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**SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

Coordination Proceeding  
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER  
CASES

RICHARD A. WOOD, an individual, on  
behalf of himself and all others similarly  
situated,

Plaintiff,

v.

LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40; et  
al.

Defendants.

Judicial Council Coordination  
Proceeding No. 4408

Lead Case No. BC 325201

Case No.: BC 391869

**SUPPLEMENTAL  
DECLARATION OF MICHAEL D.  
MCLACHLAN IN SUPPORT OF  
OPPOSITION TO MARK  
RITTER'S MOTION TO SET  
ASIDE JUDGMENT**

Date: February 10, 2016  
Time: 10:00 a.m.  
Place: Room 222  
Stanley Mosk Courthouse  
111 North Hill Street  
Los Angeles, CA

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1. I make this declaration of my own personal knowledge, except where stated on information and belief, and if called to testify in Court on these matters, I could do so competently.

3. Attached as **Exhibit 22** is a true and correct copy of the relevant pages of the final deposition transcript of Mark Ritter, taken in this matter on January 27, 2016. The highlighted text is the same as what is contained in Exhibit 18 to my original declaration – the “rough” transcript of this same deposition – except that I note that pagination of the final transcript differs from that in the rough transcript.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5<sup>th</sup> day of February, 2016, at Hermosa Beach, California.

Michael D. McLachlan

## **Exhibit 22**

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

Coordination Proceeding )  
Special Title (Rule 1550(b)), )  
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ANTELOPE VALLEY GROUNDWATER CASES )  
\_\_\_\_\_ )

RICHARD A. WOOD, an individual, ) Case No. BC 391869  
on behalf of himself and all )  
others similarly situated, )  
 )  
Plaintiff, )  
v. )  
 )  
LOS ANGELES COUNTY WATERWORKS )  
DISTRICT 40; et al., )  
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Defendants. )  
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DEPOSITION OF MARK STEVEN RITTER  
WEDNESDAY, JANUARY 27, 2016

Reported By:  
DEBORAH KINSELLA  
CSR No. 13808  
Job No. 2224143  
Pages 1 - 53

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

Coordination Proceeding )  
Special Title (Rule 1550(b)), )  
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on behalf of himself and all )  
others similarly situated, )  
)  
Plaintiff, )  
v. )  
)  
LOS ANGELES COUNTY WATERWORKS )  
DISTRICT 40; et al., )  
)  
Defendants. )  
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Deposition of MARK STEVEN RITTER, taken on behalf of  
Plaintiff Richard Wood and the Class at 2049 Century  
Park East, Suite 2450, Los Angeles, California 90069,  
commencing at 2:08 p.m., and ending at 3:12 p.m. on  
Wednesday, January 27, 2016, before Deborah Kinsella,  
CSR No. 13808.

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24  
25 Also Present (via telephone): Mr. McElhaney

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I N D E X

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LOS ANGELES, CALIFORNIA  
WEDNESDAY, JANUARY 27, 2016  
2:08 P.M.

MARK STEVEN RITTER,  
having been first duly sworn by the reporter,  
was examined and testified as follows:

EXAMINATION

BY MR. O'LEARY:

Q Let me have you start by stating your name and  
spelling it, please.

A Full name?

Q Yeah. Full name, please.

A Mark Steven Ritter, M-a-r-k S-t-e-v-e-n  
R-i-t-t-e-r.

Q Okay, Mr. Ritter. My name is Dan O'Leary. I'm  
going to be taking your deposition. We're going to move  
pretty quick. You're not going to be here very long,  
but there's a couple ground rules that I want to make  
clear at the beginning.

Number 1, the most important, the oath just  
administered by the court reporter is the same oath you  
would take if this were a courtroom with a judge and  
jury present.



1 Do you understand that?

2 A Uh-huh.

3 Q Number 2, you have to make your answers verbal.  
4 So you're communicating when you say "Uh-huh," but it  
5 doesn't show up well in the transcript, so I might prod  
6 you for a "Yes" or a "No." Okay?

7 A Okay.

8 Q So, "Yes," you understand the significance of  
9 the oath that was just administered?

10 A Yes.

11 Q Okay. Like I said, this will be pretty quick,  
12 I think. Nevertheless, it's not a contest of endurance.  
13 If you want to take a break for any reason or speak with  
14 your lawyer, let me know, and I will accommodate you.  
15 Okay?

