

1 Whitney, Thompson & Jeffcoach LLP
2 Marshall C. Whitney, #82952
3 mwhitney@wtjlaw.com
4 Kristi D. Marshall, #274625
5 kmarshall@wtjlaw.com
6 Devon R. McTeer, #230539
7 dmcteer@wtjlaw.com
8 970 W. Alluvial Ave.
9 Fresno, California 93711
10 Telephone: (559) 753-2550
11 Facsimile: (559) 753-2560

12 Attorneys for Sandridge Partners, L.P. and Roller
13 Land Company, Inc.


Candy Ochoa

Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF KINGS

11
12 TULARE LAKE CANAL COMPANY, a
13 California Corporation,

14 Plaintiff,

15 v.

16 SANDRIDGE PARTNERS, L.P., a California
17 limited partnership; ROLLER LAND
18 COMPANY, INC., a California business
19 entity; and DOES 1 through 20, inclusive,

20 Defendants.

21 Case No. 22C-0019

22 **CROSS-COMPLAINT FOR:**

23 **(1) TRESPASS**

24 **(2) AIDING AND ABETTING TRESPASS**

25 **(3) NUISANCE**

26 SANDRIDGE PARTNERS, L.P., a California
27 limited partnership; ROLLER LAND
28 COMPANY, INC., a California corporation,

29 Cross-Complainants,

30 v.

31 TULARE LAKE CANAL COMPANY, a
32 California corporation; WOOD BROS., INC.,
33 a California corporation; and ROES 21
34 through 50, inclusive,

35 Cross-Defendants.

1 Cross-Defendants SANDRIDGE PARTNERS, LP, a California limited partnership
2 ("Sandridge") and ROLLER LAND COMPANY, INC., a California corporation ("Roller Land")
3 bring this action against TULARE LAKE CANAL COMPANY, WOOD BROS., Inc., and ROES
4 21 through 50 inclusive.

J.

JURISDICTION AND VENUE

7 1. Cross-Complainant, SANDRIDGE PARTNERS, LP ("Sandridge") is, and at all
8 relevant times herein was, a Limited Partnership authorized and existing by virtue of the laws of the
9 State of California. Its primary place of business is located in the County of Santa Clara, State of
10 California but it owns and farms several locations in Kings County.

11 2. Cross-Complainant, ROLLER LAND COMPANY, INC. ("Roller") is, and at all
12 relevant times herein was, a corporation authorized and existing by virtue of the laws of the State of
13 California.

14 3. Cross-Defendant TULARE LAKE CANAL COMPANY ("Tulare Lake Canal") is a
15 California Corporation with its primary place of business located in Lemoore, California, a city
16 within Kings County.

17 4. Cross-Defendant WOOD BROS., INC., ("WBI") is, and at all relevant times herein
18 was, a corporation authorized and existing by virtue of the laws of the State of California with its
19 primary place of business located in Lemoore, California, a city within Kings County.

20 5. Venue is proper in Kings County because the real property at issue is located within
21 the County of Kings, and is described as APN 026-230-010, which is the northern parcel to the ditch
22 at issue owned by Sandridge and APN 026-230-01, which is the southern parcel to the ditch at issue
23 owned by Roller (hereafter “the Property”).

24 6. The true names and capacities, whether individual, corporate, associate,
25 governmental, or otherwise, of Cross-Defendants ROES 21 through 50, inclusive, are unknown to
26 Cross-Complainants at this time, who therefore sue said Cross-Defendants by such fictitious names
27 pursuant to Code of Civil Procedure §474 and prays leave of Court to amend its Cross-Complaint
28 to set forth the true names and capacities of said Cross-Defendants when the same have been

1 ascertained.

2 7. Cross-Complainants are informed and believe, and on such information and belief
3 allege, that at all times herein relevant, each of the Cross-Defendants was acting as the agent,
4 servant, employee, partner and/or joint venturer of each of the remaining Cross-Defendants, and
5 was acting in concert with each of said remaining Cross-Defendants in doing the things herein
6 alleged, while at all times acting within the course and scope of such agency, employment,
7 partnership and/or concert of action.

