

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT SSC 10 HON. WILLIAM F. HIGHBERGER, JUDGE

SANTA BARBARA CHANNELKEEPER, A)
CALIFORNIA NON-PROFIT)
CORPORATION,)
)
PETITIONER,)
)
V.) NO. 19STCP01176
)
STATE WATER RESOURCES CONTROL)
BOARD, A CALIFORNIA STATE)
AGENCY, ET AL.,)
)
RESPONDENTS.)
)
)
AND RELATED CROSS-ACTION.)
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

DECEMBER 23, 2021

2:16 P.M.

APPEARANCES:

FOR RESPONDENT AND CROSS-COMPLAINANT CITY OF SAN
BUENAVENTURA:

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(APPEARANCES CONTINUED ON NEXT PAGE.)

REPORTED BY: RONALD L. COOK, CSR NO. 13928
OFFICIAL REPORTER PRO TEMPORE

1 APPEARANCES CONTINUED:

2

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TRANSCRIPT OF PROCEEDINGS

December 23, 2021

1 CASE NUMBER: 19STCP01176
2 CASE NAME: SANTA BARBARA CHANNELKEEPER V.
3 STATE WATER RESOURCES CONTROL
BOARD
4 LOS ANGELES, CA THURSDAY, DECEMBER 23, 2021
5 DEPARTMENT SSC-10 HON. WILLIAM F. HIGHBERGER, JUDGE
6 APPEARANCES: (AS HERETOFORE NOTED.)
7 REPORTER: RONALD L. COOK, CSR NO. 13928
8 TIME: 2:16 P.M.
9

10 THE COURT: OKAY. WE'RE ON THE RECORD IN
11 19STCP01176, SANTA BARBARA CHANNELKEEPERS VS. STATE
12 WATER RESOURCES CONTROL BOARD. WE HAVE MR. PISANO IN
13 COURT.

14 MR. PISANO: GOOD AFTERNOON, YOUR HONOR.

15 THE COURT: AND DO I HAVE CHRISTOPHER GUILLEN ON
16 THE LINE?

17 MR. GUILLEN: I'M HERE. THANK YOU, YOUR HONOR.

18 THE COURT: AND MS. JACOBSON, DEFENSE COUNSEL
19 FOR CITY OF OJAI?

20 MS. JACOBSON: YES, YOUR HONOR, I'M HERE.

21 THE COURT: AND MR. GREGG GARRISON, FOR CERTAIN
22 CROSS-DEFENDANTS?

23 MR. GARRISON: YES, YOUR HONOR. AND I AM
24 SPECIALLY APPEARING FOR ANDREW WHITMAN, WHO HAS NOT
25 BEEN ABLE TO MAKE A HOOKUP VIA COURTCALL.

26 THE COURT: AHA. OKAY.

27 I GOT A POSTING INDICATING MR. WHITMAN
28 INTENDED TO OPPOSE THE EX PARTE. IS THAT A CORRECT

1 UNDERSTANDING, MR. GARRISON?

2 MR. GARRISON: IT IS, AND MR. WHITMAN HAS
3 E-MAILED ME A BRIEF STATEMENT HE'D LIKE ME TO READ ON
4 HIS BEHALF.

5 THE COURT: GIVE ME A SECOND TO GET THE RELEVANT
6 EX PARTE IN FRONT OF ME SO I'M A LITTLE BETTER INFORMED
7 OF WHAT YOU'RE SHOOTING AT.

8 I'M STILL ASKING PRELIMINARY QUESTIONS,
9 MR. GARRISON. I'M GOING TO GET TO YOU SOON ENOUGH, BUT
10 BEAR WITH ME.

11 MR. GARRISON: THANK YOU, YOUR HONOR.

12 THE COURT: MR. PISANO, I'M LOOKING AT YOUR
13 EX PARTE AND THE PROPOSED ORDER, BUT I DON'T SEE THE
14 STIPULATED PROTECTIVE ORDER AS SUCH, WHICH YOU HOPED
15 THAT I WOULD SIGN. DO YOU KNOW WHEN THAT WAS LODGED
16 WITH THE CLERK OF THE COURT ELECTRONICALLY?

