

1 GENE TANAKA, Bar No. 101423
gene.tanaka@bbklaw.com
2 SARAH CHRISTOPHER FOLEY, Bar No. 277223
sarah.foley@bbklaw.com
3 DAKOTAH BENJAMIN, Bar No. 316446
Dakotah.Benjamin@bbklaw.com
4 BEST BEST & KRIEGER LLP
2001 N. Main Street, Suite 390
5 Walnut Creek, California 94596
Telephone: (925) 977-3300
6 Facsimile: (925) 977-1870

7 SHAWN HAGERTY, Bar No. 182435
shawn.hagerty@bbklaw.com
8 BEST BEST & KRIEGER LLP
655 West Broadway, 15th Floor
9 San Diego, California 92101
Telephone: 619.525.1300
10 Facsimile: 619.233.6118

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,
16 a California non-profit corporation,
17 Petitioner,
18 v.
19 STATE WATER RESOURCES
20 CONTROL BOARD, etc., et al.,
21 Respondents;

22
23 CITY OF SAN BUENAVENTURA, etc.,
24 Cross-Complainant
25 v.
26 DUNCAN ABBOTT, an individual, et al.
27 Cross-Defendants.
28

Case No. 19STCP01176
Judge: Honorable William F. Highberger
Exempt From Filing Fees Pursuant to Cal.
Gov't Code § 6103
NOTICE OF RULING REGARDING STATUS
CONFERENCE
Date: Nov. 1, 2019
Time: 1:30 p.m.
Dept: SS10
Action Filed: Sept. 19, 2014
Trial Date: Not Set

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

NOV 05 2019

Sherri R. Carter, Executive Officer/Clerk of Court
By , Deputy
Steven Drew

NOTICE OF RULING

1
2
3 On November 1, 2019, the parties appeared at the Status Conference, the Honorable
4 William F. Highberger, Judge Presiding. The parties stated their appearances on the record. The
5 Court listened to the comments of counsel and made the following orders, observations, and
6 instructions.

7
8 The Court would like further briefing on the issue of whether the Third Amended Cross-
9 Complaint (“3rd Am. Cross-Complaint”) proposed by Defendant and Cross-Complainant City of
10 San Buenaventura (“City”) may proceed based on both in personam jurisdiction and in rem
11 jurisdiction against cross-defendants. City, Cross-Defendant Casitas Municipal Water District
12 (“Casitas”) and Cross-Defendant Wood-Claeyssens Foundation (“Foundation”) shall serve and
13 file a joint brief on this issue on or before November 15, 2019. City shall serve drafts on all
14 parties prior to November 15, 2019.

15
16 The Senior Court Administrator provided City with the form of the spreadsheet to list: (1)
17 the new party cross-defendants who own land riparian to the Ventura River and its tributaries
18 (“Riparian Landowners”) and who own land that is both riparian to the Ventura River and its
19 tributaries, and overlies one of the Ventura River Watershed’s Groundwater Basins (“Riparian
20 and Overlying Landowners”); and (2) the entities subject to notice under the Groundwater
21 Adjudication Statutes who own land overlying the Ventura River Watershed’s Groundwater
22 Basins (“Overlying Landowners”). This information will not be filed under seal unless it meets
23 the requirements of California Rules of Court 2.550 – 2.551.

24
25 The Court stated that the 3d Am. Amended Cross-Complaint must specifically state in the
26 prayer for relief the limitation on the water rights of parties who will be defaulted and the
27 Overlying Landowners who do not appear in the lawsuit.
28

1 The Court instructed City to submit a revised Notice of Commencement of Groundwater
2 Basin and Watershed Adjudication (“Notice”) that: (1) more specifically advises the Overlying
3 Landowners of the potentially adverse consequences if they do not appear in the lawsuit; (2)
4 initial capitalizes the term “Form Answer”; (3) revises p. 5 (vi) to first discuss electronic service
5 of Form Answers and other pleadings, and then discusses filing those pleadings; (4) explains the
6 Courthouse where pleadings are filed is separate from the Courthouse where the case will be
7 heard; and (5) revises p. 6 (vii) to identify the Judicial Council form and related link for indigent
8 parties to seek a fee waiver.

9
10 The Senior Court Administrator is checking the Court’s phone number listed in the
11 Notice. The Court also asked if any party objected if City does not serve the 3rd. Am. Cross-
12 Complaint with the Notice, and no party objected. Accordingly, the Court informed the City it
13 does not need to include the 3rd Am. Cross-Complaint with the Notice.

14
15 The Court further instructed City to revise the Form Answer to have the Overlying
16 Landowners: (1) state his or her name, address, and phone number on the caption if he or she
17 appears in pro per; and (2) state his or her parcel number in the body of the Form Answer.


18
19 The Court set the next Status Conference for November 21, 2019, at 2:00 p.m. The Court
20 ordered City to file a Joint Status Report with Channelkeeper and Casitas on November 19, 2019.
21 City’s Motion for Approval of Notice and Form Answer shall trail until the next Status
22 Conference on November 21, 2019, at 2:00 p.m.

23
24 Counsel for was City instructed to provide a notice of ruling regarding the November 1,
25 2019 Status Conference.

1 Dated: November 5, 2019

BEST BEST & KRIEGER LLP

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

By: 

GENE TANAKA
SHAWN HAGERTY
SARAH CHRISTOPHER FOLEY
DAKOTAH BENJAMIN
Attorneys for Respondent and
Cross-Complainant
CITY OF SAN BUENAVENTURA