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**OSSENTJUK & BOTTI**  
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS  
ATTORNEYS AT LAW  
2815 TOWNSGATE ROAD, SUITE 320  
WESTLAKE VILLAGE, CALIFORNIA 91361  
TELEPHONE: 805.557.8081  
FACSIMILE: 805.456.7884

David A. Ossentjuk (Bar No. 130384)  
DOssentjuk@oandblawyers.com

Attorney for Cross-Defendant,  
ROBERT MARTIN, an individual

**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, a California State Agency; CITY OF  
SAN BUENAVENTURA, a California  
municipal corporation, incorrectly named as  
CITY OF BUENAVENTURA,

Respondents.

CITY OF SAN BUENAVENTURA, a  
California municipal corporation,

Cross-Complainant,

v.

DUNCAN ABBOTT, an individual, et al.,

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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& BOTTI  
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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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