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Attorneys for Respondent and Cross-Complainant
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.

Case No. 19STCP01176

Judge: Honorable William F. Highberger

STATUS CONFERENCE STATEMENT

Date: February 27, 2020
Time: 1:45 p.m.
Dept: SS10

Action Filed: Sept. 19, 2014
Trial Date: Not Set

STATUS CONFERENCE REPORT

Pursuant to the Court's Order on January 24, 2020, the Court trailed the Status Conference until February 27, 2020, at 1:45 p.m. Accordingly, Defendant and Cross-Complainant City of San Buenaventura ("City") submits this Status Conference Report. Counsel for City sent a draft of this Report to counsel via email on February 14, 2020 and February 19, 2020, and did not receive any objections or requested edits. This Report will discuss a request for an extension of time to respond to the Third Amended Cross-Complaint and related matters, service and notices regarding the Third Amended Cross-Complaint, and the technical presentation to the Court that is currently scheduled for February 27, 2020 .

1. EXTENSION OF TIME TO RESPOND AND RELATED MATTERS

Numerous parties who have been named as Cross-Defendants in the Third Amended Cross-Complaint or persons who received the Notice of Commencement of Groundwater Basin and Watershed Adjudication ("Notice of Commencement") have asked for more time to respond. They would like to evaluate the status of the settlement discussions and the case generally to consider whether they will appear in the case. Since they may not appear, they would like to avoid having to pay the $435 first appearance fee and/or hiring an attorney. Their time to respond will expire shortly (starting on or after March 8, 2020). City would like to accommodate their concerns and requests that the Court grant a six month extension until September 08, 2020 for filing responses to the Third Amended Cross-Complaint.

The extension of time will not slow the progress of the case. The consumptive users who are currently in negotiations will continue to work diligently to try to settle the case. They have had weekly calls among the consumptive user attorneys. They have also created a Technical Advisory Committee of client representatives to address technical concerns. This Committee has met four times since January 17, 2020. City hopes it will have a proposed physical

solution/stipulated judgment to present to Respondent and Intervenor State Water Resources Control Board ("Water Board"), Intervenor California Department of Fish and Wildlife ("DFW"), and Plaintiff Santa Barbara Channelkeeper ("Channelkeeper") within the requested extension period, and then will start negotiations with them.

The extension also should not prejudice any parties. In the event City and Channelkeeper are involved in motion practice regarding interim flows at Foster Park, City will not assert that the Court cannot grant relief on interim flows because all of the parties are not present in the lawsuit because of the extension, but City reserves all other defenses to such claims.

In addition, City requests that the obligation of parties who have appeared to provide initial disclosures be continued for six months although it will ask for informal disclosure of such parties' production for each of the past five years to assist the settlement discussions.

City asked all parties whether they had any opposition to the extension to answer on February 13, 2020, and as the filing of this Report, parties said they supported or did not oppose the request, and no parties stated opposition. Therefore, concurrently with this Statement, City has filed an Ex Parte Application for Extension of Time to Serve Pleading, attached hereto as Exhibit A.

City has also filed an Ex Parte Application for Extension of Time to File Proof of Service, attached hereto as Exhibit B, in light of the numerous parties it has had to serve. City has been diligently effecting service of the Third Amended Cross-Complaint on the named Cross-Defendants since filing, has personally served approximately 1,000 Cross-Defendants, and will file numerous proofs of service by March 2, 2020. However, despite exercising diligence, City has been unable to serve approximately 300 Cross-Defendants for a variety of reasons, e.g., Cross-Defendants are refusing to answer the door to the process server; Cross-Defendants' properties are gated/fenced, and the process server cannot access a residence; Cross-Defendants'

properties do not have a residence located on the land, and their alternative addresses are P.O. Boxes, so City has not been able to locate them for personal service. City is making further investigative efforts to locate and serve these Cross-Defendants and will attempt to serve them by mail and notice and acknowledgement pursuant to Civil Procedure Code Section 415.30, if it cannot personally serve them. City will ultimately ask the Court for permission to serve the Cross-Defendants that it cannot serve personally and from whom it does not receive a notice and acknowledgement within twenty (20) days via publication pursuant to Civil Procedure Code Section 415.50.

In addition, City proposes that named Cross-Defendants who have not yet filed a responsive pleading be allowed to file a Form Answer like the Court-approved Form Answer available to parties receiving the Notice of Commencement. This should allow parties who desire to appear in the action to do so more efficiently and generally make it easier for those Cross-Defendants who wish to appear to do so. A copy of the Court-approved Form Answer is attached as Exhibit C.

Furthermore, some named Cross-Defendants have said they do not want to participate in the case and may be willing to sign a disclaimer. A copy of a proposed Stipulation for Disclaimer and [Proposed] Order is attached as Exhibit D. City does not believe the disclaiming Cross-Defendant should have to pay the $435 first appearance fee because a disclaimer does not constitute an "Answer or other first paper," and City maintains that this fee is unnecessarily burdensome for Cross-Defendants who are disclaiming interest in the case. See Civil Fee Schedule for the Superior Court of California, County of Los Angeles, effective January 1, 2020 at item No. 7 ($435 filing fee for Answer or other first paper in unlimited civil cases). Alternatively, if a fee is required, City suggests it should be limited to the $20 fee for a "Stipulation and order." See id. at item No. 63 ($20 filing fee for stipulation and order).

