

03/05/2024

David W. Slayton, Executive Officer / Clerk of Court

By: R. Arraiga Deputy

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8 Attorneys for Defendants
9 HIGHLAND VINEYARD SB, LLC; BRODIAEA,
INC.; CUYAMA COMMUNITY SERVICES
10 DISTRICT; E&B NATURAL RESOURCES
MANAGEMENT CORP.; and WRBD II, L.P.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES

14 BOLTHOUSE LAND COMPANY, LLC, a
15 California limited liability company; WM.
BOLTHOUSE FARMS, INC., a Michigan
16 corporation;

17 and

18 GRIMMWAY ENTERPRISES, INC., a
19 Delaware corporation, DIAMOND FARMING
COMPANY, a California corporation; LAPIS
20 LAND COMPANY, LLC, a California limited
liability company; RUBY PROPERTY
21 HOLDINGS, LLC, a Delaware corporation,

22 Plaintiffs,

23 v.

24 ALL PERSONS CLAIMING A RIGHT TO
EXTRACT OR STORE GROUNDWATER IN
25 THE CUYAMA VALLEY GROUNDWATER
BASIN (NO. 3-013); ALL PERSONS
26 UNKNOWN, CLAIMING ANY LEGAL OR
EQUITABLE RIGHT, TITLE, ESTATE,
27 LIEN, OR INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
28 ADVERSE TO PLAINTIFF'S TITLE, OR
ANY CLOUD UPON PLAINTIFF'S TITLE

Case No. BCV-21-101927
Complex Action

Judge: Hon. Yvette M. Palazuelos
Dept.: 9

**DEFENDANTS' STIPULATION AND
~~PROPOSED~~ ORDER RE MEET AND
CONFER PROCEDURES**

Action Filed: 08/17/2021
First Amended Complaint Filed: 03/08/2022
Trial Date: 01/08/2024

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THERE TO; DOES 1 THROUGH 5000 and
THE PERSONS NAMED AS DEFENDANTS
IDENTIFIED ON EXHIBIT D TO THIS
COMPLAINT as may be amended from time
to time,

Defendants.

STIPULATION

1
2 Defendants Highland Vineyard SB, LLC, Brodiaea, Inc., Cuyama Community Services
3 District, E&B Natural Resources Management Corp., WRBD II, L.P., Albano Family Partnership,
4 Billy Harrington as Trustee of The Harrington Family Trust, Billy L. Harrington, Ceferino Cheng
5 as Trustee of The Cheng Family Trust, Cuyama Orchards, Historic Reyes Ranch LLC, James A.
6 Wegis and Christine A. Wegis as Trustees of The James And Christine Wegis Family Trust,
7 James and Dorothy Menzies as Trustees of The Menzies Living Trust, James and Dorothy
8 Menzies as Trustees of The Thomas O. Menzies Trust, Karam Pistachio Farm, Inc., Marvin and
9 Christine Rahe, Triangle E. Farms, Silver Birch Partner, LLC, Jr. Investment Properties, LLC,
10 and El Rancho Espanol De Cuyama, No. 1, LLC (collectively, “Defendants”) hereby stipulate and
11 submit the attached proposed order regarding meet and confer procedures.

12 The Parties have met and conferred via Case Anywhere and video conference regarding
13 the proposed order on meet and confer procedures. Thereafter, Plaintiffs served their revised
14 proposed order for further comments on February 24, 2024. Within two business days, Best Best
15 & Krieger LLP provided additional revisions via Case Anywhere and requested comments from
16 all Parties. Best Best & Krieger LLP’s proposed order differs from Plaintiffs’ proposed order as
17 follows: (1) Paragraphs 5 and 7 are amended to provide Defendants at least 3 court days to
18 respond Plaintiffs’ proposed case management statement and/or order; and (2) Paragraph 9, which
19 seeks to limit utilization of the case management statement in lieu of a noticed motion regarding
20 disputed law or fact and which many parties previously indicated they would like to include in the
21 proposed order, was added. The United States and Defendant Jason Vosburgh indicated support
22 for Best Best & Krieger LLP’s proposed order.

23 On March 1, 2024 at 9:44 a.m., counsel for Highland Vineyard, et al., posted the
24 following message on Case Anywhere: “All Counsel and Unrepresented Parties: Our firm posted
25 our proposed order regarding meet and confer procedures 3 days ago. We have received messages
26 of support on Case Anywhere, but have not heard from Plaintiffs or other parties opposing our
27 proposed order. As today is the day we need to inform the Court whether the parties reached an
28 agreement on the meet and confer procedure, please let us know by 1 p.m. if you oppose our

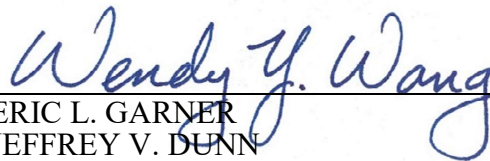
1 proposed order. Thanks, Wendy Wang.”

2 As of the filing of this stipulation, no party other than Plaintiffs voiced any opposition or
3 additional edits to the proposed order. On March 1, 2024 at 12:33 p.m., Plaintiffs served a
4 revised proposed order. The undersigned Defendants have accepted most of Plaintiffs’ proposed
5 edits with the following exceptions: (1) the word “timely” is inserted in Paragraph 6 to ensure that
6 the preparation of a case management statement or order is not delayed by belated objections; and
7 (2) Plaintiffs’ revisions to Paragraph 9, which would permit the Parties to brief disputed law or
8 fact in case management statement or order instead of a noticed motion.