17 MR. PISANO: IT SHOULD HAVE BEEN LODGED
18 CONCURRENTLY WHEN WE FILED THE EX PARTE AND THE
19 PROPOSED ORDER.

20 THE COURT: BEAR WITH ME.

21 THERE IS SOMETHING DATED YESTERDAY, CALLED
22 "STIPULATION AND ORDER - CONFIDENTIAL DESIGNATION FOR
23 REGIONAL GROUNDWATER - SURFACE WATER FLOW MODEL."
24 THAT'S PRESUMABLY THE DOCUMENT.

25 MR. PISANO: THAT'S THE DOCUMENT, YOUR HONOR.

26 THE COURT: AND, MR. PISANO, IF I ADOPT THIS
27 ORDER -- WHICH IS BASICALLY BASED ON THE L.A. SUPERIOR
28 MODEL FORM, CORRECT?

1 MR. PISANO: CORRECT, YOUR HONOR.

2 THE COURT: WOULD MR. WHITMAN, AS A
3 SELF-REPRESENTED PARTY, WHICH I BELIEVE TO BE HIS
4 STATUS, BE ABLE TO GET ACCESS TO THE MODEL SUBJECT TO
5 THE TERMS OF THE PROTECTIVE ORDER?

6 MR. PISANO: MR. WHITMAN WOULD NEED TO JOIN THE
7 STIPULATION, AND THERE'S A PROVISION IN PARAGRAPH 9 FOR
8 HIM TO DO THAT. AND THE EXCHANGE THAT I HAD WITH
9 MR. WHITMAN THIS MORNING, THE E-MAIL EXCHANGE, WAS
10 THAT -- MR. WHITMAN INDICATED TO ME HE DOESN'T WANT THE
11 MODEL RIGHT NOW BECAUSE HE DOESN'T HAVE AN EXPERT WHO
12 CAN HELP HIM UNDERSTAND THAT, BUT THAT HE WANTS THE
13 FLEXIBILITY TO BE ABLE TO GET THE MODEL IF AND WHEN HE
14 GETS SUCH AN EXPERT.

15 THE COURT: IS MY MEMORY CORRECT THAT, ABSENT
16 THE COURTESY BEING PROVIDED BY MR. GARRISON,
17 MR. WHITMAN IS SELF-REPRESENTED?

18 MR. PISANO: YES, MR. WHITMAN, AS I UNDERSTAND
19 IT, IS A LICENSED ATTORNEY, HE IS REPRESENTING HIMSELF,
20 AND I BELIEVE THREE OR MAYBE FOUR OTHER PARTIES IN THE
21 ACTION.

22 THE COURT: WHICH IS CERTAINLY HIS RIGHT IF HE'S
23 **A LICENSED ATTORNEY IN CALIFORNIA.**

24 MR. PISANO: CORRECT.

25 THE COURT: BUT HE DOES HAPPEN TO BE
26 REPRESENTING HIMSELF AS WELL AS THESE CERTAIN OTHER
27 RELATED PARTIES?

28 MR. PISANO: CORRECT, YOUR HONOR.

1 THE COURT: OKAY.

2 IS THERE ANY PROVISION OF THIS PROPOSED
3 STIPULATED PROTECTIVE ORDER, MR. PISANO, THAT SETS UP A
4 NOW-OR-NEVER KIND OF DEADLINE FOR OBTAINING ACCESS?

5 MR. PISANO: NOT AT ALL, YOUR HONOR. IN FACT,
6 PARAGRAPH 9 SPECIFICALLY SAYS THAT IF ANYBODY ELSE
7 WANTS TO JOIN, THEY CAN ASK THE COURT, WITH NOTICE TO
8 THE OTHER PARTIES, TO JOIN SUBJECT TO THE SAME TERMS,
9 AND ANYBODY CAN ALSO MOVE TO MODIFY ANY TERMS THAT THEY
10 WISH TO MODIFY.

