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SHADOW MOUNTAIN RANCH, LLC

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF RIVERSIDE

12 CITY OF BARSTOW, et al.,
13 Plaintiffs,
14 v.
15 CITY OF ADELANTO, et al.,
16 Defendants.

Lead Case No. CIV208568
JCCP5265 MOJAVE BASIN WATER
CASES

Judge: Harold Hopp, Department 1

**STIPULATION TO CONTINUE AND
CONSOLIDATE MOJAVE WATER
AGENCY HEARING AND SHADOW
MOUNTAIN RANCH, LLC HEARING
TO FEBRUARY 7, 2024; [PROPOSED]
ORDER**

Date: January 8, 2024
Time: 8:30 a.m.
Dept: 1

Action Filed: May 30, 1990

1 Specially-Appearing Petitioner Shadow Mountain Ranch, LLC (“SMR”) and Mojave
2 Water Agency (“MWA”), by and through their respective counsel of record, hereby enter into this
3 stipulation to set a consolidated hearing date of February 7, 2024, at 8:30am in Department 1 of
4 the above-entitled Court located at 4050 Main Street, Riverside, California, on their respective
5 motions (“Stipulation”) and request that the Court enter the [Proposed] Order based on the
6 following facts and circumstances:

7 **RECITALS**

8 A. In November of 2022, MWA filed a separate but related lawsuit entitled *Mojave*
9 *Water Agency v. All Persons who are not Presently Parties to the Judgment*, San Bernardino
10 County Superior Court, Case No. CIVSB 2218461 (“San Bernardino Action”).

11 B. On October 3, 2023, MWA filed, in the San Bernardino Action, a motion asking
12 the Court to issue an Order that SMR may be joined as a defendant in the San Bernardino Action
13 (“MWA Motion”), and reserved oral argument on the same for December 7, 2023, at 8:30am.

14 C. On November 2, 2023,¹ SMR filed a motion to interpret and clarify the scope of
15 the January 10, 1996, Judgment and Physical Solution, as amended on December 5, 2002
16 (“Judgment”) (“SMR Motion”) in the above-caption case.

17 D. SMR recently learned of the MWA Motion through independent research. SMR
18 has not been served with notice or service of process of the MWA Motion or the San Bernardino
19 Action.

20 E. As to a hearing on the SMR Motion, SMR sought to reserve the same December
21 7th hearing date as the MWA Motion by calling the Department 1 Court clerk, but that date was
22 unavailable, and the first available hearing date for the SMR Motion was not until January 8,
23 2024. Accordingly, SMR reserved oral argument on the SMR Motion for January 8, 2024, at
24 8:30am.

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¹ SMR re-filed the SMR Motion again on November 6, 2023, per the Court’s request.
31057.00001\41791993.2

1 F. SMR subsequently sought *ex parte* relief to consolidate the hearings on both the
2 MWA Motion and the SMR Motion. The Honorable Judge Harold Hopp denied the *ex parte*
3 motion.

4 G. On November 21, 2023, SMR filed limited objections to the MWA Motion in both
5 this action and in the San Bernardino Action.

6 H. Following further conferral of the Parties, the Parties have agreed to this
7 stipulation to continue and consolidate the hearings.

8 I. SMR will withdraw its objections to the MWA Motion promptly following a Court
9 order continuing and consolidating the hearings, consistent with the relief requested herein.

10 J. SMR has a right to be heard before this Court rules on the MWA Motion, and thus
11 it has a direct interest in appearing before this Court to oppose the MWA Motion.

12 K. MWA also has a direct interest in appearing before this Court to address the SMR
13 Motion.

14 **STIPULATION**

15 **NOW, THEREFORE**, for good cause shown, to conserve judicial and party resources,
16 and to ensure efficient and fair hearings to address both the MWA Motion and the SMR Motion,
17 the Parties agree and stipulate that the Court order as follows:

- 18 1. The hearing on the MWA Motion currently set for December 7, 2023, at 8:30am, shall be
19 continued to February 7, 2024, at 8:30am.
- 20 2. The hearing on the SMR Motion currently set for January 8, 2024, at 8:30am will also be
21 continued to February 7, 2024, at 8:30am.
- 22 3. The February 7, 2024, hearing will address both the MWA Motion and the SMR Motion.
- 23 4. Oppositions and replies to both motions will be based off the February 7, 2024, hearing
24 date.

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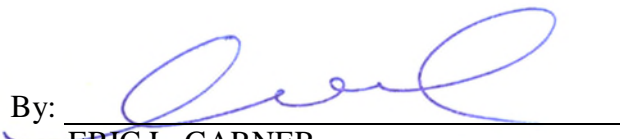
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IT IS SO STIPULATED.

Dated: November 27, 2023

BEST BEST & KRIEGER LLP

By: 
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CHRISTOPHER M. PISANO
ALISON K. TOIVOLA

Attorneys for Specially-Appearing
Petitioner
SHADOW MOUNTAIN RANCH, LLC

Dated: November 27, 2023

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By: *s/ Leland P. McElhaney*
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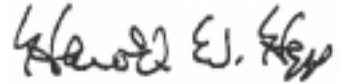
1 **~~PROPOSED~~ ORDER**

2 For good cause shown, and upon stipulation of the parties, **IT IS HEREBY ORDERED**
3 as follows:

- 4 1. The hearing on the Mojave Water Agency’s (“MWA”) motion filed on October 3, 2023,
5 in *Mojave Water Agency v. All Persons who are not Presently Parties to the Judgment*,
6 San Bernardino County Superior Court, Case No. CIVSB 2218461, which is currently set
7 for December 7, 2023, at 8:30am, shall be continued to February 7, 2024, at 8:30am.
- 8 2. The hearing on the Specially-Appearing Petitioner Shadow Mountain Ranch, LLC’s
9 (“SMR”) motion in the above-captioned case, which is currently set for January 8, 2024,
10 at 8:30am, shall be continued to February 7, 2024 at 8:30am.
- 11 3. The February 7, 2024, hearing will address both MWA’s motion and SMR’s motion.
- 12 4. Oppositions and replies to both motions will be made pursuant to applicable law and will
13 be based off the February 7, 2024, hearing date.

14 **IT IS SO ORDERED.**

15 11/29/2023



16 Dated: _____

17 JUDGE OF THE SUPERIOR COURT

18 Honorable Harold W. Hopp

PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 13846 Conference Center Drive, Apple Valley, California 92307.

On December 1, 2023, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

Document(s) filed with the court and served herein are described as follows:

STIPULATION TO CONTINUE AND CONSOLIDATE MOJAVE WATER AGENCY HEARING AND SHADOW MOUNTAIN RANCH, LLC HEARING TO FEBRUARY 7, 2024; ORDER

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

Executed on December 1, 2023 at Apple Valley, California.



Jeffrey D. Ruesch

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Mojave Basin Area Watermaster Service List as of December 01, 2023

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Mojave Basin Area Watermaster Service List as of December 01, 2023

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Mojave Basin Area Watermaster Service List as of December 01, 2023

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Mojave Basin Area Watermaster Service List as of December 01, 2023

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