16 A Yeah.

17 Q All right. Let me start off by asking you  
18 this:

19 When did you first learn about groundwater  
20 litigation in the Antelope Valley?

21 A I don't remember exactly when it was. Probably  
22 whenever everybody else found out about it.

23 (Mr. McElhaney joins the deposition via  
24 telephone.)

25 ///

1 BY MR. O'LEARY:

2 Q All right. Let me ask you to repeat that  
3 answer.

4 A Whenever all the other farmers found out about  
5 it.

6 Q Okay. Any estimate for us as to how long ago  
7 that was?

8 A It was a long time. I don't know. It must  
9 have been 15 years ago, I guess.

10 Q Okay.

11 A Something like that.

12 Q Okay. Your mother was still alive at the time?

13 A Yeah.

14 Q All right. And how did you learn about it, if  
15 you recall?

16 A I think just all the other farmers talking  
17 amongst ourselves, you know.

18 Q Okay. Any particular group? Farm Bureau? 4H?

19 A The neighbors next door, Maritorena Farms,  
20 because they're the ones that had the meeting about this  
21 right away.

22 Q Okay. Did you attend that meeting?

23 A Yeah.

24 Q Okay. And your best estimate is somewhere in  
25 the range of 15 years ago?

1 A Yes.

2 Q All right. Did your mom attend that meeting?

3 A No.

4 Q Anyone else in your family?

5 A No.

6 Q Okay. You currently farm alfalfa in the

7 Antelope Valley; is that right?

8 A Yes.

9 Q Am I right that the address, this property

10 address, the property where you do that farming, is

11 51201 90th Street West?

12 A Yes.

13 Q Lancaster?

14 A Yes.

15 Q And that property is served by two groundwater

16 wells?

17 A Yes.

18 Q And that was true at the time you first learned

19 about the groundwater litigation?

20 A Yes.

21 Q Okay. Do you live at that address?

22 A Yes.

23 Q How long have you lived there?

24 A Since probably 1982.

25 Q All right. Continuously?

1 A Yeah.

2 Q Did your father live at that address while he  
3 was alive?

4 A No.

5 Q Okay. And how about your mother?

6 A No.

7 Q Have you been involved in farming that land  
8 continuously since 1982?

9 A Yes.

10 Q All right. You mentioned that the groundwater  
11 litigation was discussed among farmers, and there was a  
12 meeting maybe 15 or so years ago at a neighboring farm.

13 Anything after that, in that time period, that  
14 you recall regarding litigation involving groundwater  
15 pumping rights in the Antelope Valley?

16 A You mean did I hear of anything after that?

17 Q Yeah.

18 And I'm not talking about in the last year or  
19 two, but back in 2000, early 2000s.

20 A No.

21 Q Okay. Do you recall ever being served with any  
22 legal documents related to groundwater litigation at  
23 your property in Lancaster, you personally?

24 A No.

25 Q Do you know if your mom ever was?

1           A    Yes.

2           Q    What do you know about that?

3           A    I don't know if it was legal or what it was.

4   It was just something she got in the mail telling her

5   about this groundwater thing.

6           Q    Do you remember when that was?

7           A    No, I don't remember when that was.

8           Q    All right. Your mom passed in 2010?

9           A    Yes.

10          Q    Okay. So sometime before 2010?

11          A    Yes.

12          Q    And kind of a broad question, but between 2000,

13   or whenever this first meeting was at the neighboring

14   ranch, and the time your mom passed, did you have any

15   involvement beyond conversational with other farmers

16   regarding groundwater pumping rights?

17          A    No.

18          Q    Okay. The lawyer to my left is Michael Fife.

19   He introduced himself to you before we started.

20                You never met him before?

21          A    No.

22          Q    To your knowledge, have you ever had any

23   communications with him or his law firm?

24          A    No.

25          Q    Okay. And excluding Mr. Brumfield, your

1 lawyer, in the last 15 years, have you had any  
2 conversations with any lawyers regarding your  
3 groundwater pumping rights?

4 A No.

5 Q The farm at 51201 90th Street West, am I right  
6 that when your mom was alive in 2009 and '10, that that  
7 land was owned by your parents' trust?