11 PROCEDURALLY -- OR LOGISTICALLY, IT WAS
12 EASIER TO NEGOTIATE THIS WITH THE THREE PARTIES WHO
13 WERE TELLING ME, "WE HAVE EXPERTS. WE WANT TO SEE YOUR
14 MODEL NOW." AND SO THAT'S WITH WHOM I NEGOTIATED.

15 THE COURT: THANK YOU.

16 MR. GARRISON, GO AHEAD. YOU WERE PROVIDING
17 COURTESY REPRESENTATION OF MR. WHITMAN, AS I
18 UNDERSTAND, BECAUSE OF HIS COMMUNICATION PROBLEMS?

19 MR. GARRISON: CORRECT, YOUR HONOR.

20 THE COURT: YOU MAY PROCEED.

21 MR. GARRISON: THIS IS A QUOTATION FROM THE
22 E-MAIL RECEIVED FROM MR. WHITMAN THIS MORNING.

23 "I ASKED IF I COULD BE INCLUDED IN THE
24 STIPULATION AND PROTECTIVE ORDER JUST IN CASE I DECIDE
25 TO RETAIN AN EXPERT OR AN ATTORNEY WHO HAS EXPERTISE IN
26 DEBUNKING COMPUTER MODELS. I DO NOT WANT TO BE FORCED
27 TO FILE A MOTION WITH THE COURT TO GET THE MODEL IF I
28 GO THAT ROUTE. BBK HAS TAKEN THE POSITION THAT THE

1 ARCHER MODEL CANNOT BE USED OR CONSIDERED BY ANY PARTY
2 WHO DOES NOT HAVE AN EXPERT. I AM GOING TO APPEAR AT
3 1:30 TODAY AND ARGUE:

4 "1. IF AN ATTORNEY IS PRECLUDED FROM
5 EXAMINING THE MODEL, THEN THE JUDGE IS ALSO, AND EITHER
6 THE MODEL SHOULD NOT BE ALLOWED IN EVIDENCE OR THE
7 JUDGE SHOULD BE REQUIRED TO RETAIN AN EXPERT TO ASSIST
8 HIM WITH UNDERSTANDING THE VALUE, IF ANY, OF COMPUTER
9 MODELS FOR ASSESSING GROUNDWATER BASINS.

10 "2. A PARTY IS ALWAYS ALLOWED TO ASK
11 QUESTIONS TO UNDERMINE THE FOUNDATION FOR AN EXPERT'S
12 OPINION, WHETHER THEY HAVE THEIR OWN RETAINED OR
13 DESIGNATED EXPERT OR NOT. FURTHERMORE, I AM ALLOWED TO
14 USE A NONDESIGNATED EXPERT TO ADVISE ON QUESTIONS ON
15 HOW TO DISCREDIT A COMPUTER MODEL. I CAN CHOOSE TO DO
16 THIS BEFORE ARCHER'S DEPOSITION OR BEFORE TRIAL, AND I
17 SHOULD NOT HAVE TO BRING A MOTION TO OBTAIN INFORMATION
18 CRITICAL TO THE DEFENSE OF MY CLIENTS.

19 "AND FINALLY 3. THE COURT SHOULD ORDER
20 THAT I GET A COPY OF THE MODEL SO LONG AS I STIPULATE
21 TO THE PROTECTIVE ORDER."

22 END QUOTATION.

23 THE COURT: ANYTHING FURTHER YOU WANT TO SAY ON
24 BEHALF OF MR. WHITMAN, MR. GARRISON?

25 MR. GARRISON: NO. THAT'S HIS WHOLE STATEMENT,
26 YOUR HONOR.

27 THE COURT: ANYTHING YOU WANT TO SAY ON BEHALF
28 OF YOUR OWN CLIENTS, WHICH I BELIEVE TO BE THE --

1 SEVERAL CROSS-DEFENDANTS, COMMONLY KNOWN AS THE EAST
2 OJAI GROUP?

3 MR. GARRISON: MR. GREGORY PATTERSON REPRESENTS
4 THE EAST OJAI GROUP.

5 THE COURT: MY APOLOGIES.

6 MR. GARRISON: YES.

7 ON BEHALF OF OUR CLIENTS, I HAVE BEEN IN
8 DISCUSSIONS WITH MR. PISANO AND MR. HAGERTY,
9 MR. PATTERSON AND MS. JACOBSON, AND AM ADVISED THAT I
10 COULD GET A COPY OF THE MODEL IF I WANT IT.

