 67 Cal.App.4th at p. 777 [in face of insubstantial defect, clerk should file submitted document “and notify the attorney or party that the perceived defect should be corrected”; see also Rule 8.100(b)(3) [directing clerk to “file the notice of appeal even if the appellant does not present the filing fee, the deposit, or an application for, or order granting, a waiver of fees and costs.”].)

The only basis to refuse to file a document which has a jurisdictional deadline is where the proposed document fails to comply with the California Rules of Court, rule 2.100 et.seq.” (*Lezama-Carino v. Miller, supra* 149 Cal.App.4th at p. 59.) And, as noted above, even if there is a defect “the clerk’s office should file it and notify the party that the defect should be corrected.” (*Voit, supra* 201 Cal.App.4th at p. 1287.)

Here, there was no defect in the Notice of Appeal, there was no failure to comply with the applicable rules of court, and there was no failure to comply with administrative requirements. Instead, the clerk mistakenly rejected the Notice of Appeal simply because Appellant was incorrectly omitted from the Court's list of defendants in the case. Appellant's right of appeal should not be jeopardized by a problem with the Court's own records.

B. This court has the authority to order, and should order, the clerk to file Appellant's Notice of Appeal with as of July 14.

When a clerk's ministerial filing duty is not timely or properly performed, this court may order the clerk to file a document with a date conforming to the date of its original submission. (See e.g., *Pangilinan v. Palisoc*, *supra* 227 Cal.App.4th at p. 770 (deeming notice of appeal to have been filed on date it was delivered to clerk's office when it was subsequently rejected.)

Here, the court granted the Watermaster's Motion on May 2, 2025, and a notice of entry of that order was served on May 14, 2025. Under rule 8.104 of the California Rules of Court, Appellant thereafter had 60 days to file a notice of appeal, i.e., until July 14, 2025.

Appellant timely submitted the Notice of Appeal form through GloTrans on July 11, 2025, and then submitted the completed form through First Legal in person to the Court clerk on July 14. (Young ¶2, Meza ¶2-3.)

As a matter of law, the Notice of Appeal was deemed filed that day and “there was no lawful basis” for the clerk to refuse it. (*Lezama-Carino, supra*, 149 Cal.App.4th at p. 9.)

Nevertheless, instead of filing the Notice of Appeal when it was presented for filing by First Legal, the clerk rejected it because the Court’s own records mistakenly did not show Appellant as a party to the case. (Meza Decl. ¶3.)

These circumstances require relief from this court. The clerk’s reason for rejecting the notice of appeal was a technical one because the clerk’s own system mistakenly failed to show Appellant as a party to this case. Even though this was not Appellant’s fault. In that regard, the facts here mandate the requested correction even more than the recent case of *Lazar v. Bishop*. In *Lazar*, even though a prospective appellant was found to be at fault for not using the proper category in the dropdown menu for electronic filing, the court of appeal directed the notice filed as of the original submission date, noting that it was rejected for a mere “technical issue with electronic filing.” (*Lazar v. Bishop, supra* 107 Cal.App.5th at p. 676.)

The result should be the same here, with this court issuing an order directing the clerk to file the notice of appeal as of the date it was originally submitted, July 14, 2025. Doing so would be consistent with “ ‘well-established policy, based upon the remedial character of the right of appeal,

of according that right in doubtful cases “when such can be accomplished without doing violence to applicable rules” ’ ” (*Montgomery Ward & Company, Inc. v. Imperial Cas. & Indem. Co.* (2000) 81 Cal.App.4th 356, 373.) Even if this were a doubtful case (it is not), any doubt should be resolved in favor of preserving the remedial right of appeal by deeming the notice of appeal as timely filed.

4. **CONCLUSION.**

The court should issue an order directing the clerk to file the notice of appeal as of the date it was originally submitted to the clerk and improperly rejected, July 14, 2025, and to correct the Court records including the docket in the case and the Notice of Filing of Notice of Appeal accordingly.

