

1 CHRISTINE J. HAMMOND (SBN 206768)
CANDACE J. MOREY (SBN 233081)
2 KIMIKO I. ELGUEA (SBN 327519)
CALIFORNIA PUBLIC UTILITIES COMMISSION
3 320 West 4th Street, Suite 500
Los Angeles, CA 90013
4 Tel: (213) 620-2818
E-mail: Kimiko.Elguea@cpuc.ca.gov

5 Attorneys for Plaintiff
6 CALIFORNIA PUBLIC UTILITIES COMMISSION
7 [Exempt from filing fees per Gov. Code § 6103]

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
9/16/2026 8:37 PM
By: Christine Lockman, DEPUTY

8
9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN BERNARDINO**

12 CALIFORNIA PUBLIC UTILITIES
COMMISSION,

13 Petitioner,

14 v.

15 HAVASU WATER COMPANY, also known
16 as Havasu Water Company, Inc., a California
corporation (U-352-W); JENNIFER L.
17 HODGES, an individual; and JH FAMILY
LIMITED PARTNERSHIP, a California
18 limited partnership.

19 Respondents.

Case No.: CIVSB2625211

**DECLARATION OF SCOTT M. SACKETT,
IN SUPPORT OF CONFIRMATION OF
RECEIVER**

Hearing Date: September 21, 2026

Time: 8:30 a.m.

Dept.: S25

Judge: Hon. Khymberli S. Apaloo

Action filed: August 27, 2026

1 I, SCOTT M. SACKETT, declare:

2 1. I have personal knowledge of the facts stated herein and if called to testify, I
3 could and would testify to such facts. I am the receiver appointed over Havasu Water Company
4 (Havasu) by this Court's Order dated September 4, 2026 (the Order). I am the President of
5 Fiduciary Management Technologies in Sacramento, California, and have served as a court-
6 appointed receiver and fiduciary for approximately 24 years. My qualifications are set out in my
7 declaration filed with the Commission's ex parte application. I make this declaration from my
8 own personal knowledge. If called as a witness, I could and would competently testify to the
9 matters stated here.

10 2. I submit this declaration to inform the Court what has happened since the Order
11 issued, and to attach the written communications I have received from Respondents' counsel.

12 **Efforts to Take Possession Under the Order**

13 3. On September 4, 2026, I received a copy of the signed Order and I called Ms.
14 Hodges and left a voicemail introducing myself as the receiver and requested a callback. She
15 never returned my call. On September 8, 2026, I emailed Ms. Hodges and her counsel, Ravi
16 Bendapudi, requesting turnover of Havasu's books, records, accounts, keys, passwords, permits,
17 and operational information, as the Order requires.

18 **Respondents' Response**

19 4. Respondents have not turned over the utility. On September 7, 2026, Mr.
20 Bendapudi sent me an email stating, among other things, that the Order is "void" and that
21 Havasu "cannot and will not recognize it." **A true and correct copy of that email is attached**
22 **as Exhibit A.**

23 5. On September 8, 2026, Mr. Bendapudi sent me a second email. In it he stated
24 that Havasu "will not waste its time or money going to federal court," and "that any attempt to
25 enter the property would be met with force" and stated that I would be "personally liable for
26 trespass, theft, fraud and/or any other torts...". **A true and correct copy of that email is**
27 **attached as Exhibit A.**

1 6. To date, no one on behalf of Respondents has given me access to the treatment
2 plant, the intake, the office, Havasu's bank accounts, its customer records, or its operating
3 records.

4 7. I have not been served with any motion to stay the Order, any appeal, or any
5 federal court action challenging the Order.

6 **Communications With Customers**

7 8. I understand that Respondents have communicated with Havasu's customers
8 about the receivership. On September 9, 2026, Havasu sent an email to its customers stating,
9 “The Superior Court’s purported ruling on September 4, 2026 is void for lack of jurisdiction,
10 and has no force or effect.” **A true and correct copy of the customer notice is attached as**
11 **Exhibit B.**

12
13 Executed on September 16, 2026, at Sacramento, California

14
15 
16 SCOTT M. SACKETT

EXHIBIT A

[EXTERNAL] Re: San Bernardino Superior Court Special Proceeding Case No. CIVSB 2625211

From Ravi Bendapudi <ravi@ganjalaw420.com>

Date Tue 9/8/2026 12:51 PM

To scott.sackett efmt.com <scott.sackett@efmt.com>; Elguea, Kimiko <Kimiko.Elguea@cpuc.ca.gov>

 3 attachments (2 MB)

Letter to P. Webb re EPA Oversight 11.16.23.pdf; Case No. _____ (CPUC v Havasu Water Co., et. al.) Declaration James Boothe.pdf; HWC PWS GIS map_reservation boundaries.pdf;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Sackett,

I am, not “declaring” the order void. I am telling you that, as a matter of law, your order is void and unenforceable, because the state of California and the CPUC have no jurisdiction to seek appointment of a receiver over HWC. The State of California and the CPUC have no civil regulatory jurisdiction over HWC, nor do they have civil regulatory jurisdiction over anything else that happens within the boundaries of an Indian Reservation.

