

1 RODERICK E. WALSTON
Pro hac vice (Cal. Bar No. 32675)
2 MILES B. H. KRIEGER
Pro hac vice (Cal. Bar No. 309797)
3 BEST BEST & KRIEGER LLP
2001 North Main Street, Suite 390
4 Walnut Creek, CA 94596
Telephone: (925) 977-3304
5 Mobile: (925) 375-9511
roderick.walston@bbklaw.com
6 miles.krieger@bbklaw.com

7 Attorneys for Defendant
CENTENNIAL LIVESTOCK
8

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,
13
14 Plaintiff,

15 WALKER RIVER PAIUTE TRIBE,
16
17 Plaintiff-Intervenor,

18 v.

19 WALKER RIVER IRRIGATION
DISTRICT, a corporation, et al.,
20 Defendants.

IN EQUITY NO. C-125
Case No. 3:73-CV-00127-MMD-CSD

**MOTION TO SUBSTITUTE
PARTY AND PROPOSED
ORDER**

1 **MOTION TO SUBSTITUTE PARTY**

2 Pursuant to Rule 25(c) of the Federal Rules of Civil Procedure (FRCP),
3 defendant Centennial Livestock hereby moves to substitute Wood Bridgeport,
4 LLC, and Lacey Livestock, for Centennial Livestock as defendants in this action.
5 Centennial Livestock has transferred its ownership interest in its land and water
6 rights, including its water rights in the Walker River, to the aforementioned
7 entities, as a result of which Centennial Livestock has ceased to own any land or
8 water rights affected by the action. The grounds for this motion are set forth in the
9 Memorandum of Points and Authorities, and on all papers and pleadings on file in
10 this proceeding.

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **1. Rule 25(c) of Federal Rules of Civil Procedure**

13
14
15
16 Under Rule 25(c) of the FRCP, if the interest of a party is transferred, the
17 action may be continued by or against the original party unless the court, on
18 motion, orders the transferee to be substituted in the action. “Rule 25(c) is not
19 designed to create new relationships among parties to a suit but is designed to
20 allow the action to continue unabated when an interest in the lawsuit changes
21 hands.” *In re Bernal*, 207 F.3d 595, 598 (9th Cir. 2000), quoting *Collateral*
22 *Control Corp v. Deal*, 638 F.2d 1362, 1264 (5th Cir. 1981). According to a leading
23 treatise:

24
25 The most significant feature of Rule 25(c) is that it does not require
26 that anything be done after an interest has been transferred. The
27 action may be continued by or against the original party, and the
28 judgment will be binding on his successor in interest even though he
is not named. An order of joinder is merely a discretionary

1 determination by the trial court that the transferee’s presence would
2 facilitate the conduct of the litigation.

3
4 7C Charles Alan Writ, Arthur R. Miller & Mary Kay Kane, *Federal Practice and*
5 *Procedure* § 1958 (2d ed. 1986) (footnote omitted).

6
7 **2. Factual Grounds for Motion**

8
9 Centennial Livestock is a limited liability partnership located in and
10 established under the laws of California. Centennial Livestock possesses water
11 rights in the Walker River, which were recognized and adjudicated in the Walker
12 River Decree. Centennial Livestock is one of the defendants in this action, and is
13 also one of the Principal Defendants, who are the defendants that have actively
14 participated in the litigation. Centennial Livestock has actively participated in this
15 litigation, by, among other things, filing pleadings, motions and briefs, and joining
16 in actions taken by the other Principal Defendants.

17
18 For succession planning and other actions unrelated to the pending action,
19 Centennial Livestock recently transferred its ownership interests in its land and
20 water rights, including its water rights in the Walker River, to its general partners.
21 As a result, the land and water rights formerly owned by Centennial Livestock are
22 now owned by two new entities—Wood Bridgeport, LLC, a California limited
23 liability company, and Lacey Livestock, a California general partnership. As a
24 result of the transfer, Wood Bridgeport, LLC, will own 52%, and Lacey Livestock
25 48%, of Centennial Livestock’s land and water rights, including its water rights in
26 the Walker River. As a result of the transfer, Centennial Livestock has ceased to
27 own any land or water rights affected by the action.

1 This motion is to substitute the two new entities—Wood Bridgeport, LLC,
 2 and Lacey Livestock—for Centennial Livestock under Rule 25(c) of the FRCP.
 3 The substitution of the new entities for Centennial Livestock would facilitate the
 4 conduct of this litigation. Centennial Livestock no longer has an interest in the
 5 action, and there is no longer a basis for Centennial Livestock’s being a defendant
 6 in this action. On the other hand, the two successor entities—Wood Bridgeport,
 7 LLC, and Lacey Livestock—now possess the water rights in the Walker River that
 8 were formerly held by Centennial Livestock, and thus they have the same interest
 9 in defending their water rights in the instant action that Centennial Livestock
 10 formerly had. Therefore, it is appropriate that Wood Bridgeport, LLC, and Lacey
 11 Livestock be substituted for Centennial Livestock as defendants in this action.

12
 13 The two new entities will be represented by Centennial Livestock’s counsel,
 14 Roderick E. Walston.

15
 16 **CONCLUSION**

17
 18 For the foregoing reasons, this Court should grant the motion to substitute
 19 Wood Bridgeport, LLC, and Lacey Livestock, for Centennial Livestock as
 20 defendants in this action.

21 Dated: March 8, 2023

22 *By: /s/ Roderick E. Walston*
 23 **RODERICK E. WALSTON**
 24 Counsel for defendant Centennial
 Livestock

25
 26
 27
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Wood Bridgeport, LLC, and Lacey Livestock shall be substituted for defendant Centennial Livestock as defendants in this action.

Judge, United States District Court

CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in Contra Costa County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2001 N. Main Street, Suite 390, Walnut Creek, California 94596.

I hereby certify that on March 8, 2023, I electronically filed the foregoing MOTION TO SUBSTITUTE PARTY AND PROPOSED ORDER with the Clerk of the U.S. District Court for the District of Nevada via the CM/ECF system, which will send notifications of such filing via email to the parties of record.

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

Executed on March 8, 2023, at Walnut Creek, California.

/s/ Irene Islas
Irene Islas

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28