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8

9 Attorneys for Plaintiff and Petitioner  
SEARLES VALLEY MINERALS INC.

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF ORANGE

12 MOJAVE PISTACHIOS, LLC, a California  
limited liability company; and PAUL G.  
13 NUGENT AND MARY E. NUGENT, Trustees  
of the Nugent Family Trust dated June 20,  
14 2011,

15 Petitioners and Plaintiffs,

16 v.

17 INDIAN WELLS VALLEY  
GROUNDWATER AUTHORITY, a California  
18 joint powers authority; et al.,

19 Respondents and  
20 Defendants.

21  
22  
23 AND CONSOLIDATED/RELATED CASES.

Case No. 30-2021-01187589-CU-WM-CXC

[Consolidated Case No. 30-2021-01188089-  
CU-WM-CXC; Related Case No. 30-2021-  
01187275-CU-OR-CJC; Related Case No.  
30-2022-01239487-CU-MC-CJC; Related  
Case No. 30-2022-01239479-CU-MC-CJC;  
Related Case No. 30-2022-01249146-CU-  
MC-CJC]

Judge: Hon. William D. Claster  
Dept.: CX101

**SEARLES VALLEY MINERALS INC.'S  
SUPPLEMENTAL BRIEF RE: INDIAN  
WELLS VALLEY WATER DISTRICT'S  
MOTION TO CONFIRM "INTERESTED  
PARTY" STATUS, OR, IN THE  
ALTERNATIVE, GRANTING LEAVE  
TO AMEND ANSWER**

Date: February 6, 2026  
Time: 11:00 a.m.  
Dept: CX101

1 **I. INTRODUCTION**

2 Plaintiff and petitioner Searles Valley Minerals Inc. (“Searles”) submits this supplemental  
3 brief pursuant to the Court’s order dated December 17, 2025. For reasons explained herein,  
4 Searles respectfully requests that its Request for Dismissal of its petition and complaint be  
5 entered forthwith.

6 **II. A VOLUNTARY DISMISSAL IS AVAILABLE TO SEARLES AS A MATTER OF**  
7 **STATUTORY RIGHT AND IS ACCOMPLISHED BY FILING WITH THE**  
8 **COURT CLERK A WRITTEN REQUEST THEREFOR**

9 A voluntary request for dismissal is governed by statute. (See *Merner Lumber Co. v.*  
10 *Silvey* (1938) 29 Cal.App.2d 426 [dismissal not authorized under the common law].)

11 Code of Civil Procedure section 581, subdivision (b)<sup>1</sup>, in relevant part, provides: “An  
12 action may be dismissed in any of the following instances: (1) With or without prejudice, upon  
13 request of the plaintiff to the clerk, filed with papers in the case, or by oral or written request to  
14 the court at any time before the actual commencement of trial, upon payment of the costs, if any.”  
15 (Code Civ. Proc. § 581, subd. (b).)

16 Under Section 581, the California Supreme Court has held that “[a] dismissal is available  
17 to [a] plaintiff as a matter of right and is accomplished by filing with the clerk a written request  
18 therefor. If in proper form, the dismissal is effective immediately.” (*S. B. Beach Properties v.*  
19 *Berti* (2006) 39 Cal.4th 374, 380 [citation omitted].) Unless a statutory exception provides  
20 otherwise (*Wells v. Marina Properties, Inc.* (1981) 29 Cal.3d 781, 788-790 [citing *London v.*  
21 *Morrison* (1950) 99 Cal.App.2d 876, 899]), the court clerk’s entry of dismissal is a ministerial  
22 action. (*Associated Convalescent Enterprises v. Carl Marks & Co., Inc.* (1973) 33 Cal.App.3d  
23 115, 120.) Accordingly, “[i]f in proper form, the dismissal is effective immediately.” (*Id.* [citing  
24 *Egly v. Superior Court* (1970) 6 Cal.App.3d 476, 479-480]; see also *Maniago v. Desert*

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28 <sup>1</sup> All section references are to the Code of Civil Procedure unless otherwise indicated.