That’s been the law in our country hundreds of years—but you don’t have to take my word for it, just go look at the Declaration of James Boothe which the CPUC filed in court last week along with your declaration. I’ve attached a copy of it to this email for your convenience. Please look at Exhibit 1, page 2. I’ve highlighted the pertinent language for you. It says it right there in plain English that the CPUC and the State of California do not have regulatory jurisdiction over water utilities operating within the boundaries of an Indian Reservation.

I am also attaching a letter and a map from the EPA director of Tribal affairs for Region 9. HWC actually challenged the EPA’s exercise of jurisdiction over the company a few years ago and the EPA responded, telling us, in no uncertain terms, that the Federal Government, and only the Federal Government, has jurisdiction over HWC. The reason for this was because they determined that HWC’s service area falls entirely within the boundaries of an Indian Reservation.

I know that you’re not an attorney, but this is a basic issue of Federal Indian Law. Your friends at the CPUC do not know what they were talking about. They don’t know anything about Indian law, and they confused concurrent EPA & CPUC jurisdiction over California-based utilities for concurrent CPUC jurisdiction over utilities in Indian Country. Those are not the same things. Indian Reservations, while they are enclaves within the state of California, are not considered to be part of the state of California, especially not for regulatory purposes. Please go ask your friends at the CPUC, or any lawyer for that matter, to show you a single example of the State of California exercising jurisdiction over a Reservation-based utility company. You will not find one, because no such situation has ever existed.

Everybody, even non-lawyers, know that state governments have no civil regulatory authority within Indian Country, unless Congress expressly authorizes it. Furthermore, the San Bernardino Court did not rule on the issue of jurisdiction. At the hearing, the CPUC did not say a word about Congressional authorization (probably because they don't have it). Judge Alvarez didn't even read our papers, let alone address the question of jurisdiction. His Honor just rubber-stamped the CPUC's request, but that does not mean that it is valid or enforceable.

Also, HWC will not waste its time or money going to federal court to get separate order just to prove to you that the CPUC is out of line and doesn't know what it's doing. You're the receiver, so it's your duty to make damn sure that you're on the right side of the law before you trespass and try to steal somebody else's business. If you come here and try to take control of my client's business and/or property you will have to do so by force, because they are not going to hand anything over to you. I trust that you understand that if you show up here with armed men, my clients will not hesitate to exercise their constitutional right to self-defense. So, please think carefully before you do anything illegal and/or foolish.

Finally, rest assured that HWC is not going to shut the water off. The only people trying to shut the water off here is the CPUC. Also, the Tribal Chairman already told the County Sheriff that the Tribe has no plans to shut off the water. So, please go tell your friends at the CPUC that your services are not justified or needed, because HWC is not going to cut off water to the Town of Havasu Lake.

I'm happy to speak to you or your lawyers about this if you have any questions. You can reach me by e-mail at this address or by phone at (213) 442-2935.

Thank you for your attention to this matter.

Sincerely,

-Ravi Bendapudi, Esq.

PS: Please remember that we intend to hold you personally liable for anything that happens in connection with the void San Bernardino court order. You are not shielded by governmental or official immunity, because qualified immunity only protects the lawful exercise of governmental authority, it absolutely does not protect extra-jurisdictional theft. I also suggest that you retain your own counsel immediately, because those government employees at the CPUC don't know what they're doing, they don't care about you, and they're setting you up.

From: scott.sackett efmt.com <scott.sackett@efmt.com>

Date: Tuesday, September 8, 2026 at 10:56 AM

To: Ravi Bendapudi <ravi@ganjalaw420.com>; havasuwater@outlook.com
<hasuwater@outlook.com>; cnmoney@aol.com <cnmoney@aol.com>

Subject: RE: San Bernardino Superior Court Special Proceeding Case No. CIVSB 2625211

Dear Mr. Bendapudi:

In response to your email, I do not understand how you can unilaterally declare the Court's Order void. You raised the issue of jurisdiction at the Court's hearing on Friday and the Judge signed the Order that is attached. There is now Court Order directing me and your client that I must follow and I intend carrying out that Order until directed otherwise by a State or Federal court order. I will be doing so as a neutral as required by law.

Toward that end, please see the attached letter regarding my expectations of your client until I receive further orders from the court. I welcome a meeting or call with you and your client. I see my primary role at this juncture as keeping the HWC water system operational and providing water to its customers. Please email or give me a call at 916-796-5763 to arrange a call or meeting or if you have any questions regarding the attached letter.

