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## FURTHER TRIAL READINESS CONFERENCE STATEMENT

Defendant and Cross-Complainant City of San Buenaventura (Ventura) submits this further trial readiness conference statement (Statement) in advance of the further trial readiness conference scheduled for February 25, 2022 at 1:30 p.m. On February 18, 2022, Ventura emailed a draft of this Statement to all parties who have appeared and invited input and joinder. Aera Energy LLC, the Wood-Claeyssens Foundation, Ventura River Water District, Meiners Oaks Water District, California Department of Parks and Wildlife, the State Water Resources Control Board, and Rancho Matilija Mutual Water Company have joined this Statement, as reflected on the signature page.

### PRE-TRIAL SCHEDULE

The Parties are continuing to prepare for Phase 1 Trial and are completing the following remaining tasks:

| DATE              | EVENT  |
|-------------------|--|
| February 23, 2022 | Report for further trial readiness conference, organized by City of Ventura, is due. |
| February 24, 2022 | Expert deposition cut-off  |
|                   | All expert discovery must be completed by this date.                                 |
| February 25, 2022 | Further trial readiness conference at 1:30 p.m., in Dept. SS10                       |
| March 2, 2022     | Pre-trial statements, motions in limine, and trial briefs are due.                   |
| March 4, 2022     | Joint exhibits list and joint witness list are due.                                  |
| March 8, 2022     | Responses to motions in limine are due.  |
|                   | Parties must exchange all exhibits.  |
| March 11, 2022    | Final status conference at 1:30 p.m., in Dept. SS10; hearing on motions in limine    |
| March 16, 2022    | Phase 1 Trial begins at 8:30 a.m. in Dept. SS10 (15-day trial estimate)              |

### II. **EXPERT DEPOSITIONS**

The Parties continue to work to complete expert depositions by the February 24, 2022 cutoff date. The following experts have been deposed or will be deposed:

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| EXPERT                                   |
|--|
| Douglas R. Littlefield, Ph.D. [complete] |
| Charles Hanson [complete]                |
| Jordan Kear [complete]                   |
| Anthony Brown [started but not           |
| complete]                                |
| Kyle Evans [complete]                    |
| Al Preston, Ph.D., PE [complete]         |
| Gregory Schnaar, Ph.D., PG [complete]    |
| James T. McCord, Ph.D., P.E. [complete]  |
| Tamara Klug [not started]                |
| Claire Archer, Ph.D. [started but not    |
| complete]                                |
| Randall T. Hanson [complete]             |
| Anthony Brown, continued                 |
|  |

The parties need to reschedule the deposition of Tamara Klug, which did not proceed on February 15, 2022 due an issue concerning the videotaping of the deposition. This issue has been resolved with the Court's assistance, and the Parties anticipate rescheduling and completing Ms. Klug's deposition the week of February 21<sup>st</sup>.

# III. MEET AND CONFER RE JOINT EXHIBIT AND WITNESS LISTS

The Parties who are expected to participate in the Phase 1 Trial have begun the meet and confer process on the preparation of joint witness and trial exhibit lists. On February 15, 2022, Ventura proposed the following meet and confer schedule to complete these tasks:

- The Parties who filed an intent to participate in the Phase 1 Trial, and those who have indicated that they will file an application for leave to participate, will exchange witness and exhibit lists on February 23, 2022, in the format as ordered by the Court at the February 14<sup>th</sup> Trial Readiness Conference.
- On February 25, 2022, these Parties will then meet and confer via Zoom in an attempt to finalize joint witness and exhibit lists.
- Given the anticipated volume of exhibits and witnesses, the meet and confer conference will likely not conclude on the first day, and these Parties will agree to reconvene the following week to complete the joint exhibit and witness list in the form as ordered by the Court, so that these lists can be filed on March 4, 2022.

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Ventura has provided counsel for these Parties shells of exhibit and witness lists in Microsoft Word format so that the Parties' individual lists can be merged into joint lists once they are exchanged.

Thus far, Ventura River Water District, Meiners Oaks Water District, the Wood-Claeyssens Foundation, and the State Agencies have responded with a concurrence to this schedule. Counsel for City of Ojai responded that they are willing to meet and confer on February 25<sup>th</sup>, but they may not be able to complete witness and exhibit lists by February 23<sup>rd</sup>. No other Party that has filed an intent to participate in the trial has responded to Ventura's proposed schedule.

The Parties will continue these meet and confer efforts.

#### IV. CONCLUSION

The Court's assistance may be required in order for all Parties who have filed a notice of intent to participate in the Phase 1 Trial to meet and confer and complete the joint witness and exhibit lists by the Court's deadline.

Dated: February 23, 2022

BEST BEST & KRIEGER LLP

SHAWN D. HAGERTY CHRISTOPHER M. PISANO SARAH CHRISTOPHER FOLEY PATRICK D. SKAHAN Attorneys for Defendant and Cross-

Complainant CITÝ OF SAN BUENA VENTURA

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On December 2, 2021, Cross-Defendant Aera Energy LLC ("Aera") filed its Notice Regarding Participation in Phase 1 Trial ("Aera's Notice"). Consistent with Aera's Notice, Aera does not intend on actively participating in the Phase 1 trial in light of the Order Establishing Watershed and Basin Boundaries entered by the Court on January 13, 2022, which reserves issues raised by Aera regarding the connectivity of the Lower Ventura Basin with geologic formations employed for oil and gas-related operations and the "exempt aquifer" below the Lower Ventura Basin as defined by the California Department of Conservation Geologic Energy Management Division and the U.S. Environmental Protection Agency under the federal Safe Drinking Water Act for future phases of the trial, if not otherwise addressed by stipulation of the parties.

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