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Govt. Code § 6103

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11 Attorneys for Defendant, Cross-Complainant, & Cross-Defendant
12 INDIAN WELLS VALLEY WATER DISTRICT

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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER

17 MOJAVE PISTACHIOS, LLC; et al.,

18 Plaintiffs,

19 v.

20 INDIAN WELLS VALLEY WATER
21 DISTRICT; et al.,

22 Defendants.

Case No. 30-2021-01187275-CU-OR-CJC

*[Related to: Case No. 30-2021-01187589-CU-
WM-CXC; Case No. 30-2021-01188089-CU-
WM-CXC; Case No. 30-2022-01239479-CU-
MC-CJC; Case No. 30-2022-01239487-CU-
MC-CJC; Case No. 30-2022-01249146-CU-
MC-CJC]*

Assigned For All Purposes To:
The Honorable William Claster, Dept. CX101

**NOTICE OF RULING FROM THE 2/6/26
HEARING AND STATUS
CONFERENCE**

**RELATED TO ROA 1892
RELATED TO CASE NO. 30-2021-
01187589 ROA 767, 768**

1 INDIAN WELLS VALLEY WATER
2 DISTRICT,
3 Cross-Complainant,
4 v.
5 ALL PERSONS WHO CLAIM A RIGHT
6 TO EXTRACT GROUNDWATER IN THE
7 INDIAN WELLS VALLEY
8 GROUNDWATER BASIN NO. 6-54
9 WHETHER BASED ON
10 APPROPRIATION, OVERLYING RIGHT,
11 OR OTHER BASIS OF RIGHT, AND/OR
12 WHO CLAIM A RIGHT TO USE OF
13 STORAGE SPACE IN THE BASIN; et al.,
14 Cross-Defendants.

12 SEARLES VALLEY MINERALS INC.,
13 Cross-Complainant,
14 v.
15 ALL PERSONS WHO CLAIM A RIGHT
16 TO EXTRACT GROUNDWATER IN THE
17 INDIAN WELLS VALLEY
18 GROUNDWATER BASIN NO. 6-54
19 WHETHER BASED ON
20 APPROPRIATION, OVERLYING RIGHT,
21 OR OTHER BASIS OF RIGHT, AND/OR
22 WHO CLAIM A RIGHT TO USE OF
23 STORAGE SPACE IN THE BASIN; et al.,
24 Cross-Defendants.

23 AND RELATED CASES.

In the Adjudication

Phase 2 Trial Readiness Conference:

Date: April 6, 2026

Time: 1:30 p.m.

Dept.: CX101

Complaint Filed: November 19, 2019

Phase 1 Trial Date: April 28, 2025

Phase 2 Trial Date: June 1, 2026

1 **NOTICE OF RULING**

2 **TO ALL PARTIES AND ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE** that on February 6, 2026, at 1:30 p.m., the Court held (a) a
4 hearing on the Motion for Order Confirming “Interested Party” Status, or, in the Alternative,
5 Granting Leave to Amend Answer (“District’s Motion”) of the Indian Wells Valley Water
6 District (“District”) in the related case of *Mojave Pistachios, LLC; et al. v. Indian Wells Valley*
7 *Groundwater Authority; et al.*, Orange County Superior Court Case No. 30-2021-01187589-CU-
8 WM-CXC; and (b) a Further Status Conference in the above-captioned action and all related
9 actions.

10 A. The Court made the following rulings:

11 1. Ruling on the District’s Motion: The Court DENIED the District’s
12 Motion in the related case. The Court indicated it will enter the Request for Dismissal filed in
13 the related case by Searles Valley Minerals Inc. on November 17, 2025.

14 2. Phase 2 Discovery Cutoff: The Court accepted the stipulation of the
15 parties on the record to extend the date discovery closes for Phase 2 (as reflected in item (9) of
16 the November 24, 2025 *Second Amended* Case Management Order Re: Phase 2 Trial) from
17 February 27, 2026 to **March 17, 2026**.

18 B. The Court issued the following Minute Orders:

19 1. Attached as Exhibit “1” and incorporated by this reference is a true and
20 correct copy of the Court’s February 6, 2026 Minute Order in the above-captioned action (Case
21 No. 30-2021-01187275-CU-OR-CJC); and

22 2. Attached as Exhibit “2” and incorporated by this reference is a true and
23 correct copy of the Court’s February 6, 2026 Minute Order in the related case bearing Case
24 No. 30-2021-01187589-CU-WM-CXC, consolidated with Case No. 30-2021-01188089-CU-
25 WM-CXC.

