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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

NOTICE OF RULING

Date: November 23, 2021

Time: 1:30 p.m.

Dept: SS10

Action Filed: Sept. 19, 2014

Trial Date: February 14, 2022

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1 boundaries of the Watershed's four groundwater basins, as defined by the
2 California's Department of Water Resources (DWR) in Bulletin 118, in advance of
3 the Phase 1 Trial.

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5 5. The Court scheduled a hearing on the City of Ojai's motion for judgment on the
6 pleadings for January 18, 2022 at 1:30 p.m. Briefs are due per the Code of Civil
7 Procedure.

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9 6. The Court set a November 30, 2021 deadline for the City's Supplemental Brief re
10 Phase 1 Trial Issues and a December 7, 2021 deadline for any response to the
11 City's Supplemental Brief. Any objections to the City's Request for Judicial
12 Notice regarding the Phase 1 Trial Issues are due December 8, 2021.

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14 7. On December 6, 2021, the Court will post suggestions for how to structure the
15 argument on the December 9, 2021 regarding Phase 1 Trial Issues.

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17 8. A copy of the Court's Minute Order dated November 23, 2021 is attached hereto
18 as Exhibit B¹.

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27 ¹ The City believes that the Minute Order needs to be corrected to indicate that the Court considered extending but
28 ultimately did not extend the current expert discovery cutoff date. The City will request that this be addressed at the
December 9, 2021 status conference.

1 Dated: December 6, 2021

BEST BEST & KRIEGER LLP

2
3 By:


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Attorneys for Respondent and
Cross-Complainant
CITY OF SAN BUENAVENTURA

EXHIBIT A

EXHIBIT A



19STCP01176 *Santa Barbara Channelkeeper v. SWRCB*

Nov. 23, 2021 Tentatives

NOTE: Case will be called at 10:30 a.m., not 9 a.m.

**Motion Of Loa Bliss, As Trustee, Etc., For Extension Of Time Re Disclosure Of Experts:
Granted**

City of Ventura has now consented to the motion on condition that new expert Jordan Kear's report be served by December 15, 2021 with the City given until January 18, 2022 (Jan. 17 being a public holiday) to provide its own Supplemental Disclosure in response thereto.

**Motion of Casitas Municipal Water District ("Casitas MWD") Motion To Serve Untimely
Expert Witness Disclosures: Granted**

The expert whom this party wants to designate, Jordan Kear, has already been designated by a similarly situated cross-defendant (City of Ojai), and no additional opening disclosure is contemplated by Casitas MWD. If now co-designated by this party, this expert will have a right to make a Supplemental Declaration specific to the interests of this party whereas he previously would only have been retained to advance the interests of a similarly situated, but not identically situated, cross-defendant. This does not amount to any material prejudice to City of Ventura. (The Court is applying a "prejudice" standard whether this is seen to be controlled by C.C.P. § 843 or C.C.P. § 2034.720.) That additional factual information will be provided to the Court via expert testimony is not "prejudice," even if it requires City of Ventura and its counsel to do more work. The same is true even if the expert testimony provided for the benefit of Casitas MWD happens to tip the scales in Casitas' favor at time of trial.

The Court does believe that the current deadline for presentation of Supplemental Reports by Kear and any other disclosed expert should remain December 3, 2021, not December 10, 2021. The Court would propose that the newly set deadline for Rebuttal Experts be January 10, 2021 except as to issues relating to the Upper Ojai Basin. As to that subject, the Court would propose a February 1, 2022 deadline, following the City of Ventura's January 18, 2022 Supplemental Disclosure deadline.

EXHIBIT B

EXHIBIT B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

19STCP01176

November 23, 2021

**SANTA BARBARA CHANNELKEEPER vs STATE WATER
RESOURCES CONTROL BOARD, et al.**

9:00 AM

Judge: Honorable William F. Highberger
Judicial Assistant: P. Martinez
Courtroom Assistant: R. Sanchez

CSR: Tracy Dyrness, CSR# 12323
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Respondent(s): Jeremy N. Jungreis for Douglas J. Dennington; Shawn David Hagerty

NATURE OF PROCEEDINGS: Hearing on Motion - Other Late Designation of Experts;
Hearing on Motion - Other Late Designation of Experts by Loa Bliss; Further Status Conference

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Tracy Dyrness, CSR# 12323 , certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matters are called for hearing.

The parties have been previously provided with the Court's tentative ruling.

Motion of Loa Bliss, As Trustee, Etc., For Extension Of Time Re Disclosure Of Experts:
Granted

After hearing oral argument, The Court rules as follows:

Motion of Casitas Municipal Water District ("Casitas MWD") Motion To Serve Untimely
Expert Witness Disclosures: Granted

The deadline for presentation of Supplemental Reports by Kear and any other disclosed expert remains December 3, 2021.

The Court sets the deadline for Rebuttal Experts for January 7, 2022. The Upper Ojai Basin rebuttal expert deadline is 2/01/22.

Discovery cut-off is modified to 02/10/22.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

19STCP01176

November 23, 2021

**SANTA BARBARA CHANNELKEEPER vs STATE WATER
RESOURCES CONTROL BOARD, et al.**

9:00 AM

Judge: Honorable William F. Highberger
Judicial Assistant: P. Martinez
Courtroom Assistant: R. Sanchez

CSR: Tracy Dyrness, CSR# 12323
ERM: None
Deputy Sheriff: None

City of Ventura is to give notice.

Order to Show Cause Re: Why The Court Shouldn't Determine