II.

GENERAL FACT ALLEGATIONS

10 8. Sandridge and Roller (hereafter jointly referred to as "Cross-Complainants") hold
11 title to adjacent parcels of land that comprise of the Property at issue in this matter. The parcels are
12 agricultural land that are not currently planted. Cross-Complainants have embarked upon two
13 construction projects for the beneficial use of each entity and its respective holdings. The work
14 includes trenching portions of the Property to (1) lay a pipeline to run water for agricultural and
15 commercial uses, and (2) to lay a sleeve for use by the City of Stratford to remove sewage from the
16 City and transport it to land owned by Cross-Complainants (hereafter generally referred to as "the
17 Project"). Time is of the essence to lay the pipeline as the water will be needed to irrigate planted
18 crops. The construction of the sleeve will greatly assist the City of Stratford in dealing with its
19 sewage transport, which will aid the City in preventing potential future sewage problems the City
20 may face.

21 9. As part of the Project, the trenching must go under a ditch that runs across the
22 Property. Tulare Lake Canal Company has historically used the ditch on Cross-Complainants'
23 property to run water during the irrigation season. The trenching in the area of the ditch to place the
24 pipeline and sleeve underground was to last only five (5) days, commencing on January 26, 2022.
25 Cross-Complainants strategically selected the month of January to commence this Project because
26 Tulare Lake Canal does not use the ditch to deliver water during this time of year. The next
27 customary time Tulare Lake Canal would use the ditch to move water for delivery would be
28 approximately May of 2022. In fact, on January 26, 2022 there was no water in the ditch being

1 moved, and the ditch contained approximately only one foot of residual water at the location where
2 the trench was to be dug to place the underground pipeline and sleeve. Tulare Lake Canal was
3 provided notice of the intent to begin the trenching through the ditch and was aware that work would
4 start on or around the date

5 10. Despite the fact that Cross-Complainants hold title to all portions of the land at issue,
6 including the ditch and its embankments, Cross-Complainants are informed and thereon believe that
7 Cross-Defendants WBI and Tulare Lake Canal (hereafter jointly referred to as "Cross-Defendants")
8 caused to be parked several pieces of their large construction equipment and vehicles on the
9 embankments of the ditch within the staked parameters of where the trenching was to take place for
10 the Project. Cross-Complainants are informed and thereon believe that the act was undertaken to
11 intentionally and maliciously prevent them from completing their Project. Specifically, on January
12 26, 2022, before the trenching under the ditch could take place, Cross-Defendants caused to be
13 moved onto Cross-Complainants' property a truck towing a trailer, as well as several other large
14 machines such as an excavator, motor grader, and bulldozer. Those machines were parked in a line
15 across the two embankments along the ditch essentially forming a wall to block the trench of the
16 Project. Attached hereto as **Exhibit "A"** is a true and correct copy of a photo, taken on January 26,
17 2022, of the equipment placed on Cross-Complainants' Property by Cross-Defendants, without
18 permission.

19 11. Because of the equipment blocking the Project, Cross-Complainants were unable to
20 trench on schedule and have been prevented, to date, from completing that portion of the Project.

21 12. Cross-Complainants have been damaged, and continue to suffer damages as a result
22 of Cross-Defendants' conduct, including but not limited to the costs of their contractors for the days
23 they were mobilized at the Project but unable to work as a result of Cross-Defendants' blockade,
24 the delay to the Project causing the inability of Cross-Complainants to move water across their own
25 land for their beneficial use and commercial purposes, and the inability to assist the City of Stratford
26 for the benefit of the City and its general public relating to the sewage removal. Cross-Defendants'
27 trespass continues as the equipment at issue remains in place, preventing Cross-Complainants from
28 being able to complete their Project or generally use and enjoy their Property, a right which they

1 inarguably hold.

2 **FIRST CAUSE OF ACTION**

3 **(Trespass – By Cross-Complainants as against All Cross-Defendants)**

4 13. Cross-Complainants hereby incorporate Paragraphs 1 through 12, inclusive as if each
5 was laid out in detail herein.

