

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER**

MINUTE ORDER

DATE: 04/08/2021

TIME: 02:00:00 PM

DEPT: CX102

JUDICIAL OFFICER PRESIDING: Peter Wilson

CLERK: Virginia Harting

REPORTER/ERM: (ACRPT) Jay Bullard CSR# 3455

BAILIFF/COURT ATTENDANT: None

CASE NO: **37-2020-00005776**

CASE INIT.DATE: 01/30/2020

CASE TITLE: **Borrego Water District vs. All Persons Who Claim a Right to Extract Groundwater in the Borrego Valley Groundwater Subbasin No. 7.024-01**

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Toxic Tort/Environmental

EVENT ID/DOCUMENT ID: 73481615

EVENT TYPE: Status Conference

EVENT ID/DOCUMENT ID: 73478159

EVENT TYPE: Motion for Entry of Judgment

MOVING PARTY: Borrego Water District

CAUSAL DOCUMENT/DATE FILED: Motion - Other For Entry Stipulated Judgment and Order of Financial Reimbursement, 03/12/2021

APPEARANCES

Appearances noted by way of copy of business cards, and/or CourtCall Appearance Calendar, attached hereto and incorporated herein by reference.

The Court having heard oral argument now rules as follows:

Having reviewed all papers and exhibits filed and lodged in support of the Motion for Entry of Stipulated Judgment, the Court finds that the proposed Stipulated Judgment meets the criteria set forth in Code of Civil Procedure § 850.

Moving Parties have established that the proposed Stipulated Judgment is supported by more than 50% of all parties who are groundwater extractors in the basin or use the basin for groundwater and is supported by groundwater extractors responsible for at least 75% of the groundwater extracted in the basin during the five calendar years before the filing of the Complaint in this action. (Code Civ. Proc. § 850(b).)

No party has objected or opposed this Motion or the Stipulated Judgment. ROA 265, Notice of Non-Opposition.

Further, the Court finds that the Stipulated Judgment is consistent with Section 2 of Article X of the California Constitution, the water right priorities of all non-stipulating parties and any persons who have claims that are exempted pursuant to Section 833 in the basin and treats all objecting parties and any

persons who have claims that are exempted pursuant to Section 833 equitably as compared to the stipulating parties.

Finally, the Court finds that it is fair and reasonable to impose and allocate the costs identified in the declaration of Shannon Smith, and as set forth in the unopposed [Proposed] Judgment Findings and Order.

The Court GRANTS the Motion and orders Plaintiff to submit the Stipulated Judgment, which shall be entered concurrently herewith, to DWR for evaluation and assessment.

Plaintiff is ordered to file a status report in two court days identifying the status of any defendant who has not yet been defaulted.

The Court sets an Status Conference for April 29, 2022 at 9 AM in this department.

The order master is to file a report as to any developments not later than April 22, 2022.

Plaintiff is ordered to give formal notice of the above.

CourtCall[®] Appearance Calendar

April 2021

Same Day Apr 8 2021 12:59PM

08 Thursday

CX102 Judge Peter Wilson (VC)

Orange County Superior Court-Santa Ana

02:00 PM PT Dial: (800) 285-8640

Time	Case Information	Attorney Information
		Firm: Donna Boulger Phone: (714) 269-7179 ext. Contact: Donna Boulger For: Court Reporter, Donna Boulger CCID: 11168728
		Firm: Brett Szmanda, Esq. Phone: (714) 814-0420 ext. Contact: Brett D. Szmanda For: Plaintiff(s), Dirk Clinton CCID: 11166806
		Firm: Patterson Law Group APC Phone: (858) 205-4119 ext. Contact: Jennifer M. French For: Plaintiff(s), Dirk Clinton CCID: 11106953
		Firm: Blumenthal Nordrehaug Bhowmik De Blouw LLP Phone: (858) 551-1223 ext. Contact: Christine LeVu For: Plaintiff(s), Persis Knipe CCID: 11162797
	Case #: 02-2020-00005776 Case Name: Borrego Water District vs. All Persons Who Claim A Right To Extract Groundwater Proceeding Type: Motion	Firm: California Department of Justice Phone: (213) 269-6380 ext. Contact: Wyatt E. Sloan-Tribe For: Defendant(s), Parks and Recreation's CCID: 11165812
		Firm: O'Melveny & Myers, LLP Phone: (213) 430-8163 ext. Contact: Russell M. McGlothlin For: Defendant(s), T2 Borrego LLC CCID: 11014613
		Firm: Best Best & Krieger LLP Phone: (619) 525-1300 ext. Contact: James B. Gilpin For: Plaintiff(s), Borrego Water District CCID: 11157392

2

CourtCall® Appearance Calendar

April 2021

Same Day Apr 8 2021 12:59PM

08 Thursday

CX102 Judge Peter Wilson (VC)

Orange County Superior Court-Santa Ana

02:00 PM PT Dial: (800) 285-8640

Time	Case Information	Attorney Information
		Firm: Cohelan Khoury & Singer Phone: (619) 595-3001 ext. Contact: Timothy D. Cohelan For: Defendant(s), De Anza Desert Country Club CCID: 11165303
		Firm: Soleimanpour, APC Phone: (619) 630-5690 ext. Contact: Matthew Soleimanpour For: Defendant(s), Scott Crumrine and Desert Star Farms LLC CCID: 11014611
		Firm: Gupta Legal Center Phone: (619) 866-3444 ext. Contact: Jacob A. Ayres For: Defendant(s), William Bauer CCID: 11166798
		Firm: David Leibert - In Pro Per/Pro Se Phone: (760) 505-0788 ext. Contact: David Leibert For: In Propria Persona, David Leibert CCID: 11166041
		Firm: Kent Smith - In Pro Per/Pro Se Phone: (808) 280-0263 ext. Contact: Kent Smith For: Defendant(s), Kent Smith CCID: 11167957
		Firm: Jackson Tidus Phone: (949) 752-8585 ext. Contact: Boyd L. Hill For: Defendant(s), Bauers; Sommerville; Jensen; Brisbois; Mohler; JM Roadrunner; Seley Ranches CCID: 11137595
		Firm: Jackson Tidus Phone: (949) 752-8585 ext. Contact: Michele Staples For: Defendant(s), David and Juli Bouer, et al. CCID: 11168106
	Firm: Schiffer & Buus, APC Phone: (949) 825-6140 ext. Contact: Eric M. Schiffer For: Defendant(s), Murdia Rogers CCID: 11155110	
	Firm: Elite Court Reporting Phone: (949) 829-9222 ext. Contact: Elite Court Reporting For: Court Reporter, <u>Jay Bullard</u> CSR CCID: 11168148	
	Firm: Best Best & Krieger LLP Phone: (951) 826-8321 ext. Contact: Steven M. Anderson For: Plaintiff(s), Borrego Water District CCID: 11118709	