9 The undersigned Defendants hereby respectfully request the Court to adopt the attached
10 proposed order.

11 Dated: March 1, 2024

BEST BEST & KRIEGER LLP

12
13 By: 
14 ERIC L. GARNER
15 JEFFREY V. DUNN
16 WENDY Y. WANG
17 ALISON K. TOIVOLA

18 Attorneys for Defendants
19 HIGHLAND VINEYARD SB, LLC;
20 BRODIAEA, INC.; CUYAMA COMMUNITY
21 SERVICES DISTRICT; E&B NATURAL
22 RESOURCES MANAGEMENT CORP.; and
23 WRBD II, L.P.

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Dated: March 1, 2024

**ELLISON SCHNEIDER HARRIS &
DONLAN LLP**

By: /s/ Christopher M. Sanders
CHRISTOPHER M. SANDERS
SHAWNDA M. GRADY

Attorneys for Defendants
ALBANO FAMILY PARTNERSHIP; BILLY
HARRINGTON AS TRUSTEE OF THE
HARRINGTON FAMILY TRUST; BILLY L.
HARRINGTON; CEFERINO CHENG AS
TRUSTEE OF THE CHENG FAMILY TRUST;
CUYAMA ORCHARDS; HISTORIC REYES
RANCH LLC; JAMES A. WEGIS AND
CHRISTINE A. WEGIS AS TRUSTEES OF
THE JAMES AND CHRISTINE WEGIS
FAMILY TRUST; JAMES AND DOROTHY
MENZIES AS TRUSTEES OF THE MENZIES
LIVING TRUST; JAMES AND DOROTHY
MENZIES AS TRUSTEES OF THE THOMAS
O. MENZIES TRUST; KARAM PISTACHIO
FARM, INC.; MARVIN AND CHRISTINE
RAHE; TRIANGLE E. FARMS; SILVER
BIRCH PARTNER, LLC; JR. INVESTMENT
PROPERTIES, LLC

Dated: March 1, 2024

JACKSON TIDUS

By: /s/ Boyd Hill
BOYD HILL

Attorneys for Defendant
EL RANCHO ESPANOL DE CUYAMA, NO.
1, LLC

1 **[PROPOSED] ORDER REGARDING MEET AND CONFER PROCEDURES**

2 To improve opportunity to participate in the meet and confer process, promote efficiency
3 and facilitate parties' ability to present their respective positions the Court adopts the following
4 procedures for preparation of Joint Status Conference Statements (**Joint Statements**) and
5 proposed Case Management Orders (**CMO**):

6 1. At least **35** calendar days before the Conference Plaintiffs will post on Case
7 Anywhere a preliminary outline of topics to be covered in the Joint Statement or the CMO.

8 2. At least **32** calendar days before the Conference Plaintiffs shall file an initial draft
9 Joint Statement or draft CMO, and any party may also propose draft language by posting on Case
10 Anywhere and providing a MSWord file of the proposed language to Plaintiffs' counsel via
11 email. Plaintiffs shall, and any other party may, post a proposed date and time for the parties to
12 meet and confer. Plaintiffs shall post the final date, time and login information or link on Case
13 Anywhere at least 2 calendar days prior to the scheduled meet and confer call.

14 3. At least **27** calendar days before the Conference, the parties shall meet and confer
15 by telephone or videoconference regarding the proposed Joint Statement or CMO.

16 4. At least **23** calendar days before the Conference, Plaintiffs shall post a revised
17 draft Joint Statement or CMO on Case Anywhere.

18 5. At least **18** calendar days before the Conference, but in no event less than 3 court
19 days after the Plaintiffs' posting of the revised draft Joint Statement or CMO specified in
20 Paragraph 4 above, any party may object to any provision in the draft Joint Statement or CMO by
21 identifying in writing the provisions to which it objects and the basis for the objection and may
22 submit any competing or revised provisions for attachment to the Joint Statement by posting on
23 Case Anywhere and providing Plaintiffs' counsel with a MSWord file via email.

24 6. At least **15** calendar days before the Conference, but in no event less than 3 court
25 days after receiving timely objections, competing or revised provisions to the draft Joint
26 Statement or CMO specified in Paragraph 5 above, the Plaintiffs shall file and serve on Case
27 Anywhere the Joint Statement or proposed CMO, including the areas of agreement, and attach
28 additional posted statements and objections regarding areas of disagreement.

1 7. At least **10** calendar days before the Conference, but in no event less than 3 court
2 days after Plaintiffs' filing of the revised draft Joint Statement or CMO specified in Paragraph 6
3 above, any party may separately file and serve an objection to the Joint Statement or proposed
4 CMO identifying any competing or revised provisions requested by another party in writing to be
5 attached, which were not attached.

6 8. At the Conference, absent good cause, parties shall be limited to arguing the
7 comments, objections, and the basis for objections they made during the meet and confer process.

8 9. Matters of law or fact that were identified during the meet and confer process as
9 being in dispute shall not be briefed, argued, or presented as undisputed in case management
10 statements, proposed orders, or in the Proposed CMO.

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12 IT IS SO ORDERED

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14 Dated: 03/05/2024


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16 HON. YVETTE M. PALAZUELOS
17 Judge of the Superior Court

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29 Defendant to give notice.