8 A Yes.

9 Q Your mom served as trustee at the time?

10 A Yes.

11 Q And you were the beneficiary of that trust, if  
12 you know?

13 A The trustee of the trust.

14 Q Well, your mom was the --

15 A Well --

16 Q Go on.

17 A You mean the beneficiary of that land or of the  
18 trust?

19 Q Well, that's good. Let me ask it this way:

20 Under your parents' trust, did you stand to  
21 come in title of that land upon your mom's passing?

22 A Yes. I think we pretty much figured that at  
23 the time.

24 Q Okay. Do you have any brothers and sisters?

25 A Yes.

1 Q Okay. Do they have any involvement in that  
2 ranch?

3 A No.

4 Q And have they at any time in the past?

5 A No.

6 Q It's always been you?

7 A Uh-huh.

8 Q That's a "Yes"?

9 A Yes.

10 Q Okay. Did your mom serve as the trustee of the  
11 Ritter Family Trust until her death?

12 A Yes.

13 Q Okay. And I understand you're the successor  
14 trustee?

15 A Yes.

16 Q Were you the successor trustee under the trust  
17 instrument itself?

18 In other words, if you know, did the trust  
19 instrument appoint you to be trustee upon your mom's  
20 passing? You may not know.

21 A That's the way she wrote it up in her trust --

22 Q Okay.

23 A -- that I was the trustee.

24 Q Okay. Thank you.

25 And when your -- Let me ask you this way:

1           Upon your mom's death, were any court  
2       proceedings instituted as a result of the trust?

3           A    No.

4           Q    Okay.  No court to have you appointed as  
5       successor trustee --

6           A    No.

7           Q    -- or to have title to the property changed?

8           A    No.

9           Q    Okay.  You or your lawyer gathered some  
10      documents that you're producing today?

11          A    Yes.

12               MR. O'LEARY:  So I'll ask Mr. Brumfield --

13               MR. BRUMFIELD:  A bit of a combination, but,  
14      yes.

15               MR. O'LEARY:  What do you -- Just tell me what  
16      you have.

17               MR. BRUMFIELD:  I have -- there are -- Well,  
18      you had six categories here.

19               MR. O'LEARY:  Right.

20               MR. BRUMFIELD:  The first --

21               MR. O'LEARY:  And I saw your email about -- so  
22      no communications with Mr. Fife or his --

23               MR. BRUMFIELD:  Right.  Nothing.  No  
24      correspondence or other written communications with  
25      Mr. Fife's firm, either the predecessor, the Hatch &



1 balance of the property. I think it may have been  
2 jointly owned between Mr. Ritter's parents and a fellow  
3 named Forrest Godde. And then in '95, Mr. Godde  
4 transferred his interest. And then -- I gave you that  
5 deed -- in September 2015 is when Mr. Ritter transferred  
6 it out to himself personally. And those are just the  
7 real estate reports, and that's all we have for you.

8 BY MR. O'LEARY:

9 Q Okay. So, Mr. Ritter, you listened to that  
10 explanation your lawyer just provided?

11 A Uh-huh.

12 Q And -- "Yes"?

13 A Yes.

14 Q And it did strike you as accurate?

15 A Yes.

16 Q So specifically -- Let me ask you this:

17 Prior to the time you retained Mr. Brumfield,  
18 had you ever heard of the Antelope Valley Groundwater  
19 Agreement Association, which we refer to as AGWA  
20 typically?

21 A Yes.

22 Q How so?

23 A Just from other farmers.

24 Q Okay. Going back what period of time?

25 A Four or five years probably.

1 Q Did you ever consider yourself a member of the  
2 Antelope Valley Groundwater Agreement Association?

3 A No.

4 Q Do you know whether your mom ever considered  
5 herself a member of that association?

6 A I don't know.

7 Q You don't know, or she did not?

8 A I don't know, but I would say no.

9 Q Okay. Did you ever have any conversations that  
10 you recall with your mom about AGWA?

11 A No.

12 Q Okay. Did you ever have any conversations with  
13 your mom about the groundwater litigation going on in  
14 the Antelope Valley?

15 A After the first meeting --

16 Q Yeah.

17 A -- that we went to, I discussed it with her.

18 Q Okay. And do you recall what you guys  
19 discussed?

20 A Well, at that time, it was kind of in its first  
21 stages, you know. But they were talking about getting  
22 lawyers to fight this whole deal, and then it could take  
23 10 to 15 years and this and that.