DATED: August 25, 2025

Respectfully submitted,

By: Signed by:
Bennie Moore
885990E080E44E6... Signed by:
Annette Moore
885990E080E44E6...
BENNIE E. MOORE and
ANNETTE MOORE

DECLARATION OF ANNETTE MOORE

I Annette Moore, declare as follows:

1. I am a party to this case and appeal. I have personal knowledge of the following facts, and, if called as a witness, could and would competently testify thereto. I make this declaration in support of our Motion for Order Directing Clerk to Date the Filing of the Notice of Appeal as of July 14, 2025.
2. On July 11, 2025, our then-counsel of record submitted a Notice of Appeal to the GloTrans service provider used for filings throughout the proceedings and electronically served it on all parties to the case. A true and correct copy of the submittal is attached hereto as **Exhibit 1**.
3. On or about August 11, 2025, I received a letter from the Court of Appeal providing a case number to me and stating that my notice of appeal was filed on July 15, 2025. A true and correct copy of this letter is attached hereto as **Exhibit 2**.

DATED: August 25, 2025

Respectfully submitted,

By: Signed by:
Annette Moore
895990E080E44E6...
ANNETTE MOORE

DECLARATION OF ASHLEY YOUNG

I, Ashley Young, declare as follows:

1. I am secretary employed by the law firm of Jackson Tidus. I have personal knowledge of the following facts and, if called as a witness, could and would competently testify thereto.

2. On the evening of July 11, 2025, I submitted an order to First Legal asking that they deliver and hand file a Notice of Appeal to the Los Angeles County Superior Court on behalf of Appellants Bennie and Annette Moore, who are in pro per in this case. On Monday, July 14, at approximately 7:30 a.m., I received confirmation of this order. A true and correct copy of the conformation I received from First Legal is attached hereto as **Exhibit 3**.


3. I did not receive anything from First Legal until approximately 3:00 p.m. that afternoon when First Legal's court specialist, Mr. Ross Meza, left me a voicemail message. Mr. Meza explained that the court rejected the filing because the clerk was unable to locate Bennie and Annette Moore in the Court's system as parties to the case. After additional conversations that afternoon with First Legal, I provided case records, which show that both Moores were indeed parties to the

case. At that time, the window for in-person filing had already closed.

4. A true and correct copy of the Notice of Appeal returned to me by First Legal is attached hereto as **Exhibit 4**.

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

Executed this 25th day of August 2025, at Irvine, California.



Ashley Young

DECLARATION OF ROSS MEZA

1. I, Ross Meza, declare that I am not a party to this action and if needed could and would competently testify to the facts stated herein. I am the Court Specialist with First Legal located at 1517 W. Beverly Blvd. Los Angeles, CA 90026, and my phone number is (213)250-1111.

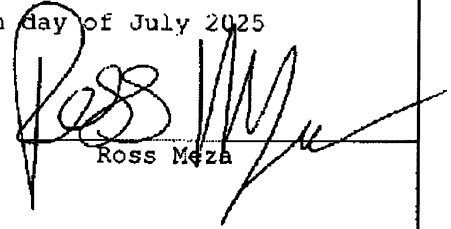
2. On July 14, 2025, Jackson Tidus, A Law Corporation, placed an order to file a Notice of Appeal on behalf of Bennie and Annette Moore, in the Los Angeles County Superior Court. This is in the matter of the Coordination Proceeding, ANTELOPE VALLEY GROUNDWATER CASES, case number BC325201. The order was placed with instructions to file on a same day basis.

3. I went to the Civil Appeals department on July 14, 2025, and per the clerk, they would not accept the filing, stating the parties listed on the document were not listed in the courts system in case number BC325201.

4. On July 15, 2025, I returned to the Civil Appeals unit with a copy of a Judgment filed December 28, 2015 supplied by Jackson Tidus showing the court that the parties are in fact listed. The Notice of Appeal was subsequently filed on July 15, 2025.