Finally, pro per parties are prohibited from signing up with File & ServeXpress, but File & ServeXpress informed City that it will change this rule if requested by the Court. Therefore, City requests the Court contact File & ServeXpress to authorize its use by pro per parties for this case. In the meantime, City will serve answers or other responses for those parties via File & ServeXpress, as a courtesy.

In sum, City requests the following:

- Six month extension until September 08, 2020 for all Cross-Defendants and all who received the Notice of Commencement to file and serve answer;
- 60-day extension for City to file proofs of service of Third Amended Cross-Complaint;
- Cross-Defendants who have not yet appeared be authorized to file and serve the Court-approved Form Answer;
- Six month extension of time for all parties who have appeared to provide initial disclosures;
- Appearance fees be waived for Cross-Defendants filing a Stipulation for Disclaimer [OR] Cross-Defendants filing a Stipulation for Disclaimer must pay a $20 stipulation and order filing fee, but no other filing fee is required; and
- Court contact File & ServeXpress to authorize its use by pro per parties for this case.

Attached hereto as Exhibit E is a [Proposed] Order regarding the foregoing. If the Court grants the City's requested extension, the City will mail a postcard notice of the extension to all Cross-Defendants named in the Third Amended Cross-Complaint who have not yet appeared and to all those who received the Notice of Commencement who have not yet appeared. City will send this postcard notice to these non-appearing parties, as a courtesy, to inform them of the six month extension and direct them to the adjudication website: https://www.venturariverwatershedadjudication.com/. City will post the Court's order on the adjudication website, at the important documents link, available at

https://www.venturariverwatershedadjudication.com/documents. City will also update the "key dates" section of the website, available at https://www.venturariverwatershedadjudication.com/dates.

2. SERVICE AND NOTICES REGARDING THE THIRD AMENDED CROSS-COMPLAINT

On January 2, 2020, City filed its Third Amended Cross-Complaint. The total number of new Cross-Defendants is 1,327. As of February 18, 2020, City's process server served approximately 1,000 riparian or riparian/overlying cross-defendants. The process server attempted but has been unable to serve approximately 300 Cross-Defendants. Also, as of February 18, 2020, out of the 12,766 Notices of Commencement City mailed to owners of approximately 10,000 parcels overlying the groundwater basins, 2,120 Notices of Commencement went unclaimed and were returned.

Pursuant to Civil Procedure Code Section 836(d)(1)(D), City completed publication of the Notice of Commencement of Groundwater Basin and Watershed Adjudication ("Notice of Commencement") by publishing it in the Ventura County Star on December 16, 2019, December 23, 2019, December 30, 2019, and January 6, 2020.

Pursuant to Civil Procedure Code Section 835, on January 14, 2020, City provided the Notice of Commencement to the U.S. Bureau of Land Management, U.S. Bureau of Reclamation, USDA Forest Service, U.S. Attorney General, California Department of Water Resources ("DWR"), California Department of Fish and Wildlife ("Fish and Wildlife"), California State Water Resources Control Board ("State Board"), California Attorney General, City of Ojai, County of Santa Barbara, County of Ventura ("Ventura"), Ojai Basin Groundwater Management Agency ("OBGMA"), and Upper Ventura River Groundwater Agency ("UVRGA").

Pursuant to Civil Procedure Code Section 835(a)(5), City is required to provide the Notice of Commencement to California Native American tribes on the contact list of the Native American Heritage Commission ("Commission"). On January 17, 2020, City sent a letter via e-mail to the Commission requesting a list of the Native American tribes, if any, with an interest within the Ventura River watershed boundaries. City received a list from the Commission on January 29, 2020 and will mail the requisite notice letters via First Class Mail to the entities on the Commission's list.

Pursuant to Civil Procedure Code Section 835(a)(9), City requested OBGMA and UVRGA provide their lists of interested parties under the Sustainable Groundwater Management Act. OBGMA responded it does not currently have a list, but expects to complete this list within the next 45 days. UVRGA provided its list but did not provide any contact information for any interested parties, so City will obtain contact information if possible and send any additional required notices.

Pursuant to Civil Procedure Code Section 836(m), on December 10, 2019, City provided the Notice of Commencement and Form Answer to the DWR, Ventura, OBGMA, and UVRGA. Every entity has posted the Notice of Commencement and Form Answer on their respective websites as required by Civil Procedure Code Section 836(m).

Pursuant to Civil Procedure Code Section 836.5, City provided the Notice of Commencement and Form Answer by e-mail and U.S. Mail to OBGMA, UVRGA, and State Board. OBGMA sent City a list of persons reporting extractions, and City will send them the required notices. UVRGA stated it does not collect this information, but if it did, it has privacy concerns about disclosure. The State Board responded on January 23, 2020. City is evaluating the State Board's response and will provide any additional required notices.

On January 2, 2020, City activated the neutral website, available at https://www.venturariverwatershedadjudication.com/. As of February 18, 2020, it had 1,279 unique visitors, who viewed 3,866 pages. Also as of February 18, 2020, Best Best & Krieger LLP received and responded to 160 telephone calls and e-mails regarding the Notice of Commencement or related documents.