24 Q And lo and behold --

25 MR. BRUMFIELD: Here we are.

1 THE WITNESS: So I told her that.  
2 And she kind of got mad and said, "There's no  
3 way we're going to pay lawyers for 15 years for --  
4 "because we've already got water rights anyway." I  
5 mean, this is, you know -- you know how most people  
6 would react.

7 BY MR. O'LEARY:

8 Q Okay. So to your knowledge, did your mom ever  
9 retain a lawyer with respect to the groundwater  
10 litigation?

11 A No.

12 Q Okay. And did you ever retain a lawyer prior  
13 to Mr. Brumfield?

14 A No.

15 Q And I should ask -- I meant to ask this a few  
16 minutes earlier, but the two groundwater wells on the  
17 farm, how long have they been operating? Decades?

18 A Yeah.

19 Q Okay. Let me ask you to look at what I'll mark  
20 as Exhibit 1.

21 (Exhibit 1 was marked for identification.)

22 BY MR. O'LEARY:

23 Q And, Mr. Ritter, I'll represent to you that  
24 this is a declaration of yours that was posted to the  
25 Antelope Valley Groundwater Litigation website, I

1 BY MR. O'LEARY:

2 Q Let me have you take a look at Exhibit 2.  
3 You'll see your signature. It's a few pages in.

4 MR. BRUMFIELD: It says page 3 at the bottom.  
5 It's the next page, "Page 3 of 4."

6 THE WITNESS: What is this from? Is this from  
7 the transfer of property?

8 BY MR. O'LEARY:

9 Q Yeah, it's part of that.

10 A Well, that could be, yeah. Because here's all  
11 these -- Yeah, that's Starlette. She did it for us.

12 Q Okay. So what I'm going to ask you about that  
13 is this:

14 Your mom died in 2010?

15 A Yeah.

16 Q And then you transferred the property out of --  
17 I guess in 2015?

18 A Uh-huh.

19 Q Right?

20 A Yes.

21 MR. BRUMFIELD: Is that "Yes"?

22 THE WITNESS: Yes.

23 BY MR. O'LEARY:

24 Q Okay. And the transfer, was that -- Why did  
25 you do it? What was it about that time that caused you

1 and get all this property changed. And so after the  
2 first meeting, you know, we got sent home. "You need  
3 this. You need that." And, you know, it's L.A. County,  
4 and you can pretty much figure. You need all this  
5 stuff, so, okay.

6 So we tried to get all that stuff, and went  
7 back. Did it again. Got sent home again.

8 I think it was like the third time, and, you  
9 know, there was time in between all this. There were  
10 weeks or two. And finally we had to get this girl to  
11 set it all up for us and take it in and have it done.  
12 So we just paid her to have it done.

13 Q That girl being Starlette Kreig?

14 A Yes.

15 Q Okay. You also brought with you today what  
16 I'll have marked as Exhibit 3, which is a Grant Deed  
17 recorded in L.A. County the same day as Exhibit 2.

18 (Exhibit 3 was marked for identification.)

19 BY MR. O'LEARY:

20 Q And if you could look at Exhibit 3, Mr. Ritter,  
21 I'm just going to -- the question is going to be, is  
22 this prepared for the same reason, just to effectuate  
23 the transfer of the property to you?

24 A Yes.

25 Q You and your wife?

1 A Yes.

2 Q Okay. You can put that aside, then.

3 Exhibit 1, your declaration, indicates that at  
4 least for some period of time, the property was farmed  
5 as a partnership between your parents and Forrest Godde,  
6 G-o-d-d-e?

7 A "Godde."

8 Q "Godde"? Okay.

9 Do you know what period of time they were in  
10 partnership on that property?

11 A Ever since they bought it back in -- I don't  
12 know when exactly they bought that property, but it was  
13 a long time ago when I was just a kid.

14 Q Okay. 1970s maybe?

15 A I thoughts it was '70s, but I think it may have  
16 been before that.

17 Q Okay. But, okay, a long time.

18 A Uh-huh.

19 Q Sufficient for my purposes.

20 A Yes.

21 Q And Mr. Godde, as I understand it, died in  
22 2009?

23 Does that sound right?

24 A Yes.

25 Q Did the partnership continue up until his

1 death?