1 *Cardiology Consultants' Medical Group* (2025) 109 Cal.App.5th 83, as modified on denial of  
2 rehearing (Feb. 26, 2025).<sup>2</sup>

3 Searles is the plaintiff and petitioner in the above-captioned case. Searles first filed its  
4 request for dismissal, with prejudice, of its petition and complaint on November 13, 2025. (See  
5 **Exhibit A.**) The Court rejected this filing and requested that Searles re-file the document under  
6 its associated case number. Searles promptly re-filed its request for dismissal, with prejudice, of  
7 its petition and complaint on November 17, 2025 (“Request for Dismissal”). (See **Exhibit B.**)

8 In sum, the Request for Dismissal is a request by Searles, the plaintiff, to dismiss, with  
9 prejudice, its petition and complaint before the actual commencement of trial. (See Code Civ.  
10 Proc. § 581, subd. (b).).

11 **III. CONCLUSION**

12 There are no applicable statutory exceptions preventing Searles’ request to voluntarily  
13 dismiss this proceeding with prejudice. Searles respectfully requests immediate entry of its  
14 Request for Dismissal.

15 Dated: January 12, 2026

BEST BEST & KRIEGER LLP

16  
17 By: 

18 JEFFREY V. DUNN  
19 ERIC L. GARNER  
20 WENDY Y. WANG  
21 ALISON K. TOIVOLA  
22 Attorneys for Plaintiff and Petitioner  
23 SEARLES VALLEY MINERALS INC.

24 \_\_\_\_\_  
25 <sup>2</sup> Searles notes that the California Supreme Court has granted a petition for review in *Maniago v.*  
26 *Desert Cardiology Consultants' Medical Group* (2025) 109 Cal.App.5th 83, as modified on  
27 denial of rehearing (Feb. 26, 2025). “The Court limited review to the following issue: Is a  
28 voluntary dismissal with prejudice an appealable order if it was entered after an adverse ruling by  
the trial court in order to expedite an appeal of the ruling?” (California Supreme Court Case  
No. S290188.) Searles cites *Maniago* pursuant to California Rule of Court rules 8.1105 and  
8.1115. Searles further notes that the limited review does not appear to impact the *Maniago*  
holding entry of a plaintiff’s voluntary request for dismissal.

# EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:
NAME: Eric L. Garner (SBN 130665); Jeffrey V. Dunn (SBN 131926); Wendy Y. Wang (SBN 228923) Alison K. Toivola (SBN 350252)
FIRM NAME: BEST BEST & KRIEGER, LLP
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CITY: Irvine STATE: CA ZIP CODE: 92612
TELEPHONE NO.: (949) 263-2600 FAX NO.: (949) 260-0972
EMAIL ADDRESS: eric.garner@bbklaw.com; jeffrey.dunn@bbklaw.com' wendy.wang@bbklaw.com; alison.toivola@bbklaw.com
ATTORNEY FOR (name): Petitioner and Plaintiff SEARLES VALLEY MINERALS, INC.

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
STREET ADDRESS: 700 W. Civic Center Drive
MAILING ADDRESS: same as above
CITY AND ZIP CODE: Santa Ana, CA 92701
BRANCH NAME: Central Justice Center

PLAINTIFF/PETITIONER: SEARLES VALLEY MINERALS INC.
DEFENDANT/RESPONDENT: INDIAN WELLS VALLEY GROUNDWATER AUTHORITY, et al.

REQUEST FOR DISMISSAL

CASE NUMBER: 30-2021-01188089-CU-WM-CXC

A conformed copy will not be returned by the clerk unless a method of return is provided with the document.
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) [X] With prejudice (2) [ ] Without prejudice (3) [ ] Without prejudice and with the court retaining jurisdiction (Code Civ. Proc., § 664.6)
b. (1) [X] Complaint (2) [X] Petition
(3) [ ] Cross-complaint filed on (date): by (name):
(4) [ ] Cross-complaint filed on (date): by (name):
(5) [ ] Entire action of all parties and all causes of action
(6) [ ] Other (specify)\*:

2. (Complete in all cases except family law cases.)