3. TECHNICAL PRESENTATIONS

Following the January 24, 2020 conference call with the Court, the consumptive users, Water Board, DFW, and Channelkeeper have worked diligently in an effort to agree upon the presentations. They have exchanged numerous drafts of the presentations and e-mails with comments. They have also had two conference calls with experts to discuss the presentations. They have made progress and hope to reach a consensus, but as of today, the presentations are not ready for submittal to the Court. The parties will update the Court tomorrow on whether they have reached a consensus or whether an adjustment to the current schedule may be required. As of today, the parties will not be ready to present on February 27, 2020. Regardless, City believes proceeding with the Status Conference is important to consider the City's requests made in this Status Conference Statement.

Dated: February 20, 2020

BEST BEST & KRIEGER LLP

By: _____

SHAWN HAGERTY
CHRISTOPHER M. PISANO
SARAH CHRISTOPHER FOLEY
Attorneys for Respondent and
Cross-Complainant
CITY OF SAN BUENAVENTURA

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*
Shawn Hagerty, Bar No. 182435/Sarah Christopher Foley, Bar No. 277223
Best Best & Krieger LLP
655 West Broadway, 15th Floor
San Diego, California 92101
TELEPHONE NO.: (619) 525-1300 FAX NO. *(Optional):* (619) 233-6118
E-MAIL ADDRESS *(Optional):* shawn.hagerty@bbklaw.com
ATTORNEY FOR *(Name):* City of San Buenaventura

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 312 North Spring Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Spring Street Courthouse

PLAINTIFF/PETITIONER: Santa Barbara Channelkeeper

DEFENDANT/RESPONDENT: State Water Resources Control Board

EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND ☑ ORDER EXTENDING TIME TO SERVE AND ☐ ORDER CONTINUING CASE MANAGEMENT CONFERENCE

CASE NUMBER: 19STCP01176

Note: This ex parte application will be considered without a personal appearance. (See Cal. Rules of Court, rule 3.1207(2).)

HEARING DATE: February 27, 2020
DEPT.: SS10 TIME: 1:45 p.m.

1. Applicant *(name):* City of San Buenaventura
   is
   a. ☐ plaintiff
   b. ☑ cross-complainant
   c. ☐ petitioner
   d. ☐ defendant
   e. ☐ cross-defendant
   f. ☐ respondent
   g. ☐ other *(describe):*

2. The complaint or other initial pleading in this action was filed on *(date):* January 2, 2020

3. Applicant requests that the court grant an order extending time for service of the following pleading:
   a. ☐ Complaint
   b. ☐ Cross-complaint
   c. ☐ Petition
   d. ☑ Answer or other responsive pleading
   e. ☐ Other *(describe):*

4. Service and filing of the pleading listed in item 3 is presently required to be completed by *(date):* 60 days from service

5. Previous applications, orders, or stipulations for an extension of time to serve and file in this action are:
   a. ☐ None
   b. ☑ The following *(describe all, including the length of any previous extensions):*
   The Court previously extended the time to answer from 30 days to 60 days by Order dated November 27, 2019.

6. Applicant requests an extension of time to serve and file the pleading listed in item 3 on the following parties *(name each):*
City requests that all Cross-Defendants have until September 08, 2020 to file and serve their answers or other responsive pleading.

Form Approved for Optional Use
Judicial Council of California
CM-020 [Rev. January 1, 2008]

EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND ORDERS

Cal. Rules of Court,
rules 3.110, 3.1200–3.1207
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
Santa Barbara Channelkeeper v. State Water Resources Control Board	19STCP01176

7. The pleading has not yet been filed and served on the parties listed in item 6 for the following reasons *(describe the efforts that have been made to serve the pleading and why service has not been completed):*
   Most Cross-Defendants are not represented by counsel and have requested additional time to determine whether they need to file an answer or other pleading.
   ☐ Continued on Attachment 7.
8. An extension of time to serve and file the pleading should be granted for the following reasons:
   The extension of time will not slow the progress of the case. The extension also should not prejudice any parties. Settlement negotiations will proceed during the extension period, hopefully concluding with a proposed physical solution and stipulated judgment that may ultimately resolve the case. Pro per Cross-Defendants need additional time to evaluate their need to participate in this case and whether they need to answer.
   ☐ Continued on Attachment 8.
9. If an extension of time is granted, filing and service on the parties listed in item 6 will be completed by *(date):*
   September 08, 2020
10. Notice of this application under rules 3.1200–3.1207 ☑ has been provided as required *(describe all parties or counsel to whom notice was given; the date, time, and manner of giving notice; what the parties or counsel were told and their responses; and whether opposition is expected)* or ☐ is not required *(state reasons):*
    Applicant provided a draft copy of this application via email to all known counsel of record on Feb. 14, 2020 and requested notice of any opposition. Many parties support this application. No party has stated opposition as of the filing of this application.
    ☐ Continued on Attachment 10.
11. Number of pages attached: ____

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

Date: February 20, 2020

Sarah Christopher Foley
(TYPE OR PRINT NAME OF APPLICANT OR ATTORNEY FOR APPLICANT)

▶ 
(SIGNATURE OF APPLICANT OR ATTORNEY FOR APPLICANT)

Order on Application is ☐ below ☑ on a separate document.

ORDER

1. The application for an order extending time to serve and file the pleading is ☐ granted ☐ denied.
2. The pleading must be served and filed no later than *(date):*
3. ☐ The case management conference is rescheduled to:
   a. Date:
   b. Time:
   c. Place:
4. Other orders:
5. A copy of this application and order must be served on all parties or their counsel that have appeared in the case.

