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12 CITY OF SAN BUENAVENTURA

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

15 SANTA BARBARA CHANNELKEEPER,
a California non-profit corporation,

16 Petitioner,

17 v.

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

20 Respondents.

Case No. 19STCP01176

Judge: Honorable William F. Highberger

CITY OF SAN BUENAVENTURA'S
RESPONSE TO ANDREW K. WHITMAN,
HEIDI A. WHITMAN, NANCY L.
WHITMAN AND JOHN R. AND NANCY L.
WHITMAN FAMILY TRUST'S
STATEMENT RE CITY REFUSAL TO
PRODUCE EXPERT
DOCUMENTS/MATERIALS

22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.

Date: January 18, 2022
Time: 1:30 p.m.
Dept.: 10

Action Filed: Sept. 19, 2014
Trial Date: Feb. 14, 2022

1 Defendant and Cross-Complainant City of San Buenaventura (Ventura) submits this
2 response to the Statement re City Refusal to Produce Expert Documents/Materials filed by
3 Andrew K. Whitman, et al. (Whitman). The Whitman statement is based on a false premise.
4 Ventura has not “refused” to produce its expert’s model, in fact, Whitman has yet to even ask for
5 it. As Whitman’s statement makes clear, he has indicated that he might want it in the future, and
6 if he does, he does not want to have to go into Court to add himself to the Stipulation and
7 Protective Order. That is fine with Ventura, and if Whitman wants a copy of the model, Ventura
8 will provide him an electronic transfer, provided he signs the Stipulation and Protective Order.

9 However, by this response, Ventura makes one request of Whitman, which should apply
10 to any other party who, like Whitman, does not have an expert, but for whatever reason wishes to
11 have a copy of the model. Ventura’s request is that Whitman, and any others who are similarly
12 situated, confirm that they have ArcGIS software or a Graphical User Interface (GUI) for
13 modeling loaded onto the computers on which they would like to view and analyze the model.


14 It is Ventura’s understanding that in order to view all of the model input files and the
15 maps depicting the model components, the computer on which the model is located needs to have
16 software known as ArcGIS, or at least a GUI. As Ventura understands, ArcGIS software has
17 specific and highly technical mapping features that allow a user to prepare and/or view the maps
18 that are a part of the model. GUI software is not comparable to ArcGIS, but it at least provides a
19 way to view the model grid, and the model’s inputs and outputs. These software packages are
20 commonly used by engineers and other technical professionals, like hydrogeologists, but are not
21 commonly used by other types of professionals, like lawyers, and they are not standard software
22 that is preloaded onto computers sold at retail. If Whitman’s computer does not have ArcGIS
23 software, or at least a GUI, he will likely not be able to examine or otherwise view any of the
24 model components in any kind of meaningful way. He will be able to see spreadsheets of
25 inputted data, however, this data will have no context. There will be a lot of numbers on a page,
26 but the numbers will not correspond to any of the locations in any of the surface watercourses or
27 groundwater basins at issue. If a party wants access to the model and does not have ArcGIS or at
28 least at GUI, Ventura questions what litigation purpose this could possibly have.

1 Ventura further notes here that under the terms of the Stipulation and Protective Order, if
2 an electronic link is sent to Whitman and he loads it onto his computer, he will not be able to
3 transfer the model to any other computer, unless it is in a “read-only” format. So Whitman will
4 not be able to download the model, and then transfer it to an expert should he retain one at a later
5 date. The Stipulation and Protective Order is clear; that is not allowed. Thus, Whitman, and
6 anyone else who wants the model but does not have an expert, should at a minimum confirm to
7 Ventura and the Court that they have the ArcGIS software or a GUI that is needed to view model
8 maps already loaded onto their computers.

9 Alternatively, if Whitman does not have the ArcGIS software or a GUI but still wants to
10 see the model, Ventura would be willing to make arrangements for Whitman to examine the
11 model on a computer at Ventura City Hall, at a date and time to be agreed upon by the parties, or,
12 if access for an in-person examination is not available due to the COVID-19 pandemic, Ventura is
13 willing to have a remote meeting with Whitman, show him the model through a shared screen,
14 and Whitman can then ask questions and/or make requests to run different scenarios or see
15 different features of the model, and Ventura will assist Whitman in doing so.

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17 Dated: January 13, 2022

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