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

Dated this 16th day of July 2025


Ross Meza

Declaration of Ross Meza

EXHIBIT 1

APP-002

<p><small>ATTORNEY OR PARTY WITHOUT ATTORNEY</small> <small>STATE BAR NUMBER:</small></p> <p>NAME: Bennie E. and Annette Moore</p> <p><small>FIRM NAME:</small></p> <p><small>STREET ADDRESS:</small> 3600 Harbor Blvd Suite 110-470</p> <p><small>CITY:</small> Oxnard <small>STATE:</small> CA <small>ZIP CODE:</small> 93035</p> <p><small>TELEPHONE NO.:</small> 661-492-6150 <small>FAX NO.:</small></p> <p><small>EMAIL ADDRESS:</small> annettemmoore5@gmail.com</p> <p><small>ATTORNEY FOR (name):</small> Pro per</p>	<p><small>FOR COURT USE ONLY</small></p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</p> <p><small>STREET ADDRESS:</small> 111 North Hill Street</p> <p><small>MAILING ADDRESS:</small> same as above</p> <p><small>CITY AND ZIP CODE:</small> Los Angeles, CA 90012</p> <p><small>BRANCH NAME:</small> Stanley Mosk Courthouse</p>	
<p><small>PLAINTIFF/PETITIONER:</small> Coordination Proceeding, Special Title (Rule 1559 (b)), ANTELOPE VALLEY GROUNDWATER CASES</p> <p><small>DEFENDANT/RESPONDENT:</small></p>	
<p><input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)</p>	
<p><small>CASE NUMBER:</small> BC325201</p>	

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.

1. NOTICE IS HEREBY GIVEN that:

- a. (Name): Bennie E. and Annette Moore appeals from a judgment or order in this case.
- b. The judgment or order was entered on (list the date or dates the judgment and each order being appealed were entered):
May 2, 2025
- c. The appeal is from the following order or judgment (check all that apply):
 - ☐ Judgment after jury trial
 - ☐ Judgment after court trial
 - ☐ Default judgment
 - ☐ Judgment after an order granting a summary judgment motion
 - ☐ Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
 - ☐ Judgment of dismissal after an order sustaining a demurrer
 - ☒ An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
 - ☐ An order or judgment under Code of Civil Procedure, § 904.1(a)(3)-(13)
 - ☒ Other (describe and specify the code section or other authority that authorizes this appeal):
Order Granting Antelope Valley Watermaster's Motion for Monetary, Declaratory and Injunctive Relief per the Notice of Entry of Order dated May 14, 2025
- d. ☐ The judgment or order being appealed directs payment of sanctions by an attorney for a party. The attorney (name): appeals.

2. For cross-appeals only:

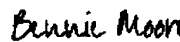
- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (if known):

3. ☐ The judgment or order being appealed is attached (optional).

Date: July 11, 2025

Bennie E. and Annette Moore

(TYPE OR PRINT NAME)

Signed by:

BENNIE MOORE
(SIGNATURE OF PARTY OR ATTORNEY)

Signed by:

ANNETTE MOORE
(SIGNATURE OF PARTY OR ATTORNEY)

Page 1 of 1

***Antelope Valley Groundwater Cases
Judicial Council Coordination Proceeding No. 4408
LASC Case No. BC325201
Santa Clara Superior Court Case No. 1-05-CV-049053***

STATE OF CALIFORNIA)
COUNTY OF VENTURA) > SS.

I am employed in the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 2625 Townsgate Road, Suite 330, Westlake Village, CA 91361.

On July 11, 2025, I served the within ***Notice of Appeal*** on the interested parties in said action by placing a true copy thereof enclosed in a sealed envelope and delivering it as follows:

- ☐ **(By Mail)** I placed the envelope for collection and processing for mailing following the ordinary practice of this business with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary courses of business with the United States Postal Service with postage thereon fully prepaid.
- ☐ **(By Overnight Courier)** I caused such envelope with postage fully prepaid to be sent by Federal Express.
- ☐ **(By Hand)** I caused each envelope to be delivered by hand at _____
- ☒ **(By Electronic Service-Unless Otherwise Indicated)** Pursuant to *Code of Civil Procedure* §1010.6 and/or agreement of the parties, I caused each document to be sent by electronic mail to the following email addresses of counsel for the parties confirmed to be correct:

Each envelope was addressed as follows:

Craig A. Parton, Esq.
PRICE, POSTEL & PARMA
200 East Carrillo Street, 4th Floor
Santa Barbara, CA 93101

Bennie E. Moore
Annette Moore
3600 Harbor Blvd Suite 110-470
Oxnard, CA 93035

Cparton@ppplaw.com

annettemmoore5@gmail.com

moswaterstation@aol.com

I declare under penalty of perjury that the foregoing is true and correct, and that I executed this document on July 11, 2025, at Westlake Village, California.