2 A Yes.

3 Q Did you ever have any conversations, you  
4 personally, with Mr. Godde regarding the groundwater  
5 litigation?

6 A No.

7 Q Do you know whether he was a member of the  
8 Antelope Valley Groundwater Agreement Association?

9 A From what I heard, he was for a while. But  
10 then he got out of it was the last thing I heard.

11 Q Okay. And, you know, who did you hear that  
12 from?

13 A I don't know. It could have been a couple of  
14 guys that work with me. George Webb, he may have said  
15 something about it.

16 Q All right. Any conversation with Mr. Godde  
17 himself about it?

18 A No.

19 Q And do you know whether or not Mr. Godde was a  
20 member of the Groundwater Agreement Association? Do you  
21 know whether he had ever retained a lawyer to deal with  
22 the groundwater litigation?

23 A No.

24 Q It's a man, right, Forrest Godde?

25 A Yes.

1 Q Okay. Let me ask you to look at what I'll mark  
2 as Exhibit 4. It's a November 3, 2015, letter from  
3 Mr. Fife to Mr. Brumfield.

4 (Exhibit 4 was marked for identification.)

5 MR. BRUMFIELD: Have you ever seen that letter  
6 before?

7 BY MR. O'LEARY:

8 Q I suspect you may not have, but feel free to  
9 read it. You're entitled to do that.

10 But my questions are kind of -- I'm using this  
11 as kind of a jumping-off point to ask you some questions  
12 which, in fairness, you may not know the answer to.

13 If you look at the second paragraph, there is a  
14 sentence that reads, "Sometime in 2005, the Ritters  
15 approached me about joining the group of defendants that  
16 my firm represents in the Antelope Valley adjudication."

17 Do you know who in your family may have  
18 approached Mr. Fife in 2005 about joining the group of  
19 defendants which is the Antelope Valley Groundwater  
20 Agreement Association?

21 A It must have been me.

22 Q Okay.

23 A I remember calling and talking --

24 THE WITNESS: I guess it was to you.

25 ///



1 BY MR. O'LEARY:

2 Q So let me give you a little bit of what we call  
3 an admonition. I'm entitled to what you know. I'm  
4 entitled to find out today what you remember to the --  
5 your obligation, of course, to tell the truth, the whole  
6 truth, and nothing but the truth.

7 I'm not entitled nor do I want you to guess or  
8 speculate. All right? So, for example, if you know  
9 that sometime, a long time ago now, you called a lawyer  
10 about this, who was maybe representing other parties,  
11 I'm entitled to find out about at least the fact that  
12 you called, maybe not what you talked about.

13 But if you're not sure who it was and Mr. Fife  
14 doesn't ring a bell in your mind, then that would be a  
15 guess. I know that's not the greatest example.

16 A I called and talked to Nebeker.

17 Q Okay. Gene Nebeker?

18 A Yeah. We had a long conversation on the phone.

19 That must have been in 2005 when that happened,

20 I guess.

21 THE WITNESS: And then I -- I don't remember  
22 talking to you. I thought I left a message.

23 MR. BRUMFIELD: You mean to Mr. Fife?

24 THE WITNESS: Yeah.

25 MR. BRUMFIELD: Just so we're clear.

1 THE WITNESS: Then I talked to somebody else,  
2 and he seemed to be a real nice guy. He kind of  
3 discussed things with me and said he really couldn't  
4 tell me anything. I don't know if it was another  
5 lawyer or who it was. It's been so long ago, I can't  
6 remember.

7 BY MR. O'LEARY:

8 Q Yeah. Okay. And so is it your recollection,  
9 such as it is, that Mr. Nebeker gave you a number of a  
10 lawyer to call?

11 A That must be.

12 Q All right.

13 A He must have gave me a number.

14 Q And anytime since then, have you had  
15 conversations with Mr. Nebeker about litigation?

16 A No.

17 Q Okay. You just remember one long --

18 A I think that was the last time I talked to him  
19 about it.

20 Q -- one long conversation probably in 2005?

21 A Uh-huh.

22 Q "Yes"?

23 A Yes.

24 Q Okay. And was your mom actively involved in  
25 any of this at the time?

1 A Not as far as I know.

2 Q Okay. Other than she had an objection to  
3 15 years of legal fees?

4 A Yes.

5 Q Yeah. Okay.

6 That paragraph, it goes on to say,  
7 "Subsequently however" -- I'm skipping a sentence or  
8 two -- "they," meaning the Ritters, "refused to sign any  
9 of the necessary representation documents such as the  
10 fee agreement and conflict waiver for the group."