6 14. Cross-Complainants own the Property where the equipment described above is
7 unlawfully placed along the ditch and actively blockading Cross-Complainants' Project.

8 15. Cross-Complainants are informed and thereon believe that Cross-Defendants'
9 knowingly and intentionally entered Cross-Complainants' Property and caused the trespassing
10 equipment to be placed for the direct, unlawful purpose of preventing the Project from being
11 completed.

12 16. Cross-Complainants did not give Cross-Defendants permission to place equipment
13 on the Property and their entry upon the Property for the purpose of blockading the Project exceeded
14 the scope of any permission previously given to Tulare Lake Canal to use the ditch to move water.

15 17. Cross-Defendants have, and continue to, cause harm to Cross-Complainants and
16 Cross-Defendants' conduct was a substantial factor in causing such harm. Specifically, because of
17 the equipment blocking the Project, Cross-Complainants were unable to trench on schedule and
18 have been prevented to date, from completing that portion of the Project. Cross-Complainants
19 continue to be damaged in several ways, including, but not limited to, the costs of their contractors
20 for days they were mobilized, but unable to work as a result of Cross-Defendants' blockade, the
21 delay to the Project causing the inability to move water for Cross-Complainants' beneficial use and
22 commercial purposes, and the inability to assist the City of Stratford for the benefit of the City and
23 its general public relating to the sewage removal. Damages are ongoing and increase every day that
24 the trespassing equipment remains in place and the Project is prevented from being completed.

25 18. Cross-Defendants are aware of the wrongfulness of the conduct described above and
26 collectively agreed to trespass upon Cross-Complainants' property with the intent to block Cross-
27 Complainants from completing their Project.

28 ///

1 19. In addition to the ability of Cross-Complainants to recover their attorney's fees based
2 upon the unlawful trespass, Cross-Complainants are also entitled to punitive damages in this action
3 as the aforementioned acts of Cross-Defendants were willful, oppressive and in knowing disregard
4 for the rights afforded to Cross-Complainants in that they have accessed the Property belonging to
5 Cross-Complainants for the sole purpose of willingly vexing and harassing Cross-Complainants to
6 cause them disruption in an unlawful manner. This conduct is despicable and in conscious disregard
7 for Cross-Complainants' rights to use and enjoy their Property, entitling them to punitive damages.

8 20. In addition to the monetary damages suffered, Cross-Defendants' wrongful conduct,
9 as alleged above, unless and until enjoined and restrained by order of this Court will cause great and
10 irreparable injury through the ongoing injury to the Property and deprive Cross-Complainants of
11 their rightful use and enjoyment of their Property, as well as hinder their ability to assist the City of
12 Stratford in its efforts to remove sewage. In this regard, Cross-Complainants have no adequate
13 remedy at law in that Cross-Defendants have ignored their requests that they remove the equipment
14 and the Sheriff's office has even been involved to no avail. As a result, Cross-Complainants would
15 be required to maintain a multiplicity of judicial proceedings in order to protect their interests.

SECOND CAUSE OF ACTION

17 **(Aiding and Abetting Trespass – By Cross-Complainants as against Cross-Defendant Tulare
Lake Canal)**

19 21. Cross-Complainants hereby incorporate Paragraphs 1 through 20, inclusive as if each
20 was laid out in detail herein.

21 22. Cross-Complainants are informed and believe and therefore allege that Tulare Lake
22 Canal aided and abetted WBI in committing the physical trespass of wrongfully parking its
23 equipment on Cross-Complainants' Property because it knew that Cross-Complainants had not
24 authorized the entry of such equipment and vehicles, and also knew that WBI had no right to enter
25 the Property and park its equipment and vehicle on the Property for the purpose of blocking Cross-
26 Complainants from completing their Project.

27 23. Despite such knowledge, Cross-Complainants are informed and thereon believe that
28 Tulare Lake Canal directed, or otherwise encouraged, WBI to wrongfully place such equipment and

1 vehicles on Cross-Complainants' Property for the purpose of intentionally and unlawfully blocking
2 Cross-Complainants from completing their Project.