Marc J. Appell

ANTELOPE VALLEY WATERMASTER
ELECTRONIC DOCUMENT SERVICE - WWW.AVWATERMASTER.ORG
c/o Glotrans
 2915 McClure Street
 Oakland, CA 94609
 EMAIL: Support@Glotrans.com

ANTELOPE VALLEY WATERMASTER
IN AND FOR ANTELOPE VALLEY, CALIFORNIA

Coordination Proceeding Special Title (Rule 1550(b)) ANTELOPE VALLEY GROUNDWATER CASES (JCCP 4408) Included Actions: Los Angeles County Waterworks District No. 40)	Antelope Valley Groundwater Cases (JCCP 4408)
)	Lead Case No. 1-05-CV-049053
Plaintiff,)	Hon. Jack Komar
vs.)	
Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201 Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern, Case No. S-1500-CV-254-348 Wm. Bothhouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840. RIC 344 436, RIC 344 668)	
Defendant.)	
<hr/>)	PROOF OF SERVICE
AND RELATED ACTIONS)	Electronic Proof of Service

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the worldwide web on Fri. July 11, 2025 at 4:36 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described document's electronic service in the following manner:

The document was electronically uploaded to the Antelope Valley Watermaster's website, <http://www.avwatermaster.org>, on Fri. July 11, 2025 at 4:36 PM PDT.

An electronic mail message was transmitted to all parties on the electronic service list maintained for this case at www.avwatermaster.org. The message identified the document and provided instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 11, 2025 at Oakland, California.

Dated: July 11, 2025

For WWW.AVWATERMASTER.ORG

Andy Jamieson

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

ANTELOPE VALLEY WATERMASTER DOCUMENTS
ANVELOPE VALLEY WATERMASTER - WWW.AVWATERMASTER.ORG

Electronic Proof of Service
Page 2

Document(s) submitted by Marc J. Appell of Law Office of Marc Appell on Fri. July 11, 2025 at 4:36 PM PDT

1. Ntc of Appeal/Unltd: Notice of Appeal-Bennie E. Moore and Annette Moore

EXHIBIT 2

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
EVA McCLINTOCK, CLERK
DIVISION p

August 11, 2025

ANTELOPE VALLEY WATERMASTER et al.,
Plaintiffs and Respondents,
v.
BENNIE E. MOORE et al.,
Defendants and Appellants.

B348133
Los Angeles County Super. Ct. No. BC325201

Dear Counsel:

Your notice of appeal filed on **July 15, 2025 ("U1")**, has been lodged in the Court of Appeal and assigned case number **B348133**. Please include this number on all future correspondence and filings.

1. Court of Appeal Filing Fee. Each appellant must pay a \$775.00 filing fee or submit a Request to Waive Court Fees form (FW-001). If the filing fee or a request was not submitted at the time the notice of appeal was filed, either the fee or request will be due within **15 days** of this notice. The filing fee may be paid through TrueFiling (choose LETTER - APPELLANT'S FILING FEE - \$775.00), by check (mail or in person), or by credit card (call (213) 830-7000).

2 Civil Case Information Statement. Appellant must serve and file a completed Civil Case Information Statement (APP-004) in the Court of Appeal within **15 days** of the date of this notice, attaching a copy of the judgment or appealed order showing the entry date. (Cal. Rules of Court, rule 8.100(g)(1).)

3. Certificate of Interested Entities or Persons. Each party must serve and file this certificate with their first court document and include a copy in their principal brief after the cover and before the tables. (Cal. Rules of Court, rule 8.208. This requirement applies to civil appeals only, excluding family, juvenile, guardianship, and conservatorship cases.)