The court [ ] did [X] did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)

Date: Nov. 13, 2025

Alison K. Toivola

(TYPE OR PRINT NAME OF [X] ATTORNEY [ ] PARTY WITHOUT ATTORNEY)

\* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed

[Handwritten Signature]

(SIGNATURE)

Attorney or party without attorney for

- [X] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.†

Date: Nov. 13, 2025

Alison K. Toivola

(TYPE OR PRINT NAME OF [X] ATTORNEY [ ] PARTY WITHOUT ATTORNEY)

† If item 1a(3) is checked, all parties must sign.
If a cross-complaint—or Response—Marriage/Domestic Partnership (form FL-120) seeking affirmative relief—is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

[Handwritten Signature]

(SIGNATURE)

Attorney or party without attorney for

- [X] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Cross-Complainant

[ ] Check here and use form MC-025 or a separate page for additional signatures. Include date, printed name, and party information.

4. [ ] Dismissal entered as requested on (date):

5. [ ] Dismissal entered on (date): as to only (name):

6. [ ] Dismissal not entered as requested for the following reasons (specify):

7. a. [ ] Attorney or party without attorney notified on (date):

- b. [ ] Attorney or party without attorney not notified. Filing party failed to provide
[ ] a copy to be conformed [ ] means to return conformed copy

Date: Clerk, by \_\_\_\_\_, Deputy

PLAINTIFF/PETITIONER: SEARLES VALLEY MINERALS INC.	CASE NUMBER: 30-2021-01188089-CU-WM-CXC
DEFENDANT/RESPONDENT: INDIAN WELLS VALLEY GROUNDWATER AUTHORITY, et al.	

**COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

**Declaration Concerning Waived Court Fees**

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*
  - a.  not recovering anything of value by this action.
  - b.  recovering less than \$10,000 in value by this action.
  - c.  recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and court costs that were waived in this action have been paid to the court *(check one)*:  Yes  No

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

Date:

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(TYPE OR PRINT NAME OF  ATTORNEY  PARTY MAKING DECLARATION)

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**PROOF OF SERVICE**

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 S. Grand Avenue, 25<sup>th</sup> Floor, Los Angeles, California 90071. On November 13, 2025, I served a copy of the within document(s):

**REQUEST FOR DISMISSAL**

by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

**SEE ATTACHED SERVICE LIST**

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

Executed on November 13, 2025, at Los Angeles, California.

  
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**SERVICE LIST**

*Mojave Pistachios, LLC, et al., v. Indian Wells Valley Water District, et al.*

Lead Case No. 30-2021-01187589-CU-WM-CXC

[Consolidated Case No. 30-2021-01188089-CU-WM-CXC; Related Case No. 30-2021-01187275-CU-OR-CJC; Related Case No. 30-2022-01239487-CU-MC-CJC; Related Case No. 30-2022-01239479-CU-MC-CJC; Related Case No. 30-2022-01249146-CU-MC-CJC]

