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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES
10

11 SANTA BARBARA CHANNELKEEPER, a
California non-profit corporation,
12

13 Petitioner,

14 v.

15 STATE WATER RESOURCES CONTROL
BOARD, a California State Agency; CITY OF
16 SAN BUENAVENTURA, a California
municipal corporation, incorrectly named as
17 CITY OF BUENAVENTURA,
18

Respondents.

19 CITY OF SAN BUENAVENTURA, a
California municipal corporation,
20

21 Cross-Complainant,

22 v.

23 DUNCAN ABBOTT, an individual, et al.,
24

Cross-Defendants.

Case No. 19STCP01176

**CROSS-DEFENDANT ROBERT
MARTIN'S RESPONSE TO CITY OF SAN
BUENAVENTURA'S BRIEF REGARDING
EXPERT DISCOVERY SCHEDULE**

Date: July 19, 2021
Time: 3:00 p.m.
Dept: SS10

Action Filed: September 19, 2014
Trial Date: February 14, 2022

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{039437 v1}

1 Cross-Defendant Robert Martin (“Martin”) respectfully offers this Response to the Brief
2 filed by Cross-Complainant City of San Buenaventura regarding the timing and sequence of expert
3 witness disclosures in this case. The State Water Resources Control Board (“SWRCB”) and
4 California Department of Fish & Wildlife (“CDFW”), as well as other cross-defendants, also have
5 filed briefs with the Court on this matter. We agree with their arguments and can, therefore, state
6 our concerns succinctly:

7 1. Code of Civil Procedure § 843(d) expressly gives this Court the ability to control
8 the sequence of expert discovery.

9 2. Despite diligent efforts, Martin has not yet been able to engage an expert witness.
10 Not surprisingly, there is a finite number of available experts on the hydrogeologic area and
11 boundaries of the Ojai Basin. Those experts of which we are aware have already been engaged by
12 the City and/or other cross-defendants. We are in discussions with certain cross-defendants
13 regarding possibly sharing experts pursuant to a joint defense agreement. That effort has been
14 slowed and hampered by (a) possible conflicts of interest between the various cross-defendants,
15 and (b) the overall costs of such experts and allocations of those costs amongst the parties. We
16 will continue those efforts but do not know how or when they will conclude.

17 3. The City has been in this case for at least 5-6 years. Martin has been in the case for
18 only about 7 months. Other similarly-situated Ojai Basin cross-defendants have been in the case
19 even less time. The City seems determined to take full advantage of that situation. The Court
20 should even the playing field, at least to some extent, by requiring the City to make its expert
21 disclosures first, and then give cross-defendants sufficient time for their experts to evaluate the
22 City’s expert reports and prepare their own opinions. The City’s recent disclosures of the
23 documents and reports on which its experts will rely contains 34 separate reports and other
24 documents, many of which are very lengthy, and most of which contain or refer to detailed
25 analyses of the relevant geology, hydrogeology and other highly complex issues. It is simply
26 unreasonable and unfair for the City to expect lay persons like Martin and the other Ojai Basin
27 cross-defendants to find and engage experts, ask them to review the mountains of information
28 listed by the City, do their own independent analyses, and then prepare their expert reports, all


1 within the next 30-60 days.

2 We agree with SWRCB and CDFW that the City should disclose its experts and reports
3 first, and that the Court should then give cross-defendants at least twelve (12) weeks to make their
4 own disclosures.

5
6 Dated: July 14, 2021

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9 By: _____


David A. Ossentjuk, Esq.
Attorney for Cross-Defendant,
ROBERT MARTIN, an individual

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1 **PROOF OF SERVICE OF ELECTRONIC TRANSMISSION**
2 **VIA FILE & SERVE XPRESS**

3 *Santa Barbara Channelkeeper v. State Water Resources Control Board, et al.*

4 **Los Angeles Superior Court Case No.: 19STCP01176**

5 STATE OF CALIFORNIA, COUNTY OF VENTURA

6 At the time of service, I was over 18 years of age and **not a party to this action**. I am
7 employed in the County of Ventura, State of California. My business address is 2815 Townsgate
8 Road, Suite 320, Westlake Village, California 91361.

9 On July 14, 2021, I served the originals true copies of the following document(s)
10 described as **CROSS-DEFENDANT ROBERT MARTIN'S INITIAL DISCLOSURES (CCP**
11 **§ 842)** on the interested parties in this action as follows:

12 **All Parties served via File and Serve Express**

13 **BY ELECTRONIC MAIL TRANSMISSION:** I electronically served the document(s)
14 described above via File & ServeXpress, on the recipients designated on the Transaction
15 Receipt located on the File & ServeXpress website (<https://secure.fileandservexpress.com>)
16 pursuant to the Court Order establishing the case website and authorizing service of
17 documents.

18 I declare under penalty of perjury under the laws of the State of California that the above is
19 true and correct.

20 Executed on July 14, 2021, at Westlake Village, California.

21 
22 Sandra Bigelow

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