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9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 SANTA BARBARA CHANNELKEEPER,
13 a California non-profit corporation,
14 Petitioner,

15 v.

16 STATE WATER RESOURCES
17 CONTROL BOARD, a California State
18 Agency;
19 CITY OF SAN BUENAVENTURA, a
20 California municipal corporation,
21 incorrectly named as CITY OF
22 BUENAVENTURA,

23 Respondents.

24 CITY OF SAN BUENAVENTURA, a
25 California municipal corporation,
26 Cross-Complainant
27 v.
28 DUNCAN ABBOTT, an individual, et al.
Cross-Defendants.

AND RELATED CROSS-ACTION

Case No. 19STCP01176

ASSIGNED FOR ALL PURPOSES TO
Judge: Honorable William F. Highberger
Department 10

CROSS-DEFENDANTS ROSANNA
GARRISON AND GREGG GARRISON'S
REPLY TO CITY OF SAN BUENA
VENTURA'S OPPOSITION TO MOTION
FOR COURT-APPOINTED SCIENTIFIC
EXPERT

Court Hearing: July 19, 2021
Time: 3:00 p.m.
Dept.: SS10

Action Filed: Sept. 19, 2014
Trial Date: February 14, 2022

Come now Cross-Defendants ROSANNA GARRISON and GREGG GARRISON
in REPLY to the to the CITY OF SAN BUENAVENTURA'S OPPOSITION to Cross-

CROSS-DEFENDANTS ROSANNA GARRISON AND GREGG GARRISON'S REPLY TO CITY OF
SAN BUENA VENTURA'S OPPOSITION TO MOTION FOR COURT-APPOINTED SCIENTIFIC
EXPERT

1 Defendants ROSANNA GARRISON and GREGG GARRISON MOTION for a Court-
2 appointed scientific expert.

3
4 1. The GARRISONS are seeking a neutral expert to provide the Court assistance, not
5 to represent them.

6 2. The major parties in this litigation have had years to work with their retained
7 experts and the related information;

8 3. Now is a critical stage to have a Court-appointed neutral expert – to assist the
9 Court in evaluating other experts and studies for Court in its decision making;

10 4. The timetable for new experts to be engaged, come up to speed, and present
11 meaningful contributions to the case is a very tight discovery schedule itself, so delay in
12 appointing a neutral expert would only make such a role very unlikely to successfully
13 discharge for such expert in this role; and

14
15 5. Who if not a Court-appointed neutral expert will evaluate the body of experts and
16 information to advise the Court – and is the Court equipped to fully evaluate such a huge
17 body of opinions and information for long lasting decisions, without the benefit and
18 assistance of a Court-appointed neutral expert?

19
20 The Phase 1 trial issues and related parameters of how they will affect the case are
21 pivotal. A Court also has the power to order/appoint a skilled Watermaster to adjudicate
22 matters, understood not appropriate in this case of many parties and a matter of long
23 evolution – but such an appointment process itself is long. Here, with the Court in the
24 central supervisory and decisional role, it is asserted court-neutral expert assistance to the
25 Court is critical. One can say many smaller parties are not skilled as to the law-nuances and
26 may, in error, indicate wanting representation when what is legally required to shepherd this
27
28

1 case is a full and fair evaluation of complex and technical issues, involving a court-neutral
2 expert timely brought into this case.

3
4 6. The City's Opposition does not address Garrisons' objection and request for
5 inclusion of fire prevention and suppression as a beneficial water use under state water laws.
6 The State of California, the State Water Board, and its regional boards need to act promptly
7 to update beneficial uses to include these wildfire issues.

8 The state needs to update beneficial uses to include fire prevention, fire resistance
9 and fighting wildfires. Among other issues is the need for adequate water for the habitat to
10 make it greener and more resistant to fire, and to increase relative humidity, which also
11 prevents the spread of wildfire.

12
13 7. The City's Response to the undersigned Cross-Defendants Garrisons' Objections
14 presented at July 6, 2021, Status Conference hearing only addresses the support for
15 appointment of a court-neutral scientific expert issue, and this Reply is limited to addressing
16 that issue.

17 The undersigned Cross-Defendants Garrisons' reserve the right to later object (by
18 July 15, 2021) to the draft Proposed Physical Solution as incomplete as a draft because,
19 among other issues, of these unaddressed matters: 1) fire related water use under the Basin
20 Plan Beneficial Uses, 2) the right of GWR [Ground Water Replenishment] support by
21 stream water including underflow under Basin Plan policy, and 3) the meaning (and
22 question of improper use) of the word "usufructuary".
23

24
25 RESPECTFULLY SUBMITTED

26 DATED: July 9, 2021

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28 By: _____

GARRISON LAW CORPORATION

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