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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: November 23, 2021

Time: 1:30 p.m.

Dept: SS10

21 Respondents.

Action Filed: Sept. 19, 2014

Trial Date: February 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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NOTICE OF RULING

On November 23, 2021, the parties appeared at a further status conference, 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 granted the motion by the Loa E. Bliss Revocable Trust, Loa E. Bliss, and David A. Gilbert, trustees (Bliss) to designate Jordan Kear as an expert. The Court ordered Bliss to submit Jordan Kear’s expert disclosures about the Upper Ojai Basin by December 15, 2021; supplemental expert disclosures regarding Mr. Kear’s December 15th report are due on January 18, 2022; and rebuttal expert disclosures regarding Mr. Kear’s report are due February 1, 2022. Attached hereto as Exhibit A is the tentative ruling issued by the Court on November 22, 2021.
2. As set forth in the Court’s tentative ruling, attached as Exhibit A hereto, the Court granted the motion of Casitas Municipal Water District to serve untimely expert witness disclosures as a co-designation of the City of Ojai’s already-served expert report. The supplemental disclosure deadline remains December 3, 2021, and all other expert deadlines apply.
3. The Court set a deadline of January 7, 2022 for all rebuttal expert disclosures other than the Kear/Upper Ojai Basin rebuttal disclosures, as set forth in number 1.
4. The Court directed the City of Ventura (City) to file and serve notice of the order to show cause hearing for December 9, 2021 at 2:30 p.m. as to why the Court should not issue an order establishing (1) the boundaries of the Ventura River Watershed (Watershed), as defined by the U.S. Geological Survey (USGS) National Hydrography Dataset and Watershed Boundary Dataset; and (2) the

1 boundaries of the Watershed's four groundwater basins, as defined by the
2 California's Department of Water Resources (DWR) in Bulletin 118, in advance of
3 the Phase 1 Trial.

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5 5. The Court scheduled a hearing on the City of Ojai's motion for judgment on the
6 pleadings for January 18, 2022 at 1:30 p.m. Briefs are due per the Code of Civil
7 Procedure.

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9 6. The Court set a November 30, 2021 deadline for the City's Supplemental Brief re
10 Phase 1 Trial Issues and a December 7, 2021 deadline for any response to the
11 City's Supplemental Brief. Any objections to the City's Request for Judicial
12 Notice regarding the Phase 1 Trial Issues are due December 8, 2021.

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14 7. On December 6, 2021, the Court will post suggestions for how to structure the
15 argument on the December 9, 2021 regarding Phase 1 Trial Issues.

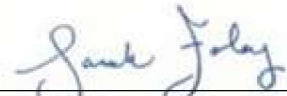
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17 8. A copy of the Court's Minute Order dated November 23, 2021 is attached hereto
18 as Exhibit B¹.

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26 _____
27 ¹ The City believes that the Minute Order needs to be corrected to indicate that the Court considered extending but
28 ultimately did not extend the current expert discovery cutoff date. The City will request that this be addressed at the
December 9, 2021 status conference.

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Dated: December 6, 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

EXHIBIT A



19STCP01176 Santa Barbara Channelkeeper v. SWRCB

Nov. 23, 2021 Tentatives

NOTE: Case will be called at 10:30 a.m., not 9 a.m.

Motion Of Loa Bliss, As Trustee, Etc., For Extension Of Time Re Disclosure Of Experts: Granted

City of Ventura has now consented to the motion on condition that new expert Jordan Kear's report be served by December 15, 2021 with the City given until January 18, 2022 (Jan. 17 being a public holiday) to provide its own Supplemental Disclosure in response thereto.

Motion of Casitas Municipal Water District ("Casitas MWD") Motion To Serve Untimely Expert Witness Disclosures: Granted

The expert whom this party wants to designate, Jordan Kear, has already been designated by a similarly situated cross-defendant (City of Ojai), and no additional opening disclosure is contemplated by Casitas MWD. If now co-designated by this party, this expert will have a right to make a Supplemental Declaration specific to the interests of this party whereas he previously would only have been retained to advance the interests of a similarly situated, but not identically situated, cross-defendant. This does not amount to any material prejudice to City of Ventura. (The Court is applying a "prejudice" standard whether this is seen to be controlled by C.C.P. § 843 or C.C.P. § 2034.720.) That additional factual information will be provided to the Court via expert testimony is not "prejudice," even if it requires City of Ventura and its counsel to do more work. The same is true even if the expert testimony provided for the benefit of Casitas MWD happens to tip the scales in Casitas' favor at time of trial.