Date:

JUDICIAL OFFICER

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*
Shawn Hagerty, Bar No. 182435/Sarah Christopher Foley, Bar No. 277223
Best Best & Krieger LLP
655 West Broadway, 15th Floor
San Diego, California 92101
TELEPHONE NO.: (619) 525-1300 FAX NO. *(Optional):* (619) 233-6118
E-MAIL ADDRESS *(Optional):* shawn.hagerty@bbklaw.com
ATTORNEY FOR *(Name):* City of San Buenaventura

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 312 North Spring Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Spring Street Courthouse

PLAINTIFF/PETITIONER: Santa Barbara Channelkeeper

DEFENDANT/RESPONDENT: State Water Resources Control Board

EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND ☑ ORDER EXTENDING TIME TO SERVE AND ☐ ORDER CONTINUING CASE MANAGEMENT CONFERENCE

CASE NUMBER: 19STCP01176

Note: This ex parte application will be considered without a personal appearance. (See Cal. Rules of Court, rule 3.1207(2).)

HEARING DATE: February 27, 2020
DEPT.: SS10 TIME: 1:45 p.m.

1. Applicant *(name):* City of San Buenaventura
   is
   a. ☐ plaintiff
   b. ☑ cross-complainant
   c. ☐ petitioner
   d. ☐ defendant
   e. ☐ cross-defendant
   f. ☐ respondent
   g. ☐ other *(describe):*

2. The complaint or other initial pleading in this action was filed on *(date):* January 2, 2020

3. Applicant requests that the court grant an order extending time for service of the following pleading:
   a. ☐ Complaint
   b. ☐ Cross-complaint
   c. ☐ Petition
   d. ☐ Answer or other responsive pleading
   e. ☑ Other *(describe):*
   Proof of Service of Third Amended Cross-Complaint

4. Service and filing of the pleading listed in item 3 is presently required to be completed by *(date):* March 2, 2020

5. Previous applications, orders, or stipulations for an extension of time to serve and file in this action are:
   a. ☐ None
   b. ☑ The following *(describe all, including the length of any previous extensions):*
   The Court previously extended the time to file proofs of service from 30 days to 60 days by Order dated November 27, 2019.

6. Applicant requests an extension of time to serve and file the pleading listed in item 3 on the following parties *(name each):*
   See attachment.

Form Approved for Optional Use
Judicial Council of California
CM-020 [Rev. January 1, 2008]

EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND ORDERS

Cal. Rules of Court,
rules 3.110, 3.1200–3.1207
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
Santa Barbara Channelkeeper v. State Water Resources Control Board	19STCP01176

7. The pleading has not yet been filed and served on the parties listed in item 6 for the following reasons *(describe the efforts that have been made to serve the pleading and why service has not been completed):*
There are over 1,300 named Cross-Defendants. Diligent attempts have been made to serve them. Some are avoiding service. Further research is required to locate new service addresses and to mail serve them.
☐ Continued on Attachment 7.

8. An extension of time to serve and file the pleading should be granted for the following reasons:
Good cause exists to grant this application. Applicant has served the majority of the Cross-Defendants, but has been unable to serve approximately 200 Cross-Defendants, despite diligent efforts. Applicant will continue to diligently attempt to locate and serve the unserved parties. Should Applicant continue to be unsuccessful, it will file an application with the Court for an order for publication of summons pursuant to Code of Civil Procedure section 415.50.
☐ Continued on Attachment 8.

9. If an extension of time is granted, filing and service on the parties listed in item 6 will be completed by *(date):*
May 1, 2020

10. Notice of this application under rules 3.1200–3.1207 ☑ has been provided as required *(describe all parties or counsel to whom notice was given; the date, time, and manner of giving notice; what the parties or counsel were told and their responses; and whether opposition is expected)* or ☐ is not required *(state reasons):*
Applicant provided a draft copy of this application via email to all known counsel of record on Feb. 14, 2020 and requested notice of any opposition. No party has stated opposition as of the filing of this application.
☐ Continued on Attachment 10.

11. Number of pages attached: 2

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

Date: February 20, 2020

Sarah Christopher Foley
(TYPE OR PRINT NAME OF APPLICANT OR ATTORNEY FOR APPLICANT)


(SIGNATURE OF APPLICANT OR ATTORNEY FOR APPLICANT)

Order on Application is ☐ below ☑ on a separate document.

ORDER

1. The application for an order extending time to serve and file the pleading is ☐ granted ☐ denied.
2. The pleading must be served and filed no later than *(date):*
3. ☐ The case management conference is rescheduled to:
   a. Date:
   b. Time:
   c. Place:
4. Other orders:
5. A copy of this application and order must be served on all parties or their counsel that have appeared in the case.