11 Do you see where I'm reading?

12 A Uh-huh.

13 Q "Yes"?

14 A Yes.

15 Q At any rate, would it be your testimony that  
16 you never signed up with any firm or lawyer --

17 A No.

18 Q -- back in 2015?

19 A No.

20 Q What I said is correct?

21 A Yes.

22 Q Okay.) And then the last sentence of that  
23 paragraph says, "They," meaning the Ritters again,  
24 "represented that they did not want to be a part of this  
25 group of defendants and did not want to be represented

1 by my firm in the adjudication."

2 Is that consistent with your recollection?

3 A Yes.

4 Q In other words, there was some kind of  
5 communication in which you said, "No, thank you. We're  
6 not going to join the group"?

7 A I don't think I ever said, "No." I think I  
8 just, you know, never talked to anybody again about it.

9 That could have been the first time that I  
10 talked to my mother about this maybe. Yeah, because I  
11 don't know when all this started, but 2005 ain't that  
12 far from '99 or 2000, whenever the farmers started doing  
13 this. That could have been that time when she told me,  
14 "No, we don't want to get involved in this for  
15 20 years," or whatever.

16 Q Okay. And is it correct, then, that you and  
17 your mom, to your knowledge, never paid any attorneys  
18 any money --

19 A No.

20 Q -- before you hired Mr. Brumfield for work  
21 related to groundwater rights in the Antelope Valley?

22 A Before, no.

23 Q I don't want to know what -- I'm not going to  
24 ask about your fee arrangement with Mr. Brumfield, your  
25 current lawyer.

1 I just want to know, so 2005, no money was  
2 paid?

3 A No.

4 Q All right. Let me ask you to look at what will  
5 be marked Exhibit 5.

6 (Exhibit 5 was marked for identification.)

7 BY MR. O'LEARY:

8 Q Mr. Ritter, I will represent to you that  
9 Exhibit 5 is a copy of a document filed in the  
10 groundwater litigation back in January 2007. Okay?

11 A Yes.

12 Q Have you ever seen it before?

13 A No.

14 Q In the block listing at the top of the parties  
15 represented by the Hatch & Parent firm, do you see the  
16 name of your father?

17 A Yes.

18 Q He was deceased in 2007?

19 A Yes.

20 Q And then your mom, Paula E. Ritter, is listed?

21 A Yes.

22 Q And Paula E. Ritter as trustee of the Ritter  
23 Family Trust?

24 A Yes.

25 Q And she was in fact trustee of the Ritter

1 Family Trust as of 2007?

2 A Yes.

3 Q Okay. That's it for that document.

4 Let me have you look at Exhibit 6.

5 (Exhibit 6 was marked for identification.)

6 BY MR. O'LEARY:

7 Q And I'll represent to you this is also a  
8 document that came from the docket in the groundwater  
9 litigation. No reason for you to have ever seen it  
10 before, but it's a Notice of Acknowledgment of Receipt -  
11 Civil. It's dated June 10, 2009.

12 Do you see at the bottom where "Paula E. Ritter  
13 Trustee" is handwritten in?

14 A Yes.

15 Q Do you recognize your mom's writing there?

16 A Yes.

17 Q And the signature, "Paula E. Ritter Trustee" to  
18 the right of that?

19 A Yes.

20 Q It's your mom's signature?

21 A It looks like it.

22 Q Okay. That's it for that.

23 MR. O'LEARY: I'm going to mark, since we have  
24 them, a copy of the Ritter Family Trust -- thank you for  
25 producing it -- as Exhibit 7.

1 death, did the trust contain real property other than  
2 the ranch which you got?

3 A Yes.

4 Q Okay. How much property was in the trust? Do  
5 you know generally? Acreage?

6 A Well, I mean, just the -- the only real  
7 property was the 150 acres that I got that I'm farming.

8 Q Okay.

9 A The other ones were two and a half acres here  
10 and there, you know, and then where she lived, and then  
11 the house next door.