The Court does believe that the current deadline for presentation of Supplemental Reports by Kear and any other disclosed expert should remain December 3, 2021, not December 10, 2021. The Court would propose that the newly set deadline for Rebuttal Experts be January 10, 2021 except as to issues relating to the Upper Ojai Basin. As to that subject, the Court would propose a February 1, 2022 deadline, following the City of Ventura's January 18, 2022 Supplemental Disclosure deadline.

EXHIBIT B

EXHIBIT B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

19STCP01176

November 23, 2021

**SANTA BARBARA CHANNELKEEPER vs STATE WATER
RESOURCES CONTROL BOARD, et al.**

9:00 AM

Judge: Honorable William F. Highberger
Judicial Assistant: P. Martinez
Courtroom Assistant: R. Sanchez

CSR: Tracy Dyrness, CSR# 12323
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Respondent(s): Jeremy N. Jungreis for Douglas J. Dennington; Shawn David Hagerty

NATURE OF PROCEEDINGS: Hearing on Motion - Other Late Designation of Experts;
Hearing on Motion - Other Late Designation of Experts by Loa Bliss; Further Status Conference

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Tracy Dyrness, CSR# 12323, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matters are called for hearing.

The parties have been previously provided with the Court's tentative ruling.

Motion of Loa Bliss, As Trustee, Etc., For Extension Of Time Re Disclosure Of Experts:
Granted

After hearing oral argument, The Court rules as follows:

Motion of Casitas Municipal Water District ("Casitas MWD") Motion To Serve Untimely
Expert Witness Disclosures: Granted

The deadline for presentation of Supplemental Reports by Kear and any other disclosed expert remains December 3, 2021.

The Court sets the deadline for Rebuttal Experts for January 7, 2022. The Upper Ojai Basin rebuttal expert deadline is 2/01/22.

Discovery cut-off is modified to 02/10/22.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

19STCP01176

November 23, 2021

SANTA BARBARA CHANNELKEEPER vs STATE WATER

9:00 AM

RESOURCES CONTROL BOARD, et al.

Judge: Honorable William F. Highberger

CSR: Tracy Dyrness, CSR# 12323

Judicial Assistant: P. Martinez

ERM: None

Courtroom Assistant: R. Sanchez

Deputy Sheriff: None

City of Ventura is to give notice.

Order to Show Cause Re: Why The Court Shouldn't Determine Certain Watershed Boundaries According To The Terms Of Notice Of Hearing Filed By City Of Ventura is scheduled for 12/09/21 at 02:30 PM in Department 10 at Spring Street Courthouse.

Hearing on Motion for Judgment on the Pleadings (City of Ojai) is scheduled for 01/18/22 at 01:30 PM in Department 10 at Spring Street Courthouse.

City of Ventura is to file brief regarding the Antelope Evaluations case by 11/30/21.

City of Ojai is to file a response by 12/07/21.

Deadline for objections to Judicial Notice is 12/08/21.

City of Ojai to give notice.

On 12/06/21 the Court will post the structure for the 12/09/21 hearing.

City of Ventura is to give notice.

**** Additional Appearances****

(telephonic)

Peter Duchesneau for Aera Energy, LLC

Gina Angiolillo for AGR Breeding, Inc.

Brian E. Moskal for Baldwin Ranch, LLC

Noah Golden-Krasner for California Department of Fish & Wildlife

Christopher Pisano for City of Buenaventura

Holly Jacobson for City of Ojai

Claude R. Baggerly for Claude R. Baggerly

Ryan Blatz for Erica J. Abrams

Laura R. Schreiner

Loa E. Bliss (Roe 27)

Neal Maguire for Rancho Matilija Mutual Water Company

Gregg Garrison for Rosanna Garrison

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

19STCP01176

November 23, 2021

SANTA BARBARA CHANNELKEEPER vs STATE WATER

9:00 AM

RESOURCES CONTROL BOARD, et al.

Judge: Honorable William F. Highberger

CSR: Tracy Dyrness, CSR# 12323

Judicial Assistant: P. Martinez

ERM: None

Courtroom Assistant: R. Sanchez

Deputy Sheriff: None

Daniel Cooper for Santa Barbara Channelkeeper

Scott Slater for Santa Barbara Channelkeeper

Adam Kear for Senior Canyon Mutual Water Company

Marc N. Melnick for State Water Resources Control Board

William Carter for The Thacher School

Nathan Metcalf for Ventura County Watershed Protection District

Jeanne M. Zolezzi for Ventura River County Water District

Brad Herrema for Wood-Claeyssens Foundation