11 THE COURT: AND MR. PISANO, DO I UNDERSTAND
12 RIGHT, FROM WHAT YOU'VE SAID EARLIER TODAY ON THE
13 RECORD, THAT IF MR. WHITMAN SIGNS THE PROTECTIVE ORDER,
14 EVEN IN THE ABSENCE OF HAVING A DESIGNATED EXPERT, THAT
15 YOU WOULD PROVIDE THE MODEL, WITH THE UNDERSTANDING
16 THAT HE CANNOT THEN SHARE IT WITH OTHERS UNLESS AND
17 UNTIL THOSE PEOPLE ARE LIKEWISE BANNED FROM THE
18 PROTECTIVE ORDER?

19 MR. PISANO: THAT WAS NOT QUITE THE CONVERSATION
20 I HAD -- OR THE E-MAIL EXCHANGE I HAD WITH MR. WHITMAN.

21 THE COURT: FAIR ENOUGH. I'M TRYING TO
22 UNDERSTAND YOUR CURRENT POSITION.

23 MR. PISANO: RIGHT.

24 MY CURRENT POSITION IS THAT THE STIPULATION
25 IS -- IT COVERS THREE PARTIES, THE EAST OJAI GROUP,
26 CASITAS AND THE CITY OF OJAI, WHO ALL HAVE DESIGNATED
27 EXPERTS AND WHOSE ATTORNEYS HAVE ALL INDICATED, "OUR
28 EXPERTS NEED TO SEE THE MODEL FOR REBUTTAL PURPOSES OF

1 WHAT DR. ARCHER DID AND/OR FOR DEPOSITION
2 CROSS-EXAMINATION PURPOSES."

3 MR. GARRISON ASKED ME FOR A COPY OF THE
4 MODEL, BUT HIS EXPERT IS MR. KEAR, WHO IS THE SAME
5 EXPERT AS MS. JACOBSON, AND I INFORMED MR. GARRISON
6 THAT MR. KEAR IS ALREADY GOING TO BE GETTING THE MODEL
7 THROUGH MS. JACOBSON. AND THEN I DIDN'T HEAR BACK FROM
8 MR. GARRISON ON THAT.

9 SO MR. GARRISON IS TECHNICALLY GETTING
10 THIS, OR AT LEAST HIS EXPERT IS GETTING THIS, BUT
11 THAT'S THROUGH THE NEGOTIATIONS I HAD WITH MS. JACOBSON
12 THAT WENT INTO THE FORMULATION OF THIS DOCUMENT.

13 MR. WHITMAN REACHED OUT TO ME FOR THE FIRST
14 TIME TODAY, SAYING, "I WOULD LIKE THE MODEL. I WANT TO
15 JOIN YOUR STIPULATION." BUT HE DIDN'T SAY, "I WANT THE
16 MODEL"; HE SAID, "I JUST WANT TO BE ABLE TO GET THE
17 MODEL." HE SAID, "I DON'T EVEN WANT IT RIGHT NOW. I
18 MAY WANT IT IN THE FUTURE IF I GET AN EXPERT."

19 AND MY RESPONSE WAS, "WELL, I'M HESITANT TO
20 AGREE TO THAT. WHY DON'T WE TALK AFTER YOU GET AN
21 EXPERT, AND I WILL PROBABLY STIPULATE TO IT."

22 BUT I THINK IT'S PREMATURE. I DON'T THINK
23 IT'S RIGHT RIGHT NOW TO JUST ADD HIM TO THE
24 STIPULATION, BECAUSE THEN I WILL BE IN A POSITION OF DO
25 I GIVE IT TO MR. WHITMAN NOW? DO I HOLD IT BACK?