Best regards,

Scott Sackett
Court-Appointed Receiver
4030 South Land Park Drive, Suite C
Sacramento, CA 95822
Office: 916-930-9900, Ext. 2#
Direct: 916-796-5763

PRIVILEGED AND CONFIDENTIAL COMMUNICATION The information contained herein is confidential and may be privileged attorney / client information or work product intended only for the individual or entity to whom it is addressed. Any unauthorized use, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately.

From: Ravi Bendapudi <ravi@ganjalaw420.com>
Sent: Monday, September 7, 2026 3:40 PM
To: scott.sackett efmt.com <scott.sackett@efmt.com>
Cc: Kimiko.Elguea@cpuc.ca.gov
Subject: San Bernardino Superior Court Special Proceeding Case No. CIVSB 2625211
Importance: High

Dear Mr. Sackett,

Please be advised that the San Bernardino County Superior Court's Order (see attached) did not resolve the fundamental issue of whether the State of California has jurisdiction over the operations of a utility company located within the boundaries of an Indian Reservation. Until this issue is resolved, pursuant to a full evidentiary hearing, your service of the court's order upon my clients is improper and ineffective. Furthermore, an order from a court without jurisdiction is, per-se, void and it has no legal force or effect.

Since the court's order is void as a matter of law, my clients cannot and will not recognize it, because that would compromise their fundamental constitutional rights, which they have not agreed to do.

My clients will be happy to comply once you have obtained an order from a court of competent jurisdiction, or an act of Congress, that grants the State of California civil regulatory jurisdiction over a public utility company that operates within the boundaries of an Indian Reservation. We are not trying to be difficult here—the jurisdictional issue is something that the State of California and the Federal EPA spent months thoroughly examining before they made a final decision about it. The aforementioned entities both told my client that the State of California does not have jurisdiction over HWC, and that all “regulatory oversight” was being transferred to the federal government. The transfer was then completed on January 1, 2024, and for the past two years HWC has been under direct EPA jurisdiction. This is a fundamental issue of constitutional law that you must resolve before you can lawfully take any action against my clients.

Please understand that because you are now on notice that the court's order is void, my clients will hold you personally liable for trespass, theft, fraud and/or any other torts that you may commit under color of law if you choose to try and enforce the void order at this time.

If you have any question, you may reach me by e-mail at this address, or by phone at (213) 442-2935.

Thank you for your attention to this matter.

Sincerely,

-Ravi Bendapudi

PS: Nothing in this letter is to be construed as consent to the San Bernardino County Superior Court's jurisdiction over this matter, nor does it constitute consent to a general appearance in any California state court proceeding.

EXHIBIT B

Fwd: [EXTERNAL] Fwd: Response to the County's Post on the Buzz today

From Jagur, Sham <Sham.Jagur@cpuc.ca.gov>

Date Thu 9/10/2026 9:54 AM

To Boothe, James A. <james.boothe@cpuc.ca.gov>; Elguea, Kimiko <Kimiko.Elguea@cpuc.ca.gov>; Morey, Candace <candace.morey@cpuc.ca.gov>; Carr, Jane <Jane.Carr@cpuc.ca.gov>

Hi,

Mike Aleksich (one of the customers of HWC) who has been very helpful and active thus far, forwarded me a letter that HWC sent to customers last night. Just an FYI.

Begin forwarded message:

From: Havasu Mobile Estates President <havasumobileestatesinc@outlook.com>

Date: September 9, 2026 at 6:45:06 PM PDT

To: Annie Wan <Wan.Annie@epa.gov>, "Jagur, Sham" <Sham.Jagur@cpuc.ca.gov>, chen.christopher@epa.gov, "Tsai, Wilson" <Wilson.Tsai@cpuc.ca.gov>

Subject: [EXTERNAL] Fwd: Response to the County's Post on the Buzz today

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Got this response from the Havasu Water Company.

Sent from my iPad

Begin forwarded message:

From: Havasu Water <HavasuWater@outlook.com>

Date: September 9, 2026 at 6:13:15 PM PDT

To: Havasu Water <HavasuWater@outlook.com>

Subject: Response to the County's Post on the Buzz today

Dear Customers:

Contrary to the County's recent post on the Buzz, the U.S. Supreme Court has repeatedly ruled that neither the San Bernardino Superior Court, nor the CPUC, have any jurisdiction to civilly regulate operations of HWC, since such jurisdiction has been transferred to the EPA.

The Superior Court's purported ruling on September 4, 2026 is void for lack of jurisdiction, and has no force or effect.

HWC is continuing to treat and deliver its annual perfected rights to 100 acre feet of Colorado River water, per the U.S. Supreme Court's decree in Arizona v. California (2006). HWC will continue to do so, so long as the power is not shut off to our pumps, as it is obligated to by contract.

We appreciate our customers support, while we defend our community's rights to draw water from the Colorado River.

Sincerely,

The Havasu Water Co.