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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION
DISTRICT, a corporation, et al.,

Defendants.

MINERAL COUNTY,

Plaintiff-Intervenor,

WALKER RIVER IRRIGATION
DISTRICT,

Defendants,

IN EQUITY NO. C-125

Case No. 3:73-CV-00128-MMD-CSD

**MOTION TO SUBSTITUTE
PARTY AND PROPOSED
ORDER**

MOTION TO SUBSTITUTE PARTY

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

MEMORANDUM OF POINTS AND AUTHORITIES

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

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

The most significant feature of Rule 25(c) is that it does not require that anything be done after an interest has been transferred. The action may be continued by or against the original party, and the 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.

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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**

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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.

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

The two new entities will be represented by Centennial Livestock's counsel, Roderick E. Walston.

CONCLUSION

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

Dated: March 8, 2023

By: /s/ Roderick E. Walston
RODERICK E. WALSTON
 Counsel for defendant Centennial
 Livestock

[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