12 And they got a piece of property by the freeway  
13 and then a couple of other lots out in the desert, you  
14 know.

15 Q Okay. And these were all properties -- Prior  
16 to your mother's death, these were all real properties  
17 that were contained in the trust?

18 A Yes.

19 Q But they were distributed to your sister. Did  
20 that happen upon your mother's death?

21 A After.

22 Q 2010?

23 A Or after. Whenever. Whenever we got all that  
24 stuff run through the -- you know, the -- to get it put  
25 in her name and then that property put in my name.

1           So if I understand correctly, you first learned  
2   about the Antelope Valley Groundwater Adjudication  
3   approximately 15 years ago.

4           Is that a fair statement?

5           A    Yes.

6           Q    And when you became aware of the groundwater  
7   adjudication about 15 years ago, were you aware that the  
8   adjudication could impact the rights that you may have  
9   or your mother may have had with respect to groundwater  
10   pumping?

11           MR. BRUMFIELD:  I'll just object as calling for  
12   a legal conclusion.

13           But you can answer to the extent you have any  
14   understanding.

15           THE WITNESS:  Well, I guess we thought it could  
16   happen, but, I mean, this is America.  You have water  
17   rights.  That's what we thought.

18           BY MR. WELLEN:

19           Q    Okay.  And your understanding that this is  
20   America and you have water rights, what is that based  
21   on?  Is it a conversation with someone?

22           A    No.  That's just what I believe.

23           Q    Okay.  And what is the basis for that belief?

24           A    Well, your water rights are -- that's supposed  
25   to be the most rights you have, the way they talk about



1 it, water rights anywhere. I mean, they used to fight  
2 over this stuff, you know, shoot each other.

3 And that's kind of what I thought. I thought,  
4 you know, I never broke the law. I never did anything.  
5 I'm sitting here running my life, farming, and then  
6 somebody comes along and sues me for water.

7 "This is ridiculous," I thought. I mean, my  
8 mother felt the same way. It's just terrible. It's  
9 just terrible.

10 Q Well, roughly 15 years ago, when you first  
11 learned about this case, did you think it was necessary  
12 to appear in court to protect your water rights?

13 A No.

14 Q When was first time you spoke with a lawyer  
15 about the adjudication?

16 A I guess when I talked to Mr. Fife that one time  
17 on the phone.

18 Q Okay. And when was that?

19 A I don't remember. I don't remember it, but...

20 Q Have you spoken to any other attorneys  
21 regarding the Antelope Valley Groundwater Adjudication  
22 other than Mr. Brumfield and Mr. Fife?

23 A No.

24 Q And when did you first retain Mr. Brumfield?

25 THE WITNESS: When was that?

1 A No.

2 Q So is it fair to say you've never looked at the  
3 website?

4 A I've never looked at it.

5 Q Before you retained Mr. Brumfield as your  
6 attorney, did you ever contact the court regarding the  
7 Antelope Valley Groundwater Adjudication?

8 A No.

9 Q Before you retained Mr. Brumfield, did you make  
10 any sort of effort to learn anything about the  
11 groundwater adjudication?

12 A No.

13 Q Okay. So is it fair to say that you knew about  
14 the groundwater adjudication, you knew that it could  
15 have an impact on your water rights, but you waited  
16 until September of 2015 before you first contacted a  
17 lawyer?

18 A Yes.

19 Q Before you contacted a lawyer, did you ever  
20 attempt to file anything with the court regarding the  
21 Antelope Valley Groundwater Adjudication?

22 A No.

23 Q Prior to retaining Mr. Brumfield, did you ever  
24 read any documents that had been filed in the Antelope  
25 Valley Groundwater Adjudication?

1           A    No.

2           Q    Before you hired Mr. Brumfield, had you ever  
3 read any orders issued by the Court in the Antelope  
4 Valley Groundwater Adjudication?

5           A    No.

6           Q    Other than Gene Nebeker, who you spoke with  
7 roughly around 2005, have you spoken with any other  
8 members of AGWA regarding the Antelope Valley  
9 Groundwater Adjudication?