Date:

JUDICIAL OFFICER

Short Tile: Santa Barbara Channelkeeper v. SWRCB, et al.	Case No. 19STCP01176

3584 Calle Moreno, LLC; Adaya Walsh; Alvin Cunningham; Ana Cross, Trustee of the Ana Cross Family Trust; Anamaria Schmid; Andrea Leigh Jensen, Trustee of the Jensen Trust; Andrew D. Viles, Trustee of the William L. and Laura B. Peck Trust - Marital Trust; Andrew Engel; Andrew Jarvis; Angie Marie Ganasei, Trustee Of The Genasei-Danch Family Trust; Anna J. Auric, Trustee of the Auric Anna J. Family Trust; Anne Boydston; Barbara McCarthy; Bernard Martin; Betsy Caland, Trustee of the Philippe M. and Betsy C. Trust; Blaze Buonpane; Brandon Schneider; Brandon Schneider, Trustee of the Brandon Schneider and Kelsie Simms-Schneider Family Trust; Breal Rowe; Brenda M. Hill, Trustee of the Trust dated November 1, 2002; Brian Harrison; Brian Skaggs, Trustee Of The Skaggs Trust; Bruce Abbott; Cal B. Land Co., LLC; Carine Fisher; Carla Brooks, Individually And As Trustee of The Escoda Brooks Family Trust; Caroline Turner, Trustee of The Turner Survivors Trust; Charles P. Watling, Trustee of the First Charles P. Watling Family Trust; Charles G. Barnett, Successor Trustee of the "Barnett Family Exemption Equivalent Trust"; Christopher Borgeson; Christopher Moore, Trustee of The Christopher Moore And Mary Moore Trust; Christopher Paul Danch, Trustee Of The Genasei-Danch Family Trust; Claudia Wunderlich, Trustee of the Claudia A. Wunderlich Trust; Connie Cline, Trustee of the Mark Terry Cline Family Trust; Connie S. Morgan, Trustee of the Connie S Morgan Trust; Craig Young; Culbert Family Partnership; Cynthia Ellis; Cynthia Garber, Trustee of the The Garber Trust; Damian Bourguet; Daniel Hultgen, Trustee of The Hultgen Living Trust; Daniel Kelly; Daniel Poling; Daniel Walsh; Darrell Ralston, Trustee of the Darrell Anthony Ralston 2009 Revocable Trust; Darylyn Long; Dave Tarrats; David Johnson; David L. Garber, Trustee of the The Garber Trust ; David Richard; David Sandoval; David Silva; Deborah Finley-Delamore, Trustee of the Delamore Finley Family Trust; Delmy Garcia; Derek Meek; Diana Engle, Trustee of the Diana L Engle Revocable Trust; Diana Peron, Trustee of the Diana C Peron Living Trust; Diane Ruth White, Trustee of the Diane Ruth White Living Trust; Dianne Mccourtney, Trustee of The Dianne Louise Mccourtney Trust; Donald G., Trustee of the Donald G. and Susan B. Davis Revocable Family Trust of 1997; Donna Deitch, Trustee of the Donna E. Deitch Trust; Donna Epstein, Trustee of the Epstein Survivors' Trust, Trustee of the Epstein Marital Trust, and Trustee of the Epstein Bypass Trust; Doreen Freeland, Trustee or successor in interest of the Freeland Trust and any amendment; Dorothy Holmes, Trustee of the Holmes Trust; Earl G Holder, Trustee of The Holder Survivors Trust; Ed Colby; Edson Taft, Trustee of the Edson B Taft Revocable Trust; Eilam Byle, Trustee of the Eilam Byle Living Trust; Elizabeth Silva; Eric Bush; Eric Rosenberg; Eugenijus Valiulis, Trustee of the Eugenijus Valiulis Revocable Living Trust; Eva Kettles; Evangeline Bonsall Smith, a married woman; Felix Garcia; Forest Home, Inc; Francis Longstaff; Frank Edward Sheltren, Jr., aka Frank E. Sheltren, Trustee of the Sheltren Family Trust; Fred Fisher; Fred Kramer; Frederick Sloman; Gary Hirschkron, Trustee of the Gary Hirschkron Revocable Trust; Gregory Gilbert; Inge Christiansen; J Investments; James W. Coultas, Trustees of the James A. and Margaret H. Coultas Intervivos Trust; James Harvey; James Sandefer; James Selman, Trustee of the James C. Selman Revocable Inter Vivos Trust; Jan Komura; Jan M Hiester, Trustee of the Jan M. Hiester 2014 Living Trust; Jane E Hanchett, Trustee of The Hanchett Family Trust; Jane Kelly; Jane Mccord, Trustee of the Jane Ann Mccord Living Trust; Jane Spiller, Trustee of the Jane Spiller Trust; Janet McGinnis, Trustee of the Janet Karen McGinnis Trust; Janice Hillestad; Janice Priebe-Tate, Trustee of the Tate Trust, as community property; Janis Long Nicholas, Co-Trustee of the Long Family Trust; Jason Headley; Jean Harrison; Jefferie Skaggs; Jeffrey E Frank, Trustee of The Frank Trust; Jeffrey Luttrull; Jesse E. Long, Co-Trustee of the Long Family Trust; Jesse Hillestad; Jessie Stricchiola, Trustee of the Phoenix Revocable Trust; Joann Benson, Trustee of the Joann Alva Benson Revocable Living Trust; Johanna Collins; John Johnston; John Kertis; John Pace, Trustee of the John Brice Pace Family Trust; Jonathan Wong; Joseph Lam; Joseph Lasalle; Karen L. Hanson, Trustee of the Hanson L.S. Revocable Living Trust;