<p>Scott S. Slater Robert J. Saperstein Amy M. Steinfeld Elisabeth L. Esposito <b>BROWNSTEIN HYATT FARBER SCHRECK, LLP</b> 1021 Anacapa Street, 2nd Floor Santa Barbara, CA 93101 Telephone: (805) 963-7000 Emails: <a href="mailto:sslater@bhfs.com">sslater@bhfs.com</a> <a href="mailto:rsaperstein@bhfs.com">rsaperstein@bhfs.com</a> <a href="mailto:asteinfeld@bhfs.com">asteinfeld@bhfs.com</a> <a href="mailto:eesposito@bhfs.com">eesposito@bhfs.com</a></p>	<p><i>Attorneys for Petitioners and Plaintiffs</i></p> <p><b>MOJAVE PISTACHIOS, LLC; PAUL G. NUGENT AND MARY E. NUGENT, TRUSTEES OF THE NUGENT FAMILY TRUST DATED JUNE 20, 2011</b></p>
<p>John C. Murphy Douglas J. Evertz Emily L. Madueno <b>MURPHY &amp; EVERTZ LLP</b> 650 Town Center Drive, Suite 550 Costa Mesa, CA 92626 Telephone: (714) 277-1700 Emails: <a href="mailto:jmurphy@murphyevertz.com">jmurphy@murphyevertz.com</a> <a href="mailto:devertz@murphyevertz.com">devertz@murphyevertz.com</a> <a href="mailto:emadueno@murphyevertz.com">emadueno@murphyevertz.com</a></p> <p>James A. Worth <b>McMURTREY, HARTSOCK &amp; WORTH</b> 2001 22nd Street, Suite 100 Bakersfield, CA 93301 Telephone: (661) 322-4417 Email: <a href="mailto:jim@mhwlegal.com">jim@mhwlegal.com</a></p>	<p><i>Attorneys for Respondent and Defendant</i></p> <p><b>INDIAN WELLS VALLEY WATER DISTRICT</b></p>
<p>Derek R. Hoffman <b>FENNEMORE DOWLING AARON</b> 8080 N. Palm Avenue, Third Floor Fresno, CA 93711 Telephone: (559) 432-4500 Emails: <a href="mailto:dhoffman@fennemorelaw.com">dhoffman@fennemorelaw.com</a></p>	<p><i>Attorneys for Respondents and Defendants</i></p> <p><b>MEADOWBROOK DAIRY REAL ESTATE, LLC; BIG HORN FIELDS, LLC; BROWN ROAD FIELDS, LLC; HIGHWAY 395 FIELDS, LLC; THE MEADOWBROOK MUTUAL WATER COMPANY</b></p>

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[phall@co.kern.ca.us](mailto:phall@co.kern.ca.us)

*Attorneys for Respondents and  
Defendants*

**INDIAN WELLS VALLEY  
GROUNDWATER AUTHORITY;  
BOARD OF DIRECTORS OF THE  
INDIAN WELLS VALLEY  
GROUNDWATER AUTHORITY**

# EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: Eric L. Garner (SBN 130665); Jeffrey V. Dunn (SBN 131926); Wendy Y. Wang (SBN 228923) Alison K. Toivola (SBN 350252) FIRM NAME: BEST BEST & KRIEGER, LLP STREET ADDRESS: 18101 Von Karmon Avenue., Suite 1000 CITY: Irvine STATE: CA ZIP CODE: 92612 TELEPHONE NO.: (949) 263-2600 FAX NO.: (949) 260-0972 EMAIL ADDRESS: eric.garner@bbklaw.com; jeffrey.dunn@bbklaw.com; wendy.wang@bbklaw.com; alison.toivola@bbklaw.com ATTORNEY FOR (name): Petitioner and Plaintiff SEARLES VALLEY MINERALS,	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> STREET ADDRESS: 700 W. Civic Center Drive MAILING ADDRESS: same as above CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center	
PLAINTIFF/PETITIONER: SEARLES VALLEY MINERALS INC. DEFENDANT/RESPONDENT: INDIAN WELLS VALLEY GROUNDWATER	
<b>REQUEST FOR DISMISSAL</b>	CASE NUMBER: Lead Case: 30-2021-01187589-CU-WM-CXC Consolidated Case (CASE TO BE DISMISSED): 30-2021-01188089-CU-WM-CXC

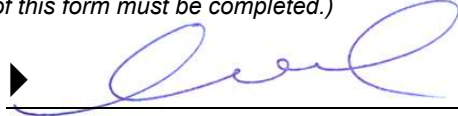
**A conformed copy will not be returned by the clerk unless a method of return is provided with the document.**

**This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)**

1. TO THE CLERK: Please **dismiss** this action as follows:
- a. (1)  With prejudice (2)  Without prejudice (3)  Without prejudice and with the court retaining jurisdiction (Code Civ. Proc., § 664.6)
- b. (1)  Complaint (2)  Petition  
 (3)  Cross-complaint filed on (date): by (name):  
 (4)  Cross-complaint filed on (date): by (name):  
 (5)  Entire action of all parties and all causes of action  
 (6)  Other (specify)\*:


2. (Complete in all cases except family law cases.)  
 The court  did  did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)  
 Date: Nov. 17, 2025

Alison K. Toivola  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)  
 \* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed

  
 (SIGNATURE)  
 Attorney or party without attorney for  
 Plaintiff/Petitioner  Defendant/Respondent  
 Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.†  
 Date: Nov. 17, 2025

Alison K. Toivola  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)  
 † If item 1a(3) is checked, all parties must sign.  
 If a cross-complaint—or Response—Marriage/Domestic Partnership (form FL-120) seeking affirmative relief—is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

  
 (SIGNATURE)  
 Attorney or party without attorney for  
 Plaintiff/Petitioner  Defendant/Respondent  
 Cross-Complainant

- Check here and use form MC-025 or a separate page for additional signatures. Include date, printed name, and party information.
4.  Dismissal entered as requested on (date):  
 5.  Dismissal entered on (date): as to only (name):  
 6.  Dismissal **not entered** as requested for the following reasons (specify):  
 7. a.  Attorney or party without attorney notified on (date):

b.  Attorney or party without attorney not notified. Filing party failed to provide

a copy to be conformed

means to return conformed copy

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

PLAINTIFF/PETITIONER: SEARLES VALLEY MINERALS INC.

CASE NUMBER:

Lead Case: 30-2021-01187589-CU-WM-CXC; Consolidated Case (CASE TO BE DISMISSED): 30-2021-01188089-CU-WM-CXC

DEFENDANT/RESPONDENT: INDIAN WELLS VALLEY GROUNDWATER AUTHORITY, et al.

**COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

**Declaration Concerning Waived Court Fees**

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*
  - a.  not recovering anything of value by this action.
  - b.  recovering less than \$10,000 in value by this action.
  - c.  recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and court costs that were waived in this action have been paid to the court *(check one)*:  Yes  No

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY MAKING DECLARATION)

\_\_\_\_\_  
 (SIGNATURE)

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**PROOF OF SERVICE**

I am a citizen of the United States and employed in Orange County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 S. Grand Avenue, 25<sup>th</sup> Floor, Los Angeles, California 90071. On November 17, 2025, I served a copy of the within document(s):

**REQUEST FOR DISMISSAL**

by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

**SEE ATTACHED SERVICE LIST**

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

Executed on November 17, 2025, at Los Angeles, California.



Houda Matar

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**SERVICE LIST**

*Mojave Pistachios, LLC, et al., v. Indian Wells Valley Water District, et al.*

Lead Case No. 30-2021-01187589-CU-WM-CXC

[Consolidated Case No. 30-2021-01188089-CU-WM-CXC; Related Case No. 30-2021-01187275-CU-OR-CJC; Related Case No. 30-2022-01239487-CU-MC-CJC; Related Case No. 30-2022-01239479-CU-MC-CJC; Related Case No. 30-2022-01249146-CU-MC-CJC]

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**INDIAN WELLS VALLEY  
GROUNDWATER AUTHORITY;  
BOARD OF DIRECTORS OF THE  
INDIAN WELLS VALLEY  
GROUNDWATER AUTHORITY**

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**PROOF OF SERVICE**

I, Dawn R. Forgeur, CCLS, declare:

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 500 Capitol Mall, Suite 2500, Sacramento, California 95814. On January 12, 2026, I served a copy of the within document(s):

SEARLES VALLEY MINERALS INC.'S SUPPLEMENTAL BRIEF RE: INDIAN WELLS VALLEY WATER DISTRICT'S MOTION TO CONFIRM "INTERESTED PARTY" STATUS, OR, IN THE ALTERNATIVE, GRANTING LEAVE TO AMEND ANSWER



by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

**SEE ATTACHED SERVICE LIST.**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 12, 2026, at West Sacramento, California.

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Dawn R. Forgeur, CCLS

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**SERVICE LIST**

*Mojave Pistachios, LLC, et al., v. Indian Wells Valley Water District, et al.*

Lead Case No. 30-2021-01187589-CU-WM-CXC

[Consolidated Case No. 30-2021-01188089-CU-WM-CXC; Related Case No. 30-2021-01187275-CU-OR-CJC; Related Case No. 30-2022-01239487-CU-MC-CJC; Related Case No. 30-2022-01239479-CU-MC-CJC; Related Case No. 30-2022-01249146-CU-MC-CJC]

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