



1 Claude R. and Patricia E. Baggerly  
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6 In Pro. Per.

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF LOS ANGELES

9 SANTA BARBARA CHANNELKEEPER,  
10 A California non-profit corporation,  
11  
12 Petitioner/Plaintiff,

13 v.

14 STATE WATER RESOURCES CONTROL  
15 BOARD, a California State Agency,  
16 CITY OF SAN BUENAVENTURA, a California  
17 municipal corporation.

18 Respondent/Defendant

) Case No. 19STCPO1176

) Judge: Honorable William F. Highberger

) **NOTICE FOR JOINDER MOTION IN  
SUPPORT OF MOTION FOR JUDGEMENT  
ON THE PLEADINGS BY ANDREW  
WHITMAN**

) Date: December 20, 2021

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

19  
20 CITY OF SAN BUENAVENTURA, a California  
21 municipal corporation, incorrectly named as  
22 CITY OF BUENA VENTURA,

23 Cross-Complainant

24 v.

25 Duncan Abbott, an individual. et al.,

26 Cross-Defendants

1 NOTICE IS HEREBY GIVEN that Cross-Defendants, Claude and Patricia Baggerly, do  
2 hereby join in, and provide this Notice of Motion regarding, the Motion for Judgment on  
3 the Pleadings of Cross-Defendants Andrew K. Whitman, Heidi A. Whitman, Nancy L.  
4 Whitman and the John R. and Nancy L. Whitman Family Trust, to be heard on January  
5 18, 2022 at ? a.m., or as soon thereafter as the matter may be heard, in Department 10 of  
6 the above-entitled court located at 312 North Spring Street, Los Angeles, California.


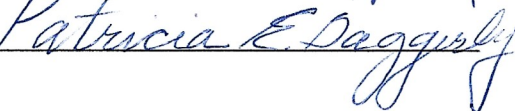
7 Cross-Defendants, Claude and Patricia Baggerly, by this Notice of Joinder and Notice of  
8 Motion regarding the above referenced motion, will and do hereby move, pursuant to  
9 Code of Civil Procedure section 438 and other applicable statutes and case law, for an  
10 Order granting summary judgment on the pleadings in favor of Cross-Defendants, Claude  
11 and Patricia Baggerly and against Cross-Complaint City of San Buenaventura on the  
12 Sixth Cause of Action of the Third Amended Cross-Complaint:

13 1. The Sixth Cause of Action for Comprehensive Adjudication of the Third Amended  
14 Cross-complaint fails to state facts sufficient to constitute a cause of action and is beyond  
15 the jurisdiction of the court to issue an order adjudicating groundwater rights as against a  
16 property owner overlying groundwater of the Upper Ventura River Groundwater Basin  
17 (UVRGB). (Code Civ. Proc. § 438 (c)(1)(B)(i) and (ii)).

18 The joinder in the motion is based upon the Notice of Motion and Memorandum of  
19 Points and Authorities filed by the Whitman Cross-Defendants, the court's complete files  
20 and such other matters as may be filed with the court.

21 DATED: December 20, 2021

Claude R. & Patricia E. Baggerly

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23 

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 A party may join in another party's Motion for Judgment on the Pleadings so long as the  
3 joining party timely serves and files a Notice of Joinder and articulates all facts necessary  
4 to the motion. Cross-Defendants, Claude and Patricia Baggerly, are timely filing and  
5 serving this Notice of Joinder/Notice of Motion regarding the Motion for Judgment on  
6 the Pleadings of Cross-Defendants Andrew K. Whitman, Heidi A. Whitman, Nancy L.  
7 Whitman and the John R. and Nancy L. Whitman Family Trust.

8 Joinder is proper because Joining Cross-Defendants are similarly situated to the  
9 moving party as a cross-defendant sued solely based upon ownership of property  
10 overlying the Upper Ventura River Goundwater Basin (UVRGB). The Third Amended  
11 Complaint (3ACC) does not assert facts establishing that the joining parties have ever  
12 extracted groundwater from the UVRGB and even if the 3ACC had stated such facts, the  
13 3ACC fails to state facts showing that the joining cross-defendants used groundwater in a  
14 manner that was not reasonable or beneficial. Furthermore, the 3ACC fails to state facts  
15 demonstrating the City of San Buenaventura has standing the assert the sixth cause of  
16 action for a comprehensive adjudication in that it fails to demonstrate via material fact  
17 that the CITY has any claim to groundwater rights of the UVRGB.

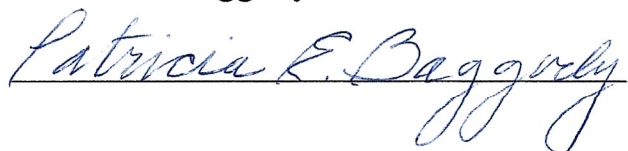
18 For the reasons stated above and in Motion for Judgment on the Pleadings by the  
19 Whitman cross-defendants, the Baggerly cross-defendants respectfully requests that said  
20 Motion, as joined in by the Baggerly cross-defendants, be granted and that judgment be  
21 entered in favor of Baggerly cross-defendants and against the CITY on the sixth cause of  
22 action of the 3ACC.

23 Dated: 20 December 2021.

24 Claude R. Baggerly

  
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26 Patricia E. Baggerly

  
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