Short Tile: Santa Barbara Channelkeeper v. SWRCB, et al.	Case No. 19STCP01176

Karin L. James, Trustee of the James Family Trust; Kathleen Lasalle; Kathleen Quinlan; Kathleen Tarrats; Kathryn Headley; Kelsie Schneider; Kelsie Schneider, Trustee of the Brandon Schneider and Kelsie Simms-Schneider Family Trust; Kenneth S Collins, Trustee of the Frank R. Walker, Jr. Trust; Kim Hanna, Trustee of the Hanna Family Trust; Laura B. Peck, Trustee of the William L. and Laura B. Peck Trust - Marital Trust ; Laura Green, Trustee of the Green Survivors Trust; Lawrence I. Hartmann, Trustee of the Larry and Pat Hartmann Family Trust; Lee Rosenbaum, Trustee of the Chief Cornerstone Trust; Linda Colby; Linda Haque; Linda L. Lewis, Trustee of the Novak Family Trust; Linda Turner; Lisa Skyheart Marshall, Trustee of the Marshall Living Trust; Lois Stone Erburu, as Trustee of the Surviving Spouse's Trust created in the Robert and Lois Erburu Living Trust; Louise Konstanzer, Trustee of the Ron and Louise Konstanzer Family Trust; Lupe Milner, Trustee of the Lupe Milner Family Trust; Lynn Pike, Trustee of the Lynn 2016 Trust; Lynn Wilson ; Marcus Kettles; Margaret Coultas, Trustees of the James A. and Margaret H. Coultas Intervivos Trust; Margo Kelly, Trusstee of the Kelly Trust; Marilyn Wallace, Trustee of the Marilyn Wallace Separate Property Trust; Mark Cline, Trustee of the Mark Terry Cline Family Trust; Martha Moran; Mary Moore, Trustee of The Christopher Moore And Mary Moore Trust; Matilija Canyon Alliance; Maximiano Ortiz; McNell Properties, LLC; Meghan Sandoval; Melesio Ramirez; Michael Krumpschmidt; Michael L Rockhold, Trustee Of The Michael Rockhold Trust; Michael L. Delamore, Trustee of the Delamore Finley Family Trust; Michael Marietta; Michael Marietta, Trustee of the Marietta Separate Property Trust; Michael Saleh, Trustee of the Saleh and Lea Saleh 1984 Family Trust; Michaela Watkins; Myrna R. Mesrobian, Trustee of the Mesrobian Family Trust; Nancy Krumpschmidt; Neil Kreitman, Trustee of the Neil Kreitman Living Trust; Nordi Hintze; Norma Dworkis; Norma Ortiz; Oilfield Service and Truck Co; Ojai Assembly of God, Inc. dba Ojai's Church of the Living Christ, Inc.; Orville Hernvall, Trustee of Hervnall Orville and Marion Orville Trust; OST Trucks and Cranes; Pamela Thomas; Patricia Unruhe; Per Christiansen; Perry Family, LLC; Peter Dworkis; Peter Passell; Philip Long; Philippe Caland, Trustee of the Philippe M. and Betsy C. Trust; Quint Morris,; Raffi J. Mesrobian, Trustee of the Mesrobian Family Trust; Rainer Buschmann; Rancho Arnaz, LLC; Randal R. O'Connor, Successor Trustee of the Red Clay Trust, and Successor Trustee of the Le Cedre Trust; Richard Magana; Richard Mcgrath, Trustee of the Richard K McGrath Living Trust; Robert Auric, Trustee of the Auric Revocable Trust of 1999; Robert Calder Davis, Jr., Trustee of the Robert Davis Surviving Spouse's Trust, Trustee of the Davis Family Bypass Trust and Trustee of the Davis Family Trust; Robert Erickson; Robert Petrin; Robert Schmid; Roger Burke; Ronald K. Freeland, Trustee or their successors in interest of the Freeland Trust and any amendment; Ronald L.R. Hill and Debi R. Hill, Trustees of the R&D Hill Family Trust; Rosemarie Singer; Rosemary Garrison, Trustee of the Phoenix Revocable Trust; Rowland A. Hill II, Trustee of the Trust dated November 1, 2002; Sabrina Venskus, Trustee of the Sabrina Venskus Living Trust; Sandra Murillo; Santa Ana Ranch. Inc.; Scottie Monical; Shannon Richard; Sharon Engel; Sharon Williams; Shauna Longstaff; Shawn Reed; Stephanie Washburn; Steven Elliot Edelson, Trustee of the Los Angeles Entertainment Trust; Susan Bee the Trustee of The John and Susan Bee Family Trust; Susan Conley, Trustee of the William and Susan Conley Family Trust; Susan Webster; Tane Charles Arnold; Tane Charles Arnold, Trusteee of the Tane C. Arnold 2006 Living Trust; Terri Imwalle; Terry Hanusek; Terry Wilson, Trustee of the Terry Coultas Wilson Living Trust; Robert Calder Davis, Jr., Trustee of the Robert Davis Surviving Spouse's Trust, Trustee of the Davis Family Bypass Trust and Trustee of the Davis Family Trust; Theresa Stark; Toni Johnson; Tropico, LLC ; Virginia Siegfried, Trustee of the Virginia A. Siegfried Revocable Trust; Wayne Tate, as Trustee of the Tate Trust, as community property; William Hawksworth; William White, Trustee of the William C. White Trust;

