

JS-6

1 MARC GORDON (DC Bar No. 430168)
 2 marc.gordon@usdoj.gov
 3 (202) 305-0291
 4 (202) 353-7763 (fax)
 5 Trial Attorney
 6 U.S. Department of Justice
 7 Environment & Natural Resources Division
 8 P.O. Box 7611 – Ben Franklin Station
 9 Washington, D.C. 20044-7611

10 Attorney for Plaintiff

11 **UNITED STATES DISTRICT COURT**
 12 **CENTRAL DISTRICT OF CALIFORNIA**

13	UNITED STATES OF AMERICA,)	
14)	Case No. EDCV 16-1191-GW(KKx)
15	Plaintiff,)	
16)	JUDGMENT
17	v.)	
18)	
19	160.00 ACRES OF LAND, MORE)	
20	OR LESS, SITUATE IN SAN)	
21	BERNARDINO COUNTY, STATE)	
22	OF CALIFORNIA; CONSTANCIO)	
23	G. OROGO; UNKNOWN)	
24	OWNERS; STATE OF)	
25	CALIFORNIA; AND SAN)	
26	BERNARDINO COUNTY TAX)	Trial: November 9, 2017
27	COLLECTOR, et al.,)	Time: 8:30 a.m.
28)	
	Defendants.)	The Honorable George H. Wu

29 Trial by narrative statement pursuant to Local Rule 43-1 commenced on
 30 November 9, 2017 at 8:30 a.m. Plaintiff, United States submitted its Trial Brief
 31 and the Declaration of Robert W. Colangelo, and appeared by Trial Attorney Marc

1 Gordon. No answer or appearance was made by any named defendant. Having
2 reviewed the pleadings and papers filed herein, and argument of counsel having
3
4 been heard, the Court made Findings of Fact and Conclusions of Law pursuant to
5 Fed. R. Civ. P. 52.

6
7 Based on the foregoing, it is ORDERED, ADJUDGED AND DECREED
8 that:

9
10 1. Plaintiff, the United States of America, is vested with title as follows:

11 fee simple title to the land, subject however, to existing
12 easements for public roads and highways, public utilities,
13 railroads and pipelines; excepting and excluding from the
14 taking all interests in oil, gas, oil shale, coal, phosphate,
15 sodium, gold, silver and all other mineral deposits which are
16 outstanding in parties other than the surface owners, the
17 appurtenant rights for the exploration, development and
removal of said minerals, and the right of the people to fish as
reserved in the patent from the State of California;

18 to the property legally described as follows (“Subject Property”):

19
20 The Southeast ¼ of Section 16, Township 31 South,
21 Range 46 East, Mount Diablo Base and Meridian, County of
22 San Bernardino, State of California, according to the Official
Plat thereof.

23 Excepting all oil, gas, oil shale, coal, phosphate, sodium,
24 gold silver and all other mineral deposits contained in said land,
25 together with the right to drill for an extract such deposits of oil
26 and gas, or gas, and to prospect for, mine, and remove such
27 deposits of other minerals from said land, and to occupy and
28 use so much of the surface of said land as may be required
therefor, upon compliance with the conditions and subject to
the provisions and limitations of Chapter 5, Part I, Division 6 of

1 the Public Resources Code, as reserved to the State of
2 California by Patent dated August 7, 1953 and Recorded
3 September 23, 1953 in book 3246, page 65 Official Records.

4 This Tract No. 313 is also known as Assessor's Parcel
5 Number 0507-091-18-0000, containing 160.00 acres, more or
6 less;

7 2. The just compensation for the taking of the Subject Property is the
8 sum of \$200,000.00;

9 3. Prior to this action the Subject Property was owned by Julie Orogo
10 Luna (aka Julie Luna Orogo), as to an undivided $\frac{1}{4}$ interest; and Fred J. Davidson
11 (aka Fred J. Davison), a widower, James F. Davidson (aka James F. Davison) and
12 Donna M. Davidson (aka Donna M. Davison), his wife, as their interests may
13 appear of record, as to the remainder.
14

15 4. The Clerk of the Court shall pay seventy-five percent (75%) of the
16 deposited funds (\$150,000.00), plus 75% of any interest accrued thereon while
17 within the Registry of the Court, less any authorized fees or costs, jointly to:
18

19
20
21 James F. Davidson, Fred J. Davidson and Donna M. Davidson
22 c/o James F. Davidson
23 5451 Twin Lakes Drive
24 Cypress, CA 90630

25 5. The Clerk of the Court shall pay twenty-five percent (25%) of
26 the deposited funds (\$50,000.00), plus 25% of any interest accrued thereon while
27
28

1 within the Registry of the Court, less any authorized fees or costs, to Julie Orogo,

2 Luna:

3
4 Julie Orogo Luna
5 2104 Avila Place
6 Oxnard CA, 93036
7
8

9 DATED: November 20, 2017



10
11 GEORGE H. WU, U.S. DISTRICT JUDGE

12
13
14 Respectfully submitted,

15
16 /s/
17 MARC GORDON (DC Bar No. 430168)
18 marc.gordon@usdoj.gov
19 (202) 305-0291
20 Trial Attorney
21 U.S. Department of Justice
22 Environment & Natural Resources Division
23 P.O. Box 7611 – Ben Franklin Station
24 Washington, D.C. 20044-7611
25 Attorney for Plaintiff
26
27
28