4. Briefing Sequence (if applicable). For cases involving cross-appeals or multiple appeals from the same judgment, parties must propose a briefing sequence within 20 days of the notice of the lodging of the second appeal. (Cal. Rules of Court, rule 8.216.)

Very truly yours,
Eva McClintock, Clerk

cc: All Counsel
File

EXHIBIT 3

Archived: Monday, August 25, 2025 3:42:11 PM
From: [Ashley Young](#)
To: [LA Court](#)
Subject: RE: Monday In person filing LASC (Stanley Mosk Courthouse)
Importance: Normal
Sensitivity: None

Thank you for confirming.

From: LA Court [mailto:lacourt@firstlegal.com]
Sent: Monday, July 14, 2025 7:29 AM
To: Ashley Young <AYoung@jacksontidus.law>
Subject: RE: Monday In person filing LASC (Stanley Mosk Courthouse)

[CAUTION]: External Email. Use caution when opening links or attachments. [JT]

Received

Felix Hernandez



LA Court | L.A. Court
lacourt@firstlegal.com
First Legal | Court & Process
Office: [213.250.1111](tel:213.250.1111), Ext. 1120
www.FirstLegal.com

From: Ashley Young <AYoung@jacksontidus.law>
Sent: Friday, July 11, 2025 5:30 PM
To: LA Court <lacourt@firstlegal.com>
Subject: Monday In person filing LASC (Stanley Mosk Courthouse)
Importance: High

Hello,

We are assisting with the filing of the attached documents: the notice of appeal and two substitutions of attorney for the respondents, Bennie E. Moore and Annette Moore. Please note that we do not represent them; they are representing themselves in pro per. Kindly file all three documents in person, and please advance any required fees. We would appreciate it if you could return the conformed copies once they are available. Thank you.

CASE INFORMATION: BC325201

Case Title: L A COUNTY WATERWORKS DISTRICT VS DIAMOND FARMING COMPANY ET

Filing Courthouse: Stanley Mosk Courthouse
Filing Date: 11/29/2004
Case Type: Declaratory Relief Only (General Jurisdiction)
Status: Change of Venue (Out of County Transfer) on 9/23/2005
Coordinated Case(s) JCCP4408 2/14/2005
Judicial Council Coordinated Proceeding P4408 9/9/2013

For billing reference: BENNIE E. AND ANNETTE MOORE, ATTN: MICHELE STAPLES AND GREG REGIER

Ashley Young
Legal Secretary
ayoung@jacksontidus.law



D: 949.851.7472
C: 714.401.7948

O: 949.752.8585
F: 949.752.0597
www.jacksontidus.law
[Click here to share files larger than 25 MB](#)

Jackson Tidus
2030 Main Street, Suite 1500
Irvine, CA 92614



Disclaimer

This message is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message.

Jackson Tidus is a recognized Partner in ABA-EPA's Law Office Climate Challenge

EXHIBIT 4

COPY

APP-002

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER:</p> <p>NAME: Bennie E. and Annette Moore</p> <p>FIRM NAME:</p> <p>STREET ADDRESS: 3600 Harbor Blvd Suite 110-470</p> <p>CITY: Oxnard STATE: CA ZIP CODE: 93035</p> <p>TELEPHONE NO.: 661-492-6150 FAX NO.:</p> <p>EMAIL ADDRESS: annettemmoore5@gmail.com</p> <p>ATTORNEY FOR (name): Pro per</p>	<p><small>FOR COURT USE ONLY</small></p> <p>CONFORMED COPY ORIGINAL FILED</p> <p>Superior Court of California County of Los Angeles</p> <p>JUL 15 2025</p> <p>David W. Slayton, Executive Officer/Clerk of Court</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</p> <p>STREET ADDRESS: 111 North Hill Street</p> <p>MAILING ADDRESS: same as above</p> <p>CITY AND ZIP CODE: Los Angeles, CA 90012</p> <p>BRANCH NAME: Stanley Mosk Courthouse</p>	
<p>PLAINTIFF/PETITIONER: Coordination Proceeding, Special Title (Rule 1559 (b)), ANTELOPE VALLEY GROUNDWATER CASES</p> <p>DEFENDANT/RESPONDENT:</p>	
<p style="text-align: center;"> <input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE) </p>	
<p>CASE NUMBER: BC325201</p>	

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.