EXHIBIT C

LAW OFFICES OF
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2001 N. MAIN STREET, SUITE 390
WALNUT CREEK, CALIFORNIA 94596

_____
Name of Owner/Cross-Defendant/Attorney
_____
Address
_____
Address
_____
Phone Number

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

Judge: Honorable William F. Highberger

FORM ANSWER

Action Filed: Sept. 19, 2014
Trial Date: Not Set

ANSWER TO ADJUDICATION CROSS-COMPLAINT

The undersigned denies all material allegations in the cross-complaint in this action that seeks to adjudicate rights in the Ventura River Watershed, including its groundwater basins, which are the (1) Upper Ventura River Groundwater Basin (Department of Water Resources' ("DWR") Bulletin 118, Groundwater Basin Number 4-3.01); (2) Ojai Valley Groundwater Basin (DWR's Bulletin 118, Groundwater Basin Number 4-2); (3) Lower Ventura River Groundwater Basin (DWR's Bulletin 118, Groundwater Basin Number 4-3.02); and (4) Upper Ojai Valley Groundwater Basin (DWR's Bulletin 118 Groundwater Basin Number 4-1) and asserts all applicable affirmative defenses to that cross-complaint.

Date: _____

_____
Signature

_____
Name – Printed

_____
Cross-Defendant Name

Mailing Address:

_____
Street

_____
City

_____
State, Zip Code

_____
Phone Number

_____
Email Address

LAW OFFICES OF
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2001 N. MAIN STREET, SUITE 390
WALNUT CREEK, CALIFORNIA 94596

Property Address :

Parcel No.(s):_____

_____
Street

_____
Street

_____
City

_____
State, Zip Code

Attorney Information (if applicable):

_____
Company/Firm Name

_____
Attorney Name

_____
Street Address

_____
City

_____
State, Zip Code

_____
Phone Number

_____
Fax Number

_____
Email Address

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WALNUT CREEK, CALIFORNIA 94596

EXHIBIT D

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Attorneys for Respondent and Cross-Complainant
CITY OF SAN BUENAVENTURA

Exempt From Filing Fees Pursuant to Cal. Gov't Code § 6103

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.

Case No. 19STCP01176

Judge: Honorable William F. Highberger

STIPULATION FOR DISCLAIMER; [PROPOSED] ORDER

Action Filed: Sept. 19, 2014
Trial Date: Not Set

STIPULATION FOR DISCLAIMER

Cross-Complainant City of San Buenaventura ("City") and Cross-Defendant [INSERT NAME] ("Cross-Defendant"), hereby stipulate and agree as follows:

1. On January 2, 2020, the City filed a Third Amended Cross-Complaint commencing a comprehensive adjudication of the Ventura River Watershed, including its four groundwater basins, the Lower Ventura River Basin, the Upper Ventura River Basin, the Ojai Valley Basin and the Upper Ojai Valley Basin ("Basins"), (the "Ventura River Watershed Adjudication").

2. In the Third Amended Cross-Complaint, the City named approximately one thousand seven hundred and fifty cross-defendants who beneficially use or who have potential rights to waters of the Ventura River flowing in a known and defined channel or groundwater in the Ventura River Watershed, including surface water from the Ventura River and its tributaries and groundwater from the Basins. The Third Amended Cross-Complaint alleges nine separate causes of action asserting the City's relative priority rights to water, including, without limitation, a request for a comprehensive adjudication of the Ventura River Watershed and the entry of a judgment and physical solution.

3. Cross-Defendant is named in the Third Amended Cross-Complaint. Cross-Defendant acknowledges receipt of process of the City's Third Amended Cross-Complaint. Cross-Defendant agrees to submit itself to the jurisdiction of this Court in all matters involving the Ventura River Watershed Adjudication.

4. Cross-Defendant owns one or more parcels of real property located in Ventura County with the assessor parcel number(s) of [INSERT APN] (the "Property"). Cross-Defendant's Property is adjoining or abutting the waters of the Ventura River and/or its

tributaries, whether flowing on the surface or underground in a known and defined channel, and/or is overlying one or more of the Basins.

5. Cross-Defendant is not presently exercising any water rights in the Ventura River Watershed, including but not limited to, water rights in the Ventura River and/or its tributaries and/or its Basins. Cross-Defendant receives water service from [INSERT WATER SERVICE PROVIDER] sufficient to meet Cross-Defendant's domestic needs and in compliance with Cross-Defendant's human right to water as set forth in Water Code section 106.3. Accordingly, Cross-Defendant has no interest in any water rights in the Ventura River Watershed, including but not limited to water rights in the Ventura River and/or its tributaries and/or its Basins, and therefore, **Cross-Defendant disclaims all interest in this action**.

6. Cross-Defendant acknowledges that in signing this stipulation for disclaimer, Cross-Defendant is responsible for the accuracy of its content. Consequently, Cross-Defendant acknowledges that if it in fact has any interest in water rights in the Ventura River and/or its tributaries and/or its Basins, it shall nevertheless be bound by the results of this litigation, including the entry of a judgment and physical solution and shall be subject to the continuing jurisdiction of this Court to oversee the implementation of the judgment and physical solution entered herein and to resolve subsequent conflicts that may arise.

7. This stipulation for disclaimer and attached order shall be incorporated into the final judgment entered in this matter, and the judgment entered in this matter shall be recorded within the records of Ventura County, through the County Recorder's office, as to Cross-Defendant's Property.

