

1 SHAWN HAGERTY, Bar No. 182435
shawn.hagerty@bbklaw.com
2 BEST BEST & KRIEGER LLP
655 West Broadway, 15th Floor
3 San Diego, California 92101
Telephone: (619) 525-1300
4 Facsimile: (619) 233-6118

Exempt From Filing Fees Pursuant to
Cal. Gov't Code § 6103

5 CHRISTOPHER M. PISANO, Bar No. 192831
christopher.pisano@bbklaw.com
6 SARAH CHRISTOPHER FOLEY, Bar No. 277223
sarah.foley@bbklaw.com
7 PATRICK D. SKAHAN, Bar No. 286140
patrick.skahan@bbklaw.com
8 BEST BEST & KRIEGER LLP
300 South Grand Avenue, 25th Floor
9 Los Angeles, California 90071
Telephone: (213) 617-8100
10 Facsimile: (213) 617-7480

11 Attorneys for Respondent and Cross-Complainant
12 CITY OF SAN BUENAVENTURA

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

15 SANTA BARBARA CHANNELKEEPER, a
16 California non-profit corporation,

Case No. 19STCP01176

17 Petitioner,

Judge: Honorable William F. Highberger

18 v.

NOTICE OF RULING

19 STATE WATER RESOURCES CONTROL
20 BOARD, etc., et al.,

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

21 Respondents.

Date: July 23, 2021
Time: 2:00 p.m.
Dept: SS10

22 CITY OF SAN BUENAVENTURA, etc.,

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

23 Cross-Complainant

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.
27
28

NOTICE OF RULING

On July 19, 2021 and July 23, 2021, the parties appeared at further status conferences, the Honorable William F. Highberger, Judge presiding. The parties stated their appearances on the record and/or they are reflected on LA Court Connect records. The Court made the following orders and determinations:

1. The Court heard the Order to Show Cause regarding service of City's Third Amended Cross-Complaint by publication of the summons as to Cross-Defendants behind gates and fences, evading or deceased with no known successor in the *Ventura County Star*. No party opposed, and the Court Ordered service by publication of summons as to 43 Cross-Defendants.
2. The Court determined that parties who claim not to extract/divert water from the Ventura River Watershed or who claim to extract/divert *de minimis* amounts (less than five (5) acre-feet annually) of water from the Watershed do not have to serve initial disclosures until after the Court provides further direction after the Phase 1 trial.
3. The Court heard argument on the discovery plan and pretrial schedule for Phase 1 trial, specifically regarding the issue of mutual exchange of expert disclosures and timing. The Court determined that the City of Ventura must serve its expert disclosures, including expert witness reports by August 31, 2021. The State Water Resources Control Board, California Department of Fish and Wildlife, California Parks Department, Casitas Municipal Water District, City of Ojai, the East Ojai Group, and the Proposing Parties (Ventura River Water District, Meiners Oaks Water District, Wood-Claeyssens Foundation (Taylor Ranch), and Rancho Matilija Mutual Water Company) must serve their expert disclosures, including expert

1 witness reports, by September 24, 2021. City experts may not be deposed until
2 after the September 24, 2021 expert disclosures. All other parties must serve their
3 expert disclosures, including expert witness reports, by October 22, 2021. The
4 revised, court-ordered Pre-Trial Schedule is attached as Exhibit A. The Court also
5 ordered that after the City provides its expert disclosure and report, parties may
6 seek relief from the Court-ordered schedule for good cause shown by ex parte
7 application filed before the respective September 24, 2021 and October 22, 2021
8 deadlines.

- 9
- 10 4. The Court continued the hearing on Cross-Defendant Claude Baggerly's motion
11 for a court-appointed scientific advisor to August 16, 2021.
- 12
- 13 5. The Court instructed the City to work with Court Staff, particularly Mr. Sanchez,
14 to provide the Court with a complete set of the Proposed Physical Solution fillings,
15 including all objections and replies.
- 16
- 17 6. The Court set a further Status Conference for August 16, 2021 at 1:30 p.m. Joint
18 status reports and/or any unilateral status reports are to be filed and served by
19 August 9, 2021.
- 20

21 Dated: August 9, 2021

BEST BEST & KRIEGER LLP

22
23 By: 

24 SHAWN HAGERTY
25 CHRISTOPHER M. PISANO
26 SARAH CHRISTOPHER FOLEY
27 PATRICK D. SKAHAN
28 Attorneys for Respondent and
Cross-Complainant
CITY OF SAN BUENAVENTURA

EXHIBIT A

**SANTA BARBARA CHANNELKEEPER V. SWRCB, CASE NO. 19STCP01176 -
DISCOVERY AND PRE-TRIAL SCHEDULE FOR PHASE 1 TRIAL**

DATE	
June 21, 2021	Discovery Stay is lifted for the issues to be tried in Phase 1 of Trial
August 31, 2021	City of Ventura's Expert Witness Disclosures, including Expert Witness Reports, pursuant to CCP § 843, due
September 24, 2021	Expert Witness Disclosures, including Expert Witness Reports, pursuant to CCP § 843, for State Water Resources Control Board, California Department of Fish and Wildlife, California State Parks, Casitas Municipal Water District, East Ojai Group, City of Ojai, and Proposing Parties (Ventura River Water District, Meiners Oaks Water District, Wood-Claeysens Foundation (Taylor Ranch), and Rancho Matilija Mutual Water Company) due Depositions of City experts cannot commence before this disclosure
October 15, 2021	Percipient Discovery Cut-Off Date All percipient discovery must be completed by this date
October 22, 2021	All Other Expert Witness Disclosures, including Expert Witness Reports, pursuant to CCP § 843, due
November 3, 2021	Deadline for any party to file a Motion for Summary Judgment or Summary Adjudication
December 10, 2021	Date for exchange of Supplemental Expert Disclosures, including Expert Witness Reports, pursuant to CCP § 843.
January 14, 2022	Expert Deposition Cut-Off. All expert discovery must be completed by this date.
January 21, 2022	Pre-Trial Statements, Exhibit Lists, Witness Lists, Motions in Limine, and Trial Briefs are Due.
January 21, 2022 at 10:00 a.m.	Hearing date for all Motions including Motions for Summary Judgment or Summary Adjudication (excludes Motions in Limine)
January 28, 2022	Responses to Motions in Limine are Due. Parties must exchange all exhibits.
February 2, 2022 at 10:00 a.m.	Final Status Conference, at 10:00 a.m. in Dept. SS10 Motions in Limine will be heard at the Final Status Conference.
February 14, 2022	Phase 1 Trial (First Day), at 10:00 a.m. in Dept. SS10 (10-15 day trial)