3 24. Cross-Complainants have been, and continue to suffer harm, and Cross-Defendants'
4 conduct is a substantial factor in causing such harm. Specifically, because of the equipment blocking
5 the Project, Cross-Complainants were unable to trench on schedule and have been prevented to date,
6 from completing that portion of the Project. Cross-Complainants have been damaged, and continue
7 to suffer damages as a result of Cross-Defendants' conduct, including but not limited to the costs of
8 their contractors for the days they were mobilized at the Project but unable to work as a result of
9 Cross-Defendants' blockade, the delay to the Project causing the inability of Cross-Complainants
10 to move water across their own land for their beneficial use and commercial purposes, and the
11 inability to assist the City of Stratford for the benefit of the City and its general public relating to
12 the sewage removal. Damages are ongoing and increase every day that WBI's trespassing equipment
13 remains in place at the direction of Tulare Lake Canal, and the Project is prevented from being
14 completed.

15 25. In addition to the ability of Cross-Complainants to recover their attorney's fees based
16 upon the unlawful trespass, Cross-Complainants are also entitled to punitive damages in this action
17 as the aforementioned acts of Cross-Defendants were willful, oppressive and in knowing disregard
18 for the rights afforded to Cross-Complainants in that they have accessed the Property belonging to
19 Cross-Complainants for the sole purpose of willingly vexing and harassing Cross-Complainants to
20 cause them disruption in an unlawful manner. This conduct is despicable and in conscious disregard
21 for Cross-Complainants' rights to use and enjoy their Property, entitling them to punitive damages.

22 26. In addition to the monetary damages suffered, Cross-Defendants' wrongful conduct,
23 as alleged above, unless and until enjoined and restrained by order of this Court will cause great and
24 irreparable injury through the ongoing injury to the Property and deprive Cross-Complainants their
25 rightful use and enjoyment of property, as well as hinder their ability to assist the City of Stratford
26 in its efforts to remove sewage. In this regard, Cross-Complainants have no adequate remedy at law
27 in that Cross-Defendants have ignored their requests that they remove the equipment and the
28 Sheriff's office has even been involved to no avail. As a result, Cross-Complainants would be

1 required to maintain a multiplicity of judicial proceedings in order to protect their interests.

2 **THIRD CAUSE OF ACTION**

3 **(Nuisance – By Cross-Complainants as against All Cross-Defendants)**

4 27. Cross-Complainants hereby incorporate Paragraphs 1 through 26, inclusive as if each
5 was laid out in detail herein.

6 28. Cross-Complainants own the Property at issue. Cross-Defendants, by causing the
7 equipment and vehicles to be unlawfully parked on Cross-Complainants' Property caused Cross-
8 Complainants to be unable to place the sleeve that was to assist the City of Stratford for the benefit
9 of the City and its general public relating to the sewage removal. Likewise, Cross-Defendants have
10 obstructed the free use and enjoyment of Cross-Complainants' property by preventing them from
11 laying a separate pipeline to transport their water for the purpose of irrigation and engaging in other
12 economic benefits through the use of their Property.

13 29. Cross-Defendants' coordinated conduct was intentional and unreasonable. The
14 equipment and vehicles that remain parked on Cross-Complainants' Property for the purpose of
15 blocking their Project, substantially interfere with Cross-Complainants' use and enjoyment of their
16 Property such that an ordinary person would reasonably be annoyed or disturbed by such conduct.

17 30. Cross-Complainants did not consent to Cross-Defendants' conduct and such conduct
18 has been the substantial factor in causing Cross-Complainants' harm, which is so serious that it
19 outweighs any public benefit of Cross-Defendants' conduct. Specifically, because of the equipment
20 blocking the Project, Cross-Complainants are unable to trench on schedule and have been prevented
21 to date, from completing that portion of the Project. Separate and apart from Cross-Complainants'
22 harm, the public of the City of Stratford stand to suffer separate harm in that Cross-Complainants
23 are being prevented from providing aid to the City in the form of sewage removal. Because of this
24 separate public interest and harm, attorney's fees are available pursuant to California Code of Civil
25 procedure section 1021.5.