26 THE OTHER -- ONE OF THE FEATURES OF THIS
27 STIPULATION, YOUR HONOR, IS THAT A PARTY AND/OR HIS OR
28 HER EXPERT GETS ONE COPY, THAT HAS TO STAY ON ONE

1 COMPUTER. AND ON THAT COMPUTER, THEY CAN MANIPULATE IT
2 AND CHANGE IT AND PLAY AROUND WITH IT, IF YOU WILL.
3 BUT THE WHOLE POINT OF THE STIPULATION IS TO PREVENT A
4 MASS DISPERSAL OF THE MODEL, THAT ANYBODY CAN PLAY WITH
5 AND MANIPULATE AND CHANGE, WHICH THEN POTENTIALLY CAN
6 HAVE DETRIMENTAL CONSEQUENCES OUTSIDE OF A LITIGATION.
7 SO WE'RE TRYING TO CONTROL THE UNIVERSE OF WHO GETS TO
8 ACTUALLY MANIPULATE THE MODEL.

9 AND THAT'S -- THAT WAS VERY CAREFULLY
10 CRAFTED BETWEEN MYSELF AND MS. JACOBSON AND
11 MR. PATTERSON AND MR. JUNGREIS, ON BEHALF OF CASITAS,
12 WHO HAVE THEIR EXPERTS ALREADY.

13 AND, AGAIN, I'M HAPPY TO WORK WITH
14 MR. WHITMAN ONCE HE GETS AN EXPERT, BUT IF I GIVE HIM
15 THE MODEL NOW, IT'S GOING TO HAVE TO STAY ON HIS
16 COMPUTER, AND HIS EXPERT'S GOING TO HAVE TO COME TO HIS
17 OFFICE OR HOUSE, WHEREVER HIS COMPUTER IS. AND I THINK
18 IT WOULD BE A FAR BETTER APPROACH IF I MET AND
19 CONFERRED WITH MR. WHITMAN AFTER HE GOT HIS EXPERT AND
20 WHEN HE TRULY WANTED THE MODEL.

21 THE COURT: LET ME BACK UP AND ASK AGAIN ABOUT
22 DR. KEAR. K-E-A-R, I BELIEVE?

23 MR. PISANO: YEAH. MR. KEAR, YES.

24 THE COURT: MR. KEAR.

25 MR. KEAR, BEING BOTH AN EXPERT FOR CITY OF
26 OJAI AND FOR MR. WHITMAN --

27 MR. PISANO: NO.

28 THE COURT: OH, HE'S NOT.

1 MR. PISANO: MR. GARRISON, NOT MR. WHITMAN.

2 THE COURT: AH. SO MR. GARRISON HAS KEAR, BUT
3 WHITMAN HAS NOBODY SO FAR.

4 MR. PISANO: CORRECT.

5 THE COURT: OKAY.

6 MR. GARRISON: IF I CAN CLARIFY, YOUR HONOR.
7 THIS IS GREGG GARRISON SPEAKING. IN READING
8 MR. WHITMAN'S E-MAIL, IT'S A LITTLE DIFFERENT THAN
9 MR. PISANO SUGGESTS. MR. WHITMAN SAYS, "I DON'T WANT
10 TO BE FORCED IN A POSITION TO MAKE A MOTION." IT IS
11 MR. WHITMAN'S REPRESENTATION THAT BBK, QUOTE, "IS
12 TAKING THE POSITION THAT THE ARCHER MODEL CANNOT BE
13 USED OR CONSIDERED BY ANY PARTY WHO DOES NOT HAVE AN
14 EXPERT."

15 AND WHAT I BELIEVE MR. WHITMAN IS SAYING,
16 THAT HE INDEED DOES NOT HAVE AN EXPERT BUT WANTS THE
17 MODEL SO THAT HE CAN EXAMINE THAT MODEL WITH PERSONS
18 AVAILABLE TO HIM.

