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CITY OF SAN BUENAVENTURA

12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

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

Case No. 19STCP01176

17 Petitioner,

Judge: Hon. William F. Highberger

18 v.

STATUS CONFERENCE REPORT

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

Date: September 20, 2021

Time: 9:00 a.m.

Dept: SS10

21 Respondents.

Action Filed: Sept. 19, 2014

Trial Date: Feb. 14, 2022

22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant,

24 v.

25 DUNCAN ABBOTT, an individual, et al.,

26 Cross-Defendants.
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1 2. DRONE FOOTAGE OF WATERSHED

2 In June and July of 2021, a drone operator obtained footage of twenty-four locations
3 throughout the Ventura River Watershed. The City will circulate the video footage to all parties
4 and will host a Zoom meet and confer meeting to discuss the footage and any objections in the
5 coming weeks. The City and Proposing Parties hope to present the final video at the October
6 2021 status conference.

7
8 3. ORDER TO SHOW CAUSE REGARDING SERVICE BY PUBLICATION

9 At the August 16, 2021 status conference, the Court set an Order to Show Cause hearing
10 for September 20, 2021 at 9:00 a.m. regarding service of the City’s Third Amended Cross-
11 Complaint by publication of the summons as to heirs and devisees of certain deceased Cross-
12 Defendants, and two unserved Cross-Defendants located behind gates and fences in the *Ventura*
13 *County Star*.

14 The City provided notice of the OSC to Ole Behrendtsen and Shanks Investments Group
15 LLC via overnight mail to each site address and hand delivery on Secretary of State on behalf of
16 Shanks Investment Group LLC on August 24, 2021. On September 9, 2021, the City received
17 Ole Behrendsten’s signed notice of acknowledgment of receipt. The City will submit the required
18 proposed order to the Court for approval of service by publication on the heirs and devisees and
19 service via delivery to the Secretary of State for Shanks Investments Group LLC on September
20 20, 2021

21
22 4. REQUESTS FOR ENTRY OF DEFAULT

23 The City has submitted approximately 1,380 request for entry of default, in a first phase of
24 requests, submitted in sixty-nine (69) groups of approximately twenty (20) parties each.
25 Approximately 780 defaults have been returned as entered. The Court is currently processing
26 approximately 600 pending requests. Once the Court has entered the pending 600 requests and in
27 cooperation with the Court, the City will file a second round of requests for defaults, which will
28 constitute approximately 500 additional requests for entry of default.

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5. ELECTRONIC SERVICE

On August 5, 2019, through the filing of their Joint Initial Status Conference Statement, the parties stipulated to request that electronic service by 5:00 p.m. be deemed same day personal service. On October 2, 2019, the Court ordered that all papers filed or lodged with the Court are to be served on File & ServeXpress by the party that generated the paperwork, in conformance with Code of Civil Procedure section 839. The City has been unable to locate an order regarding the request regarding electronic service in the August 5, 2019 Joint Initial Status Conference Statement. Thus, the City requests an order from the Court that electronic service on File & ServeXpress by 5:00 p.m. be deemed same day personal service for the purpose of calculating court deadlines.


6. CONCLUSION AND SUMMARY OF REQUESTS

The City respectfully requests that the Court consider taking the following actions at the September 20, 2021 status conference:

- Issue an order for service by publication at the OSC.
- Issue an order that electronic service on File & ServeXpress by 5:00 p.m. be deemed same day personal service.

Dated: September 13, 2021

BEST BEST & KRIEGER LLP

By: 
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Dated: September 13, 2021

HERUM CRABTREE SUNTAG

By: /s/ Jeanne Zolezzi (with permission)
JEANNE ZOLEZZI
Attorneys for Cross-Defendants
MEINERS OAKS WATER DISTRICT
and VENTURA RIVER WATER
DISTRICT