

1 SHAWN HAGERTY, Bar No. 182435
shawn.hagerty@bbkllaw.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@bbkllaw.com
6 SARAH CHRISTOPHER FOLEY, Bar No. 277223
sarah.foley@bbkllaw.com
7 PATRICK D. SKAHAN, Bar No. 286140
patrick.skahan@bbkllaw.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
16 SANTA BARBARA CHANNELKEEPER, a
California non-profit corporation,

17 Petitioner,

18 v.

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

21 Respondents.

22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.
27
28

Case No. 19STCP01176

Judge: Honorable William F. Highberger

NOTICE OF RULING

Date: June 21, 2021

Time: 1:30 p.m.

Dept: SS10

Action Filed: Sept. 19, 2014

Trial Date: February 14, 2022

1 whom service was recently attempted at new addresses, and/or Cross-Defendants
2 that, despite diligent efforts, remain unserved at their tax assessor mailing or
3 physical addresses. The City was ordered to deliver the Notice of the OSC
4 hearing, along with Notices and Acknowledgments of receipt to the final unserved
5 Cross-Defendants, via overnight mail no later than June 23, 2021. Any opposition
6 to the issuance of an order for service by publication must be filed and served no
7 later than June 28, 2021.

- 8
- 9 5. The Court signed the Order Directing Service of Summons by Delivery to the
10 California Secretary of State for 7 unserved Cross-Defendant corporate entities.
- 11
- 12 6. Cross-Defendants Claude and Patricia Baggerly were directed to file and re-serve,
13 without any substantive changes, their Notice of Motion and Motion Requesting
14 the Court to Appoint a Scientific Advisor for Hydrology, with a suggestion to set it
15 for hearing on July 19, 2021. Changes may only be made as set forth in the Court's
16 July 21st tentative ruling regarding signing the Declaration, filing with the Court
17 clerk, and paying the \$60 filing fee. Any previously filed oppositions will stand.
- 18
- 19 7. The Court requested that the City meet and confer with Cross-Defendants Gerrold
20 and Karen Grigsby regarding the issues laid out in their May 26, 2021 letter to the
21 Court, served June 16, 2021.
- 22
- 23 8. The Court ordered the City to file with the Court and to serve on File & Serve
24 Xpress a list of the 10 to 20 most important documents supporting interconnection
25 between groundwater and surface water in the Ventura River Watershed by June
26 25, 2021.
- 27
- 28

1 9. The Court granted the City's Motion to Bifurcate and Partial Lifting of the
2 Discovery Stay for matters relevant to the Phase 1 trial on the basin and watershed
3 boundaries and interconnectivity. The Court lifted the discovery stay only as to
4 Phase 1 matters. The Court scheduled a bench trial for 10 to 15 days starting on
5 February 14, 2022 at 10:00 a.m., with a pretrial conference set for February 2,
6 2022 at 10:00 a.m. The Court set a further status conference to address a pre-trial
7 discovery and a law and motion schedule on July 6, 2021 at 2:00 p.m. and ordered
8 the parties to meet and confer. City will serve a joint report on File & Serve
9 Xpress by noon on July 2, 2021 and file it with the Court that day. Unilateral
10 reports may also be filed.

11
12 10. The Court heard argument on initial disclosures regarding those who signed
13 stipulations to the physical solution, and the Court withdrew its tentative ruling
14 requiring initial disclosures. The Court directed the State to explain to the Court
15 why stipulating parties should be required to provide initial disclosures at this
16 time.

17
18 11. The Court did not consent to the lodgment of the proposed physical solution and
19 judgment. Court will hear argument and consider this topic at the July 6, 2021
20 Status Conference. Any objections to the lodgment of the proposed physical
21 solution must be in writing and filed and served no later than July 6, 2021.

22
23 12. The Court modified the time of the further Status Conference on July 19, 2021 and
24 scheduled it for 3:00 p.m. The Court ordered that a joint status report and/or any
25 unilateral status reports be filed and served by July 12, 2021.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: July 2, 2021

BEST BEST & KRIEGER LLP


By: 
SHAWN HAGERTY
CHRISTOPHER M. PISANO
SARAH CHRISTOPHER FOLEY
PATRICK D. SKAHAN
Attorneys for Respondent and
Cross-Complainant
CITY OF SAN BUENAVENTURA