10          A    No, not at length. I mean, just in passing.

11          Q    Do you recall the contents of any of those  
12 passing conversations?

13          A    No. They're usually, you know, "This thing is  
14 going to take another ten years," and this and that, you  
15 know. That's about all it was.

16          Q    You testified that at some point around  
17 September of 2015, you spoke with some farmers and said,  
18 "The case is coming to a close, and you should retain a  
19 lawyer."

20                Do you recall having any conversations with  
21 those same farmers earlier where you discussed this  
22 case?

23          A    No.

24          Q    Was that the first time that anyone had told  
25 you that you ought to get a lawyer to represent your

1 interest in the Antelope Valley?

2 A Nobody told me I should. I just decided on my  
3 own about that time.

4 So I went to my neighbor, Charlie Tapia,  
5 because he had Mr. Brumfield as his attorney, and got  
6 his phone number and talked to him.

7 Q Was that the first time that you spoke to  
8 Mr. Tapia about the lawsuit?

9 A Yes.

10 Q So now I'm a little bit confused, which some  
11 people would say is my natural state.

12 So you decided to retain an attorney based on  
13 what farmers told you, or was it because of a decision  
14 that you made on your own?

15 A Just from what I've been hearing from other  
16 farmers.

17 You know, this case is getting close to an  
18 ending, and I'm thinking, "Well, I never thought I'd see  
19 the end of this thing, but maybe I better talk to a  
20 lawyer just to see what's happening."

21 Q So it was your understanding that the case was  
22 drawing to a close that prompted you to want to talk to  
23 a lawyer?

24 Is that fair to say?

25 A Yes.

1 Q Was there any other reason why you thought it  
2 would be necessary to talk to a lawyer?

3 A Just to protect my water rights.

4 Q Okay.

5 A I pretty much figured, by the time this thing  
6 got said and done, the judge would probably just give  
7 everybody that's farming, you know, whatever percent of  
8 water they're supposed to have or whatever they come up  
9 with, and that would be the end of it.

10 Q And when did you first form the belief that  
11 that's what the judge would do?

12 A A few years ago, I kind of figured that much  
13 out.

14 Q By "a few," do you just mean a couple of years  
15 or maybe longer than that?

16 A Just a few years ago probably.

17 Q And when you developed the belief that the  
18 judge would divide up water rights based on what people  
19 were farming, was that something that you thought of on  
20 your own, or did that come out of a conversation with  
21 someone?

22 A No. That's just something I thought up on my  
23 own. I would figure that would be the fair way to do  
24 it, you know. If they're going to do it, they're going  
25 to have to do it fair.

1           Q   And when you formed the idea that that's how  
2   the judge would resolve the case, did you undertake any  
3   effort to speak with someone who has knowledge about  
4   water rights cases?

5           A   No.

6           Q   Did you try to read anything on the Internet?

7           A   No.

8           MR. WELLEN:  If my notes are correct, Exhibit 6  
9   was the Notice and Acknowledgment of Receipt.

10          MR. BRUMFIELD:  Yes.

11          MR. WELLEN:  Thanks.

12   BY MR. WELLEN:

13          Q   Do you have Exhibit 6 in front of you, sir?

14          A   Yes.  Yes.

15          Q   When was the first time that you saw Exhibit 6?

16          A   Today.

17          Q   Did your mother ever tell you that she had  
18   signed a document in regard to the Antelope Valley  
19   Groundwater Adjudication?

20          A   No.

21          Q   Did she ever tell you that she had become a  
22   party to the Antelope Valley Groundwater Adjudication?

23          A   No.

24          Q   Did you ever discuss the Antelope Valley  
25   Groundwater Adjudication with your mother?

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

Executed at \_\_\_\_\_ on \_\_\_\_\_.  
(Place) (Date)

\_\_\_\_\_  
(Signature of Deponent)

REPORTER'S CERTIFICATE

I, Deborah Kinsella, Certified Shorthand  
Reporter certify;

That the foregoing proceedings were taken before me  
at the time and place therein set forth, at which time  
the witness was put under oath by me;

That the testimony of the witness, the questions  
propounded, and all the objections and statements made  
at the time of the examination were recorded  
stenographically by me and were thereafter transcribed;

I further certify that I am not a relative or  
employee of any attorney of the parties nor financially  
interested in the action.

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

Dated: 02/04/2016



Deborah Kinsella