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15  
16 **UNITED STATES DISTRICT COURT**  
17 **EASTERN DISTRICT OF CALIFORNIA**

18 UNITED STATES OF AMERICA,

19  
20 Plaintiff,

21 v.

22  
23 42.35 ACRES OF LAND, MORE OR  
LESS, SITUATE IN KERN COUNTY,  
24 CALIFORNIA, AND DONALD E.  
RINALDI, TRUSTEE FOR SIERRA  
25 CRAIGMYLE TRUST DATED  
26 DECEMBER 28, 1987, *et al.*

27 Defendants.

CASE NO. 1:17-cv-00930-LJO-JLT

**STIPULATION REGARDING  
OBJECTIONS AND DEFENSES  
RAISED BY DEFENDANT TYLER  
KEITH WENDT**

1 Plaintiff United States of America and Defendant Tyler Wendt, as Executor of the Estate  
2 of George Wendt, and as Successor Trustee of the Restated George R. Wendt and Pamela K.  
3 Wendt Family Trust dated March 4, 1992 (“Wendt”), stipulate that the only issue in this  
4 litigation is the amount and distribution of just compensation for the taking. In support of the  
5 stipulation, the parties to this stipulation agree as follows:

6 1. On July 13, 2017 (“Date of Taking”), the United States filed a Complaint in  
7 Condemnation and Declaration of Taking on behalf of the United States Army Corps of  
8 Engineers to take Tracts 417-1 and 417-2 in Lake Isabella, Kern County, California (the  
9 “Property”), and deposited estimated just compensation in the court registry. Title to the  
10 property vested in the United States on the Date of Taking pursuant to the Declaration of Taking  
11 Act, 40 U.S.C. § 3114.

12 2. Counsel for Wendt filed an Answer (Dkt. 19) asserting a number of objections and  
13 defenses to the taking, namely:

- 14 a. That Wendt lacks information sufficient to admit or deny the allegations in the  
15 Complaint regarding the authority for the taking; the public uses for which the  
16 property is taken; the legal description of the property taken; the plat (map)  
17 showing the property taken; and the estate in the property taken; and therefore  
18 denies the same (“Objections”);
- 19 b. That the Complaint fails to state a claim upon which relief may be granted (“First  
20 Affirmative Defense”);
- 21 c. That the Complaint fails to name the real parties in interest (“Second Affirmative  
22 Defense”);
- 23 d. That the Complaint has not been properly served on all parties (“Third  
24 Affirmative Defense”);
- 25 e. That just compensation for the Property taken exceeds \$2,000,000 (“Fourth  
26 Affirmative Defense”); and
- 27 f. That the action is barred by the doctrine of laches (“Fifth Affirmative Defense”).  
28

1 3. Wendt hereby withdraws and waives with prejudice the Objections, First Affirmative  
2 Defense, Second Affirmative Defense, Third Affirmative Defense, and Fifth Affirmative  
3 Defense.

4 4. Wendt preserves all rights related to the Fourth Affirmative Defense.

5 5. The parties agree the only remaining issue in this litigation is the amount and distribution  
6 of just compensation for the Property.

7 6. Pursuant to Local Rule 143, this stipulation is signed by all attorneys or pro se parties  
8 who have appeared in this action and are affected by the stipulation.

9 7. No oral argument is requested.

10 8. A proposed order is below.

11 WHEREFORE, the United States respectfully requests that the Court enter the below  
12 proposed Order approving the stipulation.

13 Dated: March 13, 2018

Respectfully submitted,

14 JEFFREY H. WOOD  
15 Acting Assistant Attorney General

16 /s/ Reade E. Wilson  
17 READE E. WILSON  
18 /s/ Anthony C. Gentner  
19 ANTHONY C. GENTNER  
20 Trial Attorneys  
21 United States Department of Justice

LAW OFFICES OF ERIC F. EDMUNDS, JR.

22 /s/ Eric F. Edmunds, Jr.  
23 ERIC F. EDMUNDS, JR.  
24 Attorney for Tyler Keith Wendt, as Executor and  
25 Successor Trustee

26 IT IS SO ORDERED.

27 Dated: March 19, 2018

/s/ Lawrence J. O'Neill  
28 UNITED STATES CHIEF DISTRICT JUDGE