EXHIBIT A



19STCP01176 Santa Barbara Channelkeeper v. State Water Resources Control Board

June 21, 2021 Tentative Rulings

Note: While Claude and Patricia Baggerly served a purported “Notice of Motion and Motion Requesting the Court to Appoint a Scientific Advisor, etc.” on May 10, 2021 on File & ServeXpress, the Court has no record of such a document ever being presented for filing and no record of the mandatory \$60.00 filing fee having been paid. Therefore, while a number of Opposition papers were filed and a Reply was filed, there is no motion on calendar to be heard. Further, the purported Motion is not in proper form for filing because it and the purported Declaration are unsigned, and would have been rejected by this Court for this reason even if filed with a fee paid. (Code Civ. Proc., § 128.7(a) (“Every pleading, petition, written notice of motion, or other similar papers . . . if the party is not represented by an attorney, shall be signed by the party.”). Self-represented parties are not excused from complying with the basic rules of procedure.

City of San Buenaventura’s Motion to Bifurcate and to Partially Lift Stay: Grant in part and set Phase I trial for February 2022.

No party has opposed the bifurcation request, as such. The only dispute is the timeline to a Phase I trial. The City of San Buenaventura’s (“Ventura”) trial date of November 2021 is unfair to the most interested cross-defendants. The East Ojai Group’s “end of 2022” trial date for Phase I is too desultory. The Court thinks the State Agencies’ suggestion of a February 2022 trial date is a reasonable compromise of the due process rights to Ventura’s opponents versus the strong public need to move this case forward so that a resolution can be had within our lifetimes. A firm date in February 2022 will be decided at the hearing and the parties will be ordered to meet and confer in the next 30 days to agree upon a discovery and motion schedule.

Ventura’s June 16 Ex Parte Application for Order to Allow Service by Publication: Grant.

The Court is unaware of any opposition filed as to the Ex Parte Application for Order to Allow Service by Publication as to these 92 property owners living behind locked gates. Sufficient notice has been given by alternative means to such persons, and use of publication notice is justified based on the unique circumstances present here. If there is any opposition to issuance of such an Order, file a written Opposition in this docket by June 28, 2021.

Ventura’s June 18 Ex Parte Application for Order to Show Cause re Service by Publication: Grant and Issue OSC Returnable June 30, 2021 at 9:30 a.m.

The Court is unaware of any opposition filed as to the Ex Parte Application for Order to Show Cause. Proper notice has been given and use of publication notice appears justified based on the unique circumstances present here as to the 50 cross-defendants evading service, the 23 cross-defendants living behind locked gates, and the six named cross-defendants who are deceased.¹ If

¹Query as to the deceased: If Ventura tries to get a default and default judgment against a deceased person without going through probate proceedings, does it have a judgment of any value? Also, if Ventura really should be suing the successor in interest or heir, does it obtain a judgment of any value when only the deceased person is named? These concerns do not, however, counsel against giving cross-complainant the benefit of an Order allowing service of a deceased person by publication for whatever good it may do this party.

there is any opposition to issuance of such an Order, file a written Opposition in this docket by June 28, 2021.

Ventura’s June 18 Ex Parte Application to Serve Seven Corporate Cross-Defendants via Secretary of State: Grant.

The Court is unaware of any opposition filed as to the Application. Proper notice has been given and use of service via the Secretary of State is justified based on the unique circumstances present here.

Further Status Conference:

1. Ventura is asked to address the concerns expressed in the letter to the Court sent by Karen and Gerrold Grigsby, which this Court served on all parties via File & ServeXpress on June 15, 2021.
2. Why is the Stipulation for Dismissal and [Proposed] Order served June 17, 2021 as between petitioner Santa Barbara Channelkeeper and Ventura signed on behalf of Santa Barbara Channelkeeper by Daniel Cooper as “Attorneys for Cross-Defendants,” not as Attorney for Petitioner?
3. The Court has reviewed the State’s submission explaining how the modeling process has been underway “[s]ince 2016,” with a contractor hired four years ago in June 2017 and with a revised delivery date of December 2021 for an updated draft model with a preliminary draft issued sooner in August 2021. “The perfect is the enemy of the good,” per Voltaire, and the State Agencies’ approach proves the wisdom of this adage. Please do everything possible to get the preliminary draft deliverable by August 2021 and no later.
4. The Court agrees with the State that ALL parties need to provide initial disclosures of their historic well water usage so that we can determine if Code of Civil Procedure § 850(b) can be invoked by the City and so we know the historic productive capacity of the groundwater basin(s). Having incomplete data caused by lack of responses from those consumptive users who have signed Stipulations and [Proposed] Orders for Entry of Judgment will hinder this process. Time extension requests are legitimate and the Court has signed all such Stipulations and Orders that it has received to date.