1. NOTICE IS HEREBY GIVEN that:

- a. (Name): **Bennie E. and Annette Moore** appeals from a judgment or order in this case.
- b. The judgment or order was entered on (list the date or dates the judgment and each order being appealed were entered):
May 2, 2025
- c. The appeal is from the following order or judgment (check all that apply):
 - ☐ Judgment after jury trial
 - ☐ Judgment after court trial
 - ☐ Default judgment
 - ☐ Judgment after an order granting a summary judgment motion
 - ☐ Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
 - ☐ Judgment of dismissal after an order sustaining a demurrer
 - ☒ An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
 - ☐ An order or judgment under Code of Civil Procedure, § 904.1(a)(3)-(13)
 - ☒ Other (describe and specify the code section or other authority that authorizes this appeal):
Order Granting Antelope Valley Watermaster's Motion for Montetary, Declaratory and Injunctive Relief per the Notice of Entry of Order dated May 14, 2025
- d. ☐ The judgment or order being appealed directs payment of sanctions by an attorney for a party. The attorney (name): _____ appeals.

FEE RECEIVED

CHECK # \$775

2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (if known):

3. ☐ The judgment or order being appealed is attached (optional).

Date: **July 11, 2025**

Bennie E. and Annette Moore

(TYPE OR PRINT NAME)

Signed by: Bennie Moore

906090E090E44E5

(SIGNATURE OF PARTY OR ATTORNEY)

Signed by: Annette Moore

906090E090E44E5

PROOF OF SERVICE
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

*Antelope Valley Watermaster, et al. v. Bennie E. Moore and
Annette Moore,*

Appeal Case: B348133/ *Trial Court Case No. BC 325201*
Judicial Council Coordination Proceeding No. 4408

I am employed in the County of Orange, State of California, am over the age of 18 and not a party to the within action, my business address is 2030 Main Street, Suite 1500, Irvine, California 92614.

On **August 27, 2025**, I served the foregoing document: **APPELLANT’S MOTION FOR ORDER DIRECTING CLERK TO DATE THE FILING OF THE NOTICE OF APPEAL AS OF JULY 14, 2025; DECLARATIONS OF ANNETTE MOORE, ASHLEY YOUNG AND ROSS MESA; [PROPOSED] ORDER** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

[X] VIA ELECTRONIC MAIL WHERE INDICATED: Pursuant to C.R.C. 2.251, I served the foregoing document described by emailing it to each of the aforementioned electronic mail addresses and the transmission was reported as complete and without error. My email address is dphenicie@jacksontidus.law.

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

Executed on August 27, 2025, at Irvine, California.

/s/ Deanna Phenicie
Deanna Phenicie

SERVICE LIST
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

*Antelope Valley Watermaster, et al. v. Bennie E. Moore and
Annette Moore,*

Appeal Case: B348133/ *Trial Court Case No. BC 325201*
Judicial Council Coordination Proceeding No. 4408

Served Electronically	
Craig A. Parton, Esq. Cameron Goodman, Esq. Jeff F. Tehakarov, Esq. PRICE, POSTEL & PARMA 200 East Carrillo Street, 4 th Floor Santa Barbara, CA 93101	Attorneys for Antelope Valley Watermaster Tel: (805) 962-0011 Fax: (805) 965-3978 Cparton@ppplaw.com ; cg@ppplaw.com ; jft@ppplaw.com
Antelope Valley Watermaster c/o Glotrans 2915 McClure Steet Oakland, CA 94609	<i>Service List maintained by Antelope Valley Watermaster</i> Documents electronically uploaded and served through the Antelope Valley Watermaster's website: www.avwatermaster.org