8. This stipulation for disclaimer shall bind and benefit the City and Cross-Defendant and shall be binding upon and benefit all their respective heirs, executors, administrators, successors, parent, subsidiary entities, and assigns.

9. No fees and/or costs shall be awarded against Cross-Defendant in this action, and Cross-Defendant shall not seek an award of fees or costs from the City.

Dated: , 2020

BEST BEST & KRIEGER LLP

By: _____
SHAWN HAGERTY
CHRISTOPHER M. PISANO
SARAH CHRISTOPHER FOLEY
Attorneys for Respondent and Cross-Complainant
CITY OF SAN BUENAVENTURA

Dated: , 2020

By: _____
Cross-Defendant [INSERT NAME]

[PROPOSED] ORDER

Having read and considered the pleadings and the preceding stipulation for disclaimer by and between Cross-Complainant City of San Buenaventura ("City") and Cross-Defendant [INSERT NAME] ("Cross-Defendant"), and good cause appearing,

IT IS ORDERED:

1. Cross-Defendant is named in the Third Amended Cross-Complaint filed by the City. Cross-Defendant has acknowledged receipt of the process of the City's Third Amended Cross-Complaint. Cross-Defendant is subject to the jurisdiction of this Court in all matters involving the Ventura River Watershed Adjudication.

2. Cross-Defendant owns one or more parcels of real property located in Ventura County with the assessor parcel number(s) of [INSERT APN] (the "Property"). Cross-Defendant's Property is adjoining or abutting the waters of the Ventura River and/or its tributaries, whether flowing on the surface or underground in a known and defined channel, and/or is overlying one or more of the Basins.

3. Cross-Defendant is not presently exercising any water rights in the Ventura River Watershed, including but not limited to water rights in the Ventura River and/or its tributaries and/or its Basins. Cross-Defendant receives water service from [INSERT WATER SERVICE PROVIDER] sufficient to meet Cross-Defendant's domestic needs and in compliance with Cross-Defendant's human right to water as set forth in Water Code section 106.3. Accordingly, Cross-Defendant has no interest in any water rights in the Ventura River Watershed, including but not limited to water rights in the Ventura River and/or its tributaries and/or its Basins, and therefore, **Cross-Defendant has disclaimed all interest in this action**.

4. Cross-Defendant is responsible for the accuracy of the contents of the preceding stipulation for disclaimer. If Cross-Defendant does in fact have any interest in water rights in the Ventura River and/or its tributaries and/or its Basins, it shall nevertheless be bound by the results of this litigation, including the entry of a judgment and physical solution and shall be subject to the continuing jurisdiction of this Court to oversee the implementation of the judgment and physical solution entered herein and to resolve subsequent conflicts that may arise.

5. This order and preceding stipulation for disclaimer shall be incorporated into the final entered judgment in this matter, and the judgment entered in this matter shall be recorded within the records of Ventura County, through the County Recorder's office, as to Cross-Defendant's Property.

6. The City and Cross-Defendant are bound and benefitted by the preceding stipulation for disclaimer, which shall also bind and benefit all their respective heirs, executors, administrators, successors, parent, subsidiary entities, and assigns.

7. The Court shall retain jurisdiction over the City and Cross-Defendant to enforce the preceding stipulation for disclaimer until there is full performance thereof.

8. No fees and/or costs shall be awarded against Cross-Defendant in this action, and Cross-Defendant shall not recover fees or costs from the City.

Dated: _____

By: _____
The Honorable William F. Highberger
Judge of the Superior Court
County of Los Angeles

EXHIBIT E

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Attorneys for Respondent and Cross-Complainant
CITY OF SAN BUENAVENTURA

Exempt From Filing Fees Pursuant to Cal. Gov't Code § 6103

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.

Case No. 19STCP01176

Judge: Honorable William F. Highberger

[PROPOSED] ORDER AFTER STATUS CONFERENCE

Date: February 27, 2020
Time: 1:45 p.m.
Dept: SS10

Action Filed: Sept. 19, 2014
Trial Date: Not Set

[PROPOSED] ORDER

The Court held a Status Conference on February 27, 2020, at 1:45 p.m. The parties stated their appearances on the record. After consideration of the papers filed in connection with the Status Conference and discussions with counsel,

IT IS HEREBY ORDERED that:

1. All Cross-Defendants named in the Third Amended Cross-Complaint ("Complaint") and served with a summons shall have an extension until September 08, 2020 to respond to the Complaint.

2. All persons or entities who received the Complaint, Notice of Commencement of Groundwater Basin and Watershed Adjudication, and Form Answer via mail service shall have an extension until September 08, 2020 to file and serve a Form Answer, if they choose to appear;

3. City of Ventura has a 60-day extension of time to file proofs of service of the Complaint;

4. Cross-Defendants who have not yet filed a responsive pleading may elect to file and serve the Court-approved Form Answer;

5. All parties who have appeared shall have a six month extension of time to provide initial disclosures; and

6. Appearance fees are waived for Cross-Defendants filing a Stipulation for Disclaimer [OR] Cross-Defendants filing a Stipulation for Disclaimer must pay a $20 stipulation and order filing fee, but no other filing fee is required.

IT IS SO ORDERED.

Dated: _____, 2020

_____
Hon. William F. Highberger
Judge of the Superior Court