19 MR. PISANO: YOUR HONOR, THAT IS NOT WHAT
20 MR. WHITMAN TOLD ME THIS MORNING. I'M HOLDING HIS
21 E-MAIL RIGHT -- OR I'M LOOKING AT HIS E-MAIL RIGHT NOW.
22 IT SPECIFICALLY SAYS, "I HAVEN'T DECIDED YET WHETHER I
23 WANT THE MODEL, BUT I DON'T WANT TO HAVE TO GO TO COURT
24 TO APPROVE MY INCLUSION IN THE PROTECTIVE ORDER IF I
25 LATER DECIDE I WANT IT. I THINK THE EASIEST RESOLUTION
26 IS TO ADD ME TO THE STIP AND PROTECTIVE ORDER. AT THE
27 MOMENT I WOULDN'T KNOW WHAT I WAS LOOKING AT IF I
28 RECEIVED A COPY OF THE MODEL, SO DON'T CURRENTLY WANT A

1 COPY."

2 THAT'S HOW THIS ALL GOT STARTED WITH
3 MR. WHITMAN THIS MORNING.

4 THE COURT: IS CITY OF OJAI PAYING SOMETHING FOR
5 THE COST OF THE HARDWARE ON WHICH THE MODEL IS GOING TO
6 BE CONVEYED, OR ARE YOU GIFTING IT TO THEM?

7 MR. PISANO: WE FIGURED OUT A WAY TO SET UP A
8 SECURE INTERNET-BASED WEBSITE, AND AS I UNDERSTAND IT,
9 MR. KEAR AND THE EAST OJAI GROUP'S EXPERT, MR. BROWN,
10 AND CASITAS'S EXPERT, DR. MCCORD, ARE ALL GOING TO BE
11 GIVEN ACCESS, OR IF WE GET THEIR E-MAIL ADDRESSES, THEY
12 CAN GET INTO THE PORTAL, DOWNLOAD THE MODEL, AND THEN
13 THEY CAN HAVE WHAT DR. ARCHER HAS ON THEIR SPECIFIC
14 COMPUTER. AND THAT'S HOW WE'VE BEEN ABLE TO SET UP THE
15 EXCHANGE.

16 THE COURT: WHAT IF I SAID IN ORDER TO SHOW
17 CAUSE IN A MONTH WHY MR. WHITMAN SHOULDN'T, ON SUITABLE
18 CONDITIONS, BE ALLOWED ACCESS TO THE MODEL AS THE ONE
19 VARIATION ON JUST STRAIGHT OUT SIGNING THIS ORDER HERE
20 TODAY, AND AT THAT POINT, WITHOUT HIM HAVING TO MAKE A
21 MOTION, DETERMINE WHAT, IF ANY, CONDITIONS SHOULD
22 APPLY, PARTICULARLY IMPRESSING ON HIM THE IMPORTANCE OF
23 NOT TAKING THIS THING OUT AND HAWKING IT TO STRANGERS
24 ON THE STREET, FOR THE VERY FACT THAT THE SPIRIT AND
25 THE LETTER OF THE PROTECTIVE ORDER ARE TO BE HONORED?

26 MR. PISANO: IT WOULD BE -- I'M SORRY. IN ORDER
27 TO SHOW CAUSE RE --

28 THE COURT: WHY WE SHOULDN'T MODIFY THE ORDER

1 THAT I OTHERWISE ADOPT TODAY, TO ALLOW MR. WHITMAN TO
2 HAVE SIMILAR ACCESS TO THE MODEL SUBJECT TO ALL THE
3 TERMS OF THE PROTECTIVE ORDER PLUS ANY ADDITIONAL
4 CODICILS THAT THE CIRCUMSTANCES MAY WARRANT IF HE IS
5 PROCEEDING WITHOUT AN EXPERT.

6 MR. PISANO: I WOULD BE FINE WITH THAT, YOUR
7 HONOR.

8 THE COURT: MR. GARRISON, ANY COMMENTS ON YOUR
9 OWN BEHALF OR AS A PROXY FOR MR. WHITMAN?

10 MR. GARRISON: YOUR HONOR, THAT'S EXACTLY THE
11 RELIEF MR. WHITMAN WAS ASKING FOR IN HIS E-MAIL, AND
12 YOU SUCCINCTLY STATED IT, AND THAT'S ACCEPTABLE TO
13 MR. WHITMAN.

