

Information for Small Farmers in the Cuyama Valley on Class Formation and Settlement Options in the Cuyama Basin Groundwater Adjudication

Prepared by: Thalia Taylor, Madi Richards, and Christopher Mouawad (UCD Small Farmer Clinic) March 2025.

Class formation is the process of joining parties in a lawsuit together to form a group that the Court recognizes as an entity representative of the group's shared interests. The purpose of forming a class is to create a larger, more powerful unit that other parties must consider when negotiating a stipulation or settlement. Members of a class may be able to save on litigation costs by sharing costs with other class members. There are two different ways to form a class, each of which have different requirements and legal consequences.

First, small farmers can form a class to obtain an **exemption from the adjudication** under Civ.

Proc. § 833(d). To do so, the class must be (1) made up of extractors diverting 5 acre-feet of water or less, and (2) class exclusion must not have a material effect on the groundwater rights of other parties. Small farmers may seek this exemption at any point in the adjudication.

Second, small farmer parties can seek to form a **civil class** pursuant to Cal. Civ. Proc. § 382. Parties must show that they are a sufficiently (1) numerous and (2) ascertainable group, (3) that they share a common legal position, (4) the proposed class representative is typical of the group, (5) the proposed class counsel is adequate, and (6) that there are material advantages to treating this group as a class for the purposes of this lawsuit. *Brinker Restaurant Corp. v. Superior Court*, 53 Cal.4th 1004, 1021 (2012). A class would be able to negotiate a stipulation, full settlement, or stipulated final judgement that would protect all members of the class.

A court is more likely to grant class certification if all the parties to the adjudication agree, including the plaintiffs. If there is opposition, the judge would likely hold a hearing on the effect of class exemption on other parties or on the advantages of creating a civil class.

Please discuss these possibilities with your attorney. If you are part of an attorney group, class formation would create narrower groups based on the participants' shared legal posture.

The Small Farmer Water Justice Clinic is available for consultation at smallfarmerclinic@law.ucdavis.edu.

The Clinic is not representing parties in this adjudication. This document does not constitute legal advice.

Please consult your attorney for legal advice.

Groundwater adjudication: a lawsuit to comprehensively determine all the rights to extract groundwater in a basin.

Class: A group of people who have a common legal position, so that all their claims can be effectively adjudicated in a single proceeding.

Exemption: freedom from a duty, liability, or other requirement.

Stipulation: a voluntary agreement between opposing parties in a lawsuit concerning some relevant point.

Full settlement: A settlement and release of all pending claims between the parties.

Stipulated final judgement: a court's last action that settles the rights and obligations of the parties in a case pursuant to an out of court agreement. In a groundwater adjudication, the agreement must be supported by more than 50 percent of all parties who are groundwater extractors and by groundwater extractors responsible for at least 75 percent of the groundwater extracted in the basin during the five calendar years before the filing of the complaint.

Cal. Civ. Proc. § 832, 850(d), Black's Law Dictionary