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CITY OF SAN BUENAVENTURA

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER, a  
California non-profit corporation,

Petitioner,

v.

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

Respondents.

CITY OF SAN BUENAVENTURA, etc.,

Cross-Complainant,

v.

DUNCAN ABBOTT, an individual, et al.,

Cross-Defendants.

EXEMPT FROM FILING FEES PURSUANT  
TO GOVERNMENT CODE SECTION 6103

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

JUL 12 2021

Sherril R. Carter, Executive Officer/Clerk of Court

By: Kristina Vargas, Deputy

Case No. 19STCP01176

Judge: Hon. William F. Highberger

STATUS CONFERENCE REPORT

Date: July 19, 2021

Time: 3:00 p.m.

Dept: SS10

Action Filed: Sept. 19, 2014

Trial Date: Feb. 14, 2022

STATUS CONFERENCE REPORT

Defendant and Cross-Complainant City of San Buenaventura (City) submits this status conference report (Report) in advance of the status conference scheduled for July 19, 2021 at 3:00 p.m. On July 8, 2021, the City emailed a draft of this Report to all parties who have appeared and invited input and joinder. The City revised the draft Report based on feedback from the State Water Resources Control Board, Department of Fish and Wildlife, California State Parks. Consistent with the Court's instructions, some parties may submit their own status conference reports.

1. UPDATE RE DEFAULTS

The City is in the process of requesting defaults for 1,376 Cross-Defendants. As of July 12, 2021, the City has filed 594 requests for entry of default in packages 1 through 30, with 20 requests per package. Seven requests were rejected by the Court, including one that has been resubmitted and six that will be resubmitted to the Court. The Court has accepted and processed the remainder. The City will file another 789 requests for defaults for this initial group of non-appearing Cross-Defendants. The City also anticipates having to request defaults of approximately 400 non-appearing Roe Cross-Defendants in the upcoming months.

Defaults submitted	594
Defaults rejected, to be resubmitted	6
Defaults not yet processed by the Court	1
Defaults accepted	587
Defaults to be submitted for initial group	789
TOTAL	1376

2. PROPOSED DISCOVERY AND PRETRIAL SCHEDULE FOR PHASE 1

Pursuant to the Court's instructions at the July 6, 2021 status conference, the City submitted a discovery schedule brief on July 9, 2021. The City requests that the Court set a discovery and pretrial schedule for phase 1 at the July 19, 2021 status conference.

3. INITIAL DISCLOSURES

At the July 6, 2021 status conference, the Court determined that parties who have stipulated to the proposed physical solution do not need to serve Initial Disclosures until after March 1, 2022, when the Court will reconsider this issue. Certain stipulating parties have represented to the City that they are either non-pumpers/non-water diverters or *de minimis* users of water (i.e., they divert or extract fewer than five acre feet of water from the Watershed per year).<sup>1</sup> Based on a request from a party that contends it is a *de minimis* user but is not currently a stipulating party, there is a question about whether the Court's determination on this issue should apply to all *de minimis* users. It is the City's position that parties that do not currently pump or divert water from the Ventura River Watershed or parties that constitute *de minimis* users should not have to serve Initial Disclosures until after March 1, 2022. Initial disclosures are not relevant to Phase 1 trial, and requiring these parties to submit Initial Disclosures will not provide meaningful information that appears to be relevant to any issue pending in Phase 1.

4. LODGMET OF PROPOSED PHYSICAL SOLUTION

Pursuant to the Court's instructions at the July 6, 2021 status conference, on July 12, 2021, the City, together with Cross-Defendants the Ventura River Water District, Meiners Oaks Water District, the Wood-Claeyssens Foundation, and the Rancho Matilija Mutual Water Company, will lodge and serve the public review draft of the proposed physical solution dated May 17, 2021. Pursuant to the Court's instructions and meet and confer, the proposed physical solution will clearly indicate that it is a draft document, and the Section 8 Findings will be redacted. The City will also file and serve a notice of lodgment.

<sup>1</sup> These representations are set forth in the individual stipulations.  
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5. ORDER TO SHOW CAUSE REGARDING SERVICE BY PUBLICATION

On June 30, 2021, the Court conducted an order to show cause (OSC) hearing regarding service by publication of remaining unserved Cross-Defendants in response to the City's request to file an application for an order for service by publication. At the hearing the Court continued the OSC to July, 6, 2021 at 2:00 p.m. At the July 6, 2021 status conference, the Court granted the City's request to continue the OSC hearing to the July 19, 2021 status conference. Since the June 30, 2021 hearing, the City has received 5 signed notices of acknowledgment of receipt and served 5 additional Cross-Defendants. There are currently 61 unserved Cross-Defendants. In addition, one corporation was served. The City will provide notice of the OSC and will submit the required paperwork to the Court to request the approval of an order for service by publication on July 19<sup>th</sup>.

6. CONCLUSION AND SUMMARY OF REQUESTS

The City respectfully requests that the Court consider taking the following actions at the July 19, 2021 status conference:

- Issue an order setting a discovery plan and pretrial schedule for Phase 1 trial.
- Confirm whether the Court's determination on Initial Disclosures applies to all *de minimis* and non-users.
- Issue an order for service by publication at the OSC.

Dated: July 12, 2021

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By: 

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Dated: July 12, 2021

HERUM CRABTREE SUNTAG

By: /s/ Jeanne Zolezzi

JEANNE ZOLEZZI

Attorneys for Cross-Defendants Meiners  
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PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the action herein; my business address is Best Best & Krieger LLP, 2001 N. Main Street, Suite 390, Walnut Creek, CA 94596. On July 12, 2021, I served the following document(s):

**STATUS CONFERENCE REPORT**

- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Walnut Creek, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.
- ☐ I caused such envelope to be delivered via overnight delivery. Such envelope was deposited for delivery by United Parcel Service following the firm's ordinary business practices.
- ☒ by transmission via **E-Service to File & ServeXpress** to the person(s) set forth below. Local Rules of Court 2.10 (P).
- ☒ **By e-mail or electronic transmission.** I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on July 12, 2021 at Walnut Creek, California

  
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