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 8 Water Resources Control Board

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

13 **SANTA BARBARA CHANNELKEEPER,**
 14
 15 Petitioner,

16 v.

17 **STATE WATER RESOURCES CONTROL**
BOARD, a California State Agency; CITY
 18 **OF BUENAVENTURA, a California**
municipal corporation,

19 Respondents.

20 **CITY OF SAN BUENAVENTURA,**
 21 **California municipal corporation,**
 22 Cross-Complainant,

23 v.

24 **DUNCAN ABBOTT, an individual; et al.,**
 25 Cross-Defendants.

Case No. 19STCP01176

**DECLARATION OF MARC N.
 MELNICK IN RESPONSE TO CASITAS
 MUNICIPAL WATER DISTRICT'S
 JOINDER**

Date: January 20, 2022
 Time: 1:30 p.m.
 Dept.: 10
 Judge: Honorable William Highberger
 Trial Date: February 14, 2022 (Phase
 One)
 Action Filed: September 19, 2014

1 I, Marc N. Melnick, declare:

2 1. I am a Deputy Attorney General at the Office of the Attorney General for the State of
3 California. I am a member of the Bar of the State of California, and I am assigned to this matter
4 to represent the State Water Resources Control Board in this action.

5 2. The State Water Resources Control Board does not object to the Court granting the
6 East Ojai Group's ex parte application to continue the trial date to June 13, 2022.

7 3. The declaration of Jeremy N. Jungreis accompanying Cross-Defendant Casitas
8 Municipal Water District's joinder to the ex parte application makes reference to conversations
9 about documents related to the State Water Resources Control Board's groundwater-surface water
10 model. However, that declaration is incomplete, and I am filing this declaration to ensure the
11 record is clear. Mr. Jungreis's declaration omits my last communication to him regarding this
12 issue, which occurred by email on January 6, 2022. Attached as Exhibit A is a true and correct
13 copy of my January 6, 2022 email.

14 4. Mr. Jungreis has not, to date, responded to my January 6, 2022 email.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct. Executed on January 19, 2022 at Albany, California.

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19 _____
Marc N. Melnick

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22 SB ChK decl re Casitas joinder.docx
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EXHIBIT A

EXHIBIT A

Marc Melnick

From: Marc Melnick
Sent: Thursday, January 6, 2022 10:30 AM
To: 'Jungreis, Jeremy'
Cc: Noah GoldenKrasner; Matthew Bullock
Subject: RE: Ventura matter and Meet and Confer Over Date of Rebuttal Report Submission

Jeremy, I have had time to go through your email. I'm trying to work with you, but I really don't see the issue.

We have produced a mountain of data with our September 24, 2021 and December 3, 2021 expert disclosures. And that is on top of what the SWRCB provided to the general public when it released the preliminary draft model on August 31, 2021 and December 17, 2021. I find it hard to believe that there is anything useful that you don't have. And we certainly have provided everything required by Code of Civil Procedure section 843.

At the last court hearing I was there in person, on December 9, 2021, I told you that the SWRCB would be responding to Casitas's record request. But I also specifically told you if your folks think there is something specific that is missing to let me know and I'll try to get that to you. That offer remains. If there is something specific that you think has not been provided, let me know, and I'll see if it even exists and try to get it to you. I have heard nothing from you about this request since then, not even after the SWRCB sent its response on December 17, 2021, until I saw your email this morning.

Your email raises the issue of updates to the model. That should be nothing surprising. This model is being developed in a public process, not for this litigation. The August 31, 2021 version was a preliminary draft, and we told everyone then that another draft would be coming out in December 2021. My understanding is that the changes are not significant, and have nothing to do with the issues in this phase one trial, but they are detailed in our December 3, 2021 expert report. The expert reports have been very transparent in describing what version of the model is being used. You can certainly ask follow up questions about it in the depositions.

You also raise the issue of the response to Casitas's Public Records Act request. Of the five items requested, two have been provided completely. The bulk of the response to the other three items has already been provided with the expert disclosures on September 24, 2021 and December 3, 2021. Your client has had that literally for weeks. We were going to provide anything remaining yesterday, in connection with the East Ojai Group's deposition notice, but that does not need to be provided until those depositions are rescheduled. If you want, I can talk to the SWRCB about providing that sooner, but it would be much more efficient for both of us if you just take me up on my offer to provide any specific documents you are looking for. Let me know.

None of this has anything to do with the rebuttal deadline tomorrow. All of the SWRCB's experts' opinions are stated in their reports. That is what you should be rebutting, if you think that is appropriate. And you can ask any questions in the depositions, once those are rescheduled.

Marc

From: Jungreis, Jeremy <JJungreis@rutan.com>
Sent: Wednesday, January 5, 2022 10:51 PM
To: Holly J. Jacobson <hjj@bkslawfirm.com>; Christopher Pisano <Christopher.Pisano@bbklaw.com>; Marc Melnick <Marc.Melnick@doj.ca.gov>; Patterson, Gregory <G.Patterson@musickpeeler.com>; Gregg Garrison <gsgarrison@garrisonlawcorp.com>; Daniel Cooper <daniel@sycamore.law>; Noah GoldenKrasner <Noah.GoldenKrasner@doj.ca.gov>