26 31. Cross-Complainants have been damaged, and continue to suffer damages as a result
27 of Cross-Defendants' conduct, including but not limited to the costs of their contractors for the days
28 they were mobilized at the Project but unable to work as a result of Cross-Defendants' blockade,

1 the delay to the Project causing the inability of Cross-Complainants to move water across their own
2 land for their beneficial use and commercial purposes, and the inability to assist the City of Stratford
3 for the benefit of the City and its general public relating to the sewage removal. Damages are
4 ongoing and increase every day that the equipment remains in place and the Project is prevented
5 from being completed.

6 32. The aforementioned acts of Cross-Defendants were willful, oppressive and in
7 knowing disregard for the rights afforded to Cross-Complainants. Specifically, they have accessed
8 the Property belonging to Cross-Complainants for the sole purpose of willingly vexing and harassing
9 Cross-Complainants to cause them disruption in an unlawful manner. This conduct is despicable
10 and in conscious disregard for Cross-Complainants' rights to use and enjoy their Property, entitling
11 them to punitive damages.

12 33. In addition to the monetary damages suffered, Cross-Defendants' wrongful conduct,
13 as alleged above, unless and until enjoined and restrained by order of this Court will cause great and
14 irreparable injury through the ongoing injury to the Property and deprive Cross-Complainants their
15 rightful use and enjoyment of property, as well as hinder their ability to assist the City of Stratford
16 in its efforts to remove sewage. In this regard, Cross-Complainants have no adequate remedy at law
17 in that Cross-Defendants have ignored their requests that they remove the equipment and the
18 Sheriff's office has even been involved to no avail. As a result, Cross-Complainants would be
19 required to maintain a multiplicity of judicial proceedings in order to protect their interests.

PRAYER

21 WHEREFORE, Cross-Complainants pray for judgment on their Cross-Complaint as
22 follows:

23 A. For judgment on each and every cause of action in the Cross-Complaint in Cross-
24 Complainant's favor and against Cross-Defendants under each cause of action asserted against
25 them;

26 B. For an injunction requiring Cross-Defendants to remove the equipment and vehicles
27 unlawfully placed on the Property and an order enjoining them from placing any other object or
28 taking any other action to obstruct or prevent the Project on the Property;

1 C. For compensatory damages in an amount according to proof and prejudgment/post-
2 judgment interest thereon;

3 D. For punitive damages;

4 E. For costs of suit and attorney's fees pursuant to California Code of Civil Procedure
5 section 1021.9 as to the First and Second Causes of Action and 1021.5 as to the Third Cause of
6 Action.

7 F. For such other and further relief as the Court deems just and equitable.

8

9 Dated: January 28, 2022

WHITNEY, THOMPSON & JEFFCOACH LLP

10
11 By: 

12 Marshall C. Whitney

13 Kristi D. Marshall

14 Devon R. McTeer

15 Attorneys for Sandridge Partners, L.P. and Roller Land
16 Company, Inc.

Exhibit “A”



PROOF OF SERVICE

**Tulare Lake Canal Company vs. Sandridge Partners, L.P., et al.
Case No. 22C-0019**

STATE OF CALIFORNIA, COUNTY OF FRESNO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Fresno, State of California. My business address is 970 W. Alluvial Ave., Fresno, CA 93711.

On January 28, 2022, I served true copies of the following document(s) described as **CROSS-COMPLAINT FOR: (1) TRESPASS; (2) AIDING AND ABETTING TRESPASS; (3) NUISANCE** on the interested parties in this action as follows:

Leonard C. Herr
Ron Statler
HERR PEDERSEN & BERGLUND LLP
100 Willow Plaza, Suite 300
Visalia, California 93291
Telephone: (559) 636-0200
Emails: lherr@hpblaw.net
rstatler@hpblaw.net
ananez@hpblaw.net
atriesch@hpblaw.net

Attorneys for Plaintiff Tulare Lake
Canal Company

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address abroome@wtjlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on January 28, 2022, at Fresno, California.

Audra Broome
Audra Broome