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DATED: February 6, 2026

MURPHY & EVERTZ LLP

By: /s/ Emily L. Madueno
Douglas J. Evertz
Emily L. Madueno
Attorneys for Defendant, Cross-Complainant, &
Cross-Defendant
INDIAN WELLS VALLEY WATER DISTRICT

EXHIBIT 1

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

MINUTE ORDER

DATE: 02/06/2026

TIME: 01:30:00 PM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: William Claster

CLERK: G. Hernandez

REPORTER/ERM: (ACRPT) Candice Myers CSR# 13086

BAILIFF/COURT ATTENDANT: R. Fragola

CASE NO: **30-2021-01187275-CU-OR-CJC** CASE INIT.DATE: 02/16/2021

CASE TITLE: **Mojave Pistachios, LLC vs. Indian Wells Valley Water District**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other Real Property

EVENT ID/DOCUMENT ID: 74767003

EVENT TYPE: Informal Discovery Conference

EVENT ID/DOCUMENT ID: 74764798

EVENT TYPE: Status Conference

APPEARANCES

Jeffrey V. Dunn, from Best Best & Krieger LLP, present for Cross - Defendant, Cross - Complainant, Defendant(s).

W. Keith Lemieux, from Aleshire & Wynder, LLP, present for Cross - Defendant(s).

Kyle Brochard, from Richards, Watson & Gershon, present for Cross - Defendant, Cross - Complainant(s).

Douglas J. Evertz, from MURPHY & EVERTZ LLP, present in person for Respondent, Defendant, Interested party

Hearing held with participants appearing remotely and in person.

Appearances noted above and by way of copy of Appearance Calendar attached hereto and incorporated herein by reference.

Informal discovery held and completed. Status Conference held and completed. The Court accepts the parties stipulation on the record to extend the discovery cutoff date to 03/17/2025.

Calendar #14 Case Number: 30-2021-01187275-CU-OR-CJC Case Title: Mojave Pistachios, LLC vs. Indian Wells Valley Water District

Event: 01:30 PM - Informal Discovery Conference

Event: 01:30 PM - Status Conference

Participant	Role	Attorney for	Law Firm/Company Name	Specially Appearing
Judith Coleman	Cross-Defendant	United States	US Department of Justice	No
Emily Madueno	Attorney	Indian Wells Valley Water District	Murphy & Evertz LLP	No
April Keigwin	Other			No
Nick Karno	Attorney	LADWP	Los Angeles City Attorney's Office	No
Phillip Hall	Attorney	Indian Wells Valley Groundwater Authority	Aleshire & Wynder, LLP	No
Sean Hood	Attorney	Meadowbrook	Fennemore	No
Anita Imsand	Interested Party			No
Jacob Metz	Attorney	Indian Wells Valley Groundwater Authority	Richards, Watson & Gershon	No
Alexa Penalosa	Attorney	United States		No
Stan Rajtora	Interested Party			No
Alison Toivola	Attorney	Searles Valley Minerals Inc.	Best Best & Krieger LLP	No
Irene Whitcombe	Cross-Defendant	California Department of Fish and Wildlife, California Department of Parks and Recreation, California 53rd District Agricultural Association	Office of the California Attorney General	No
James L. Markman	Attorney	Indian Wells Valley Groundwater Authority	Richards, Watson, Gershon	No
James Worth	Attorney	Indian Wells Valley Water District	McMurtrey, Hartsock, Worth & St. Lawrence	No
Derek Hoffman	Attorney	Meadowbrook	Fennemore	No
Eddie	Other			No
Amy Steinfeld	Attorney	Mojave Pistachios, LLC	Brownstein	No
Gary Arnold	Attorney	Little Lake Ranch	Arnold LaRoche	No

Calendar #15 Case Number: 30-2021-01187589-CU-WM-CXC Case Title: Mojave Pistachios, LLC vs. Indian Wells Valley Groundwater Authority

Event: 01:30 PM - Motion - Other

Event: 01:30 PM - Status Conference

Participant	Role	Attorney for	Law Firm/Company Name	Specially Appearing
Emily Madueno	Attorney	Indian Wells Valley Water District	Murphy & Evertz LLP	No
Phillip Hall	Attorney	Indian Wells Valley Groundwater Authority	Aleshire & Wynder	No
Alison Toivola	Attorney	Searles Valley Minerals Inc.	Bets Best & Krieger LLP	No
Edd	Other			No
Amy Steinfeld	Attorney	Brownstein	Mojave Pistachios, LLC	No

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Mojave Pistachios, LLC vs. Indian Wells Valley Groundwater Authority**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE****CASE NUMBER:**
30-2021-01187589-CU-WM-CXC

I certify that I am not a party to this cause. I certify that that the following document(s), dated , was transmitted electronically by an Orange County Superior Court email server on February 6, 2026, at 3:31:49 PM PST. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

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RICHARDS, WATSON & GERSHON
YAZIZ@RWGLAW.COM