14 THE COURT: OKAY.

15 LET ME DOUBLE-CHECK WHEN THIS CASE IS
16 OTHERWISE BACK. DO YOU KNOW OFF THE TOP OF YOUR HEAD,
17 MR. PISANO?

18 MR. PISANO: YES, I DO, YOUR HONOR. JANUARY 18
19 WE'RE HERE ON SEVERAL MOTIONS FOR JUDGMENT ON THE
20 PLEADINGS.

21 THE COURT: OH, INDEED. OKAY.

22 I WILL SET AN ORDER TO SHOW CAUSE
23 RETURNABLE ON JANUARY 18 AT 1:30 P.M. WHY THE COURT
24 SHOULD NOT MODIFY THE STIPULATION AND PROTECTIVE
25 ORDER - CONFIDENTIAL DESIGNATION FOR REGIONAL
26 GROUNDWATER - SURFACE WATER FLOW MODEL TO ALLOW
27 CROSS-DEFENDANT WHITMAN ACCESS TO THE SAME MODEL ON THE
28 TERMS OF THAT STIPULATION, ALONG WITH ANY SUPPLEMENTAL

1 PROVISIONS THAT CIRCUMSTANCES MAY WARRANT.

2 IF HE'S PROCEEDING WITHOUT A RETAINED
3 EXPERT AT THAT JUNCTURE, MR. WHITMAN CAN PROVIDE
4 SUPPLEMENTAL PAPERS IN SUPPORT OF WHY HE SHOULD GET
5 WHAT HE WANTS WITH ONLY THE CONDITIONS SET FORTH IN
6 THAT ORDER OR SOME VARIATION THEREON. HE WILL BE GIVEN
7 UNTIL JANUARY 7TH TO MAKE AN OPTIONAL FILING, AND THE
8 CITY OF VENTURA IS GIVEN UNTIL JANUARY 13 TO PROVIDE A
9 RESPONSE THERETO, WITH THE CITY OF VENTURA TO GIVE
10 NOTICE OF ALL PARTIES DUE NOTICE IN THIS ENTIRE CASE.

11 ALDWIN, IS THE DOCUMENT OTHERWISE IN MY
12 WORK QUEUE?

13 THE CLERK: YES, YOUR HONOR.

14 THE COURT: SO UNDER THOSE CIRCUMSTANCES, I
15 WOULD NOW ADOPT THE ORDER, SUBJECT ONLY TO ADDING THAT
16 ORDER TO SHOW CAUSE ON THE DOCKET.

17 IS THAT SUFFICIENT FROM YOUR POINT OF VIEW,
18 MR. GARRISON, AS BEST AS YOU UNDERSTAND MR. WHITMAN'S
19 DESIRES?

20 MR. GARRISON: IT IS, YOUR HONOR. THANK YOU.

21 THE COURT: MR. PISANO, IS THIS ACCEPTABLE?

22 MR. PISANO: THAT IS ACCEPTABLE TO CITY OF
23 SAN BUENAVENTURA, YOUR HONOR.

24 THE COURT: MS. JACOBSON OR MR. GUILLEN WISH TO
25 BE HEARD?

26 MS. JACOBSON: NO, YOUR HONOR.

27 MR. GUILLEN: NO, YOUR HONOR.

28 THE COURT: SO BEAR WITH ME.

1 I AM APPROVING A STIPULATION, AND I ALSO
2 NEED TO GRANT YOUR EX PARTE, I GUESS, TO GET SOMETHING
3 HEARD ON SHORTENED TIME, MR. PISANO? OR I DON'T REALLY
4 HAVE TO GRANT YOUR EX PARTE?