Clerk of the Court, by:  , Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

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

MINUTE ORDER

DATE: 02/06/2026

TIME: 01:30:00 PM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: William Claster

CLERK: G. Hernandez

REPORTER/ERM: (ACRPT) Candice Myers CSR# 13086

BAILIFF/COURT ATTENDANT: R. Fragola

CASE NO: **30-2021-01187589-CU-WM-CXC** CASE INIT.DATE: 03/08/2021

CASE TITLE: **Mojave Pistachios, LLC vs. Indian Wells Valley Groundwater Authority**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

EVENT ID/DOCUMENT ID: 74764799

EVENT TYPE: Motion - Other

MOVING PARTY: Indian Wells Valley Water District

CAUSAL DOCUMENT/DATE FILED: Motion - Other for order confirming "Interested party" status, 09/18/2025

EVENT ID/DOCUMENT ID: 74764800

EVENT TYPE: Status Conference

APPEARANCES

Jeffrey V. Dunn, from Best Best & Krieger LLP, present for Petitioner(s).

Douglas J. Evertz, from MURPHY & EVERTZ LLP, present for Respondent, Defendant, Interested Party(s).

Kyle Brochard, from Richards, Watson & Gershon, present for Respondent(s).

W. Keith Lemieux of Aleshire & Wynder appearing in person

1. Indian Wells Valley Water District's Motion for orders (1) confirming ongoing "interested party" status per CCP § 862 et seq., and (2) precluding entry of the Request for Dismissal

2. Status Conference

Appearances noted above and by way of Appearance Calendar attached hereto and incorporated herein by reference.

Hearing held with participants appearing remotely and in person.

Tentative Ruling posted on the Internet.

The Court hears oral argument and confirms the tentative ruling as follows:

The Court has read and considered the supplemental briefing following the hearing and tentative ruling on November 21, 2025. The motion of the Indian Wells Valley Water District (the "District") for orders (1) confirming *ongoing* "interested party" status per CCP § 862 et seq., and (2) precluding entry of the Request for Dismissal of the above-numbered case are DENIED. Based on this ruling, the Court will

enter the Request for Dismissal without further delay.

The background of these motions is laid out in the Court's November 21, 2025 tentative ruling which is incorporated herein by reference. In short, the District seeks to prevent dismissal of the reverse validation action initiated by Searles Valley Minerals in 2020 in order to enable the District to challenge the 2020 groundwater sustainability plan (GSP) of the Indian Wells Valley Groundwater Authority ("Authority").

Initially, the Court continues to believe that Searles brought a reverse validation action when it filed its First Amended Petition (ROA 220) for writ of mandate. Although that petition did not include a standalone reverse validation cause of action comparable to Mojave Pistachios' eighth cause of action which was specifically designated as a challenge to the Authority's GSP (see Mojave's Third Amended Petition ¶¶ 446-453), a review of Searles' petition shows that it adequately teed up the GSP's validity. An excerpt of that petition found at Exhibit A to the Brochard Declaration refers to the reverse validation action in the caption page as well as a reference to Water Code § 10726.6 in ¶ 96. That statute is the authority allowing validation actions for groundwater sustainability plans.

Also as noted previously, the Court finds that the District timely filed its answer to the Searles petition, thereby confirming its status as an interested party under CCP § 862. That answer did not specifically contest the validity of the GSP nor did it seek any affirmative relief. Indeed, the answer's prayer requests "That the Complaint be dismissed *in its entirety* and SVM [Searles] take nothing by way of its Complaint." (ROA 610, filed January 5, 2023; emphasis added) As far as the Court can determine, the District has not filed a pleading rescinding or modifying this prayer. Notably, the District cites no authority for the proposition that attaining "interested party" status somehow exempts it from the general requirements of the Code of Civil Procedure.

On November 17, 2025 Searles, pursuant to the terms of its settlement agreement with the Authority, filed a Request for Dismissal of its entire First Amended Petition with prejudice. According to the Authority, once that Request was filed the Court was obligated to enter it. CCP § 581(b) provides that "[a]n action may be dismissed...upon request of the plaintiff to the clerk, filed with papers in the case, or by oral or written request to the court at any time before the actual commencement of trial." Significantly, § 581 applies to any "action" which is broadly defined as "any civil action or special proceeding." (CCP § 581(a)(1); emphasis added.) As stated by the California Supreme Court: "Apart from certain...statutory exceptions, a plaintiff's right to a voluntary dismissal pursuant to [Code of Civil Procedure section 581] appears to be absolute" and "[u]pon the proper exercise of that right, a trial court would thereafter lack jurisdiction to enter further orders in the dismissed action." (*Wells v. Marina City Properties, Inc.* (1981) 29 Cal.3d 781, 784)

The District does not cite any authority establishing special rules for the dismissal of validation actions or, with one exception, any rules limiting a plaintiff's general right to voluntarily dismiss a case. That exception, found in § 581(i), applies when affirmative relief is sought via a cross-complaint. The District seeks to take advantage of this exception by claiming it has gone on record as opposing the 2020 GSP even though neither its answer nor any other pleading specifically contests the validity of the GSP. Without a cross-complaint or some other form of requested affirmative relief, the articulated position of the District is not enough. (*See Aetna Casualty & Surety Co. v. Humboldt Loaders, Inc.* (1988) 202 Cal.App.3d 921, 925-929)

CCP § 867.5 reinforces this conclusion. That statute allows an answering party in a validation action brought by a public agency to file a reverse validation within 30 days after the public agency dismisses its validation action. That statute would be unnecessary if the mere filing of an answer would enable an interested party to continue a validation action notwithstanding a request for dismissal.

In enacting this law, the Legislature could have modified or limited the right to dismiss a validation or reverse validation action, but it did not.

The District's opposition to the dismissal of the challenge to the GSP is flawed in another respect.

Specifically, the District is concerned that the California Legislature may enact a statute (AB 1413) prohibiting a court from establishing a basin's safe yield in excess of the sustainable yield established in an existing GSP. This proposed legislation apparently is in response to this Court's 2024 ruling in the related Comprehensive Adjudication matter (21-1187275, ROA 1465). In that ruling, the Court concluded that in an upcoming trial for the purpose of determining the amount of safe yield for the Indian Wells Valley Groundwater Basin, it was not bound by the GSP's findings on safe yield although it was required to consider them. Apparently fearful that the proposed legislation will undercut this ruling, the District argues: "In light of the uncertainty of future proposed legislation, it is crucial that the District be allowed to challenge the validity of the GSP." (Dist. Supp. Brief at p. 5)

While the Court understands the District's concerns, those concerns do not override CCP § 581 and the cases decided thereunder. Put another way, the possibility that the Legislature might enact legislation that would affect ongoing litigation is not a basis for refusing to enter a request for dismissal of a pending case. Accordingly, the Court will enter the Request for Dismissal without further delay.

Court orders clerk to give notice.

Calendar #14 Case Number: 30-2021-01187275-CU-OR-CJC Case Title: Mojave Pistachios, LLC vs. Indian Wells Valley Water District

Event: 01:30 PM - Informal Discovery Conference

Event: 01:30 PM - Status Conference

Participant	Role	Attorney for	Law Firm/Company Name	Specially Appearing
Judith Coleman	Cross-Defendant	United States	US Department of Justice	No
Emily Madueno	Attorney	Indian Wells Valley Water District	Murphy & Evertz LLP	No
April Keigwin	Other			No
Nick Karno	Attorney	LADWP	Los Angeles City Attorney's Office	No
Phillip Hall	Attorney	Indian Wells Valley Groundwater Authority	Aleshire & Wynder, LLP	No
Sean Hood	Attorney	Meadowbrook	Fennemore	No
Anita Imsand	Interested Party			No
Jacob Metz	Attorney	Indian Wells Valley Groundwater Authority	Richards, Watson & Gershon	No
Alexa Penalosa	Attorney	United States		No
Stan Rajtora	Interested Party			No
Alison Toivola	Attorney	Searles Valley Minerals Inc.	Best Best & Krieger LLP	No
Irene Whitcombe	Cross-Defendant	California Department of Fish and Wildlife, California Department of Parks and Recreation, California 53rd District Agricultural Association	Office of the California Attorney General	No
James L. Markman	Attorney	Indian Wells Valley Groundwater Authority	Richards, Watson, Gershon	No
James Worth	Attorney	Indian Wells Valley Water District	McMurtrey, Hartsock, Worth & St. Lawrence	No
Derek Hoffman	Attorney	Meadowbrook	Fennemore	No
Eddie	Other			No
Amy Steinfeld	Attorney	Mojave Pistachios, LLC	Brownstein	No
Gary Arnold	Attorney	Little Lake Ranch	Arnold LaRoche	No

Calendar #15 Case Number: 30-2021-01187589-CU-WM-CXC Case Title: Mojave Pistachios, LLC vs. Indian Wells Valley Groundwater Authority

Event: 01:30 PM - Motion - Other

Event: 01:30 PM - Status Conference

Participant	Role	Attorney for	Law Firm/Company Name	Specially Appearing
Emily Madueno	Attorney	Indian Wells Valley Water District	Murphy & Evertz LLP	No
Phillip Hall	Attorney	Indian Wells Valley Groundwater Authority	Aleshire & Wynder	No
Alison Toivola	Attorney	Searles Valley Minerals Inc.	Bets Best & Krieger LLP	No
Edd	Other			No
Amy Steinfeld	Attorney	Brownstein	Mojave Pistachios, LLC	No