5 MR. PISANO: YOU DON'T, IF YOU'RE GOING TO SIGN
6 THE STIPULATION AND PROTECTIVE ORDER. THAT WAS THE --
7 THE PURPOSE FOR THE EX PARTE, WAS TO BRING THAT IN AND
8 BRING IT BEFORE THE COURT, BUT ALSO TO MAKE SURE THAT
9 ALL PARTIES HAD AN OPPORTUNITY TO WEIGH IN, GIVEN THAT
10 ALL PARTIES TO THIS LAWSUIT ARE NOT PARTIES TO THE
11 STIPULATION.

12 THE COURT: FAIR ENOUGH. I'M GOING TO SIGN
13 BOTH.

14 I WILL GRANT YOUR EX PARTE AS WELL AS
15 GRANTING THE ORDER. I'M DOING IT IN THE REVERSE ORDER,
16 BUT IN ANTICIPATION, I'M GOING TO GRANT THE EX PARTE,
17 SO, AGAIN, MY CLERK WILL WORK A LITTLE UPSIDE DOWN,
18 BUT --

19 OKAY. SO STIPULATION IS IN THE REAR-VIEW
20 MIRROR. LET ME GET TO THE EX PARTE.

21 SO I KNOW WE HAVE AN ORDER ON THE EX PARTE.

22 ANYTHING ELSE PROPERLY BEFORE THE COURT IN
23 THIS CASE THIS AFTERNOON, MR. PISANO?

24 MR. PISANO: NO, YOUR HONOR.

25 THE COURT: MR. GARRISON, ANYTHING MORE?

26 MR. GARRISON: NO, YOUR HONOR.

27 THE COURT: OTHER COUNSEL HAVE ANYTHING ELSE FOR
28 THIS WATER CASE THIS AFTERNOON?

1 MS. JACOBSON: NO, THANK YOU, YOUR HONOR.

2 MR. GUILLEN: NO, YOUR HONOR.

3 THE COURT: OKAY. YOUR EX PARTE HAS BEEN SIGNED
4 AND APPROVED BY MYSELF, AND IT'S ON ITS WAY FOR FINAL
5 CLERICAL PROCESSING. IT SHOULD SHOW UP IN OUR PUBLIC
6 WEBSITE WITHIN AN HOUR.

7 MR. PISANO: THANK YOU, YOUR HONOR.

8 THE COURT: OKAY.

9 (THE PROCEEDINGS WERE CONCLUDED AT
10 2:36 P.M.)

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TRANSCRIPT OF PROCEEDINGS


December 23, 2021

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT SSC 10 HON. WILLIAM F. HIGHBERGER, JUDGE
4 SANTA BARBARA CHANNELKEEPER, A)
CALIFORNIA NON-PROFIT)
5 CORPORATION,)
6 PETITIONER,)
7 V.) NO. 19STCP01176
8 STATE WATER RESOURCES CONTROL)
BOARD, A CALIFORNIA STATE)
9 AGENCY, ET AL.,)
10 RESPONDENTS.)
11 _____)
AND RELATED CROSS-ACTION.)
12 _____)

REPORTER'S CERTIFICATE

14 I, RONALD L. COOK, CSR, CCR, CRR, RDR, FAPR,
15 CSR NO. 13928, OFFICIAL PRO TEM COURT REPORTER OF THE
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
17 COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
18 FOREGOING PAGES, 1 THROUGH 14, INCLUSIVE, COMPRISE A
19 TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN
20 THE ABOVE-ENTITLED MATTER REPORTED BY ME ON THURSDAY,
21 DECEMBER 23, 2021.

23 DATED: DECEMBER 29, 2021.

24 
25 _____
26 _____

27 RONALD L. COOK, CSR NO. 13928
28 OFFICIAL PRO TEM COURT REPORTER

TRANSCRIPT OF PROCEEDINGS

December 23, 2021

-	7	ADVISED 8:9	APPROVED 16:4	6:28 11:11
---O---	7TH	AFTERNOON 3:14 15:23,28	APPROVING 15:1	BEAR 4:10,20 14:28
16:11	14:7	AGREE 9:20	ARCHER 7:1 9:1 11:12 12:13	BEHALF 4:4 7:24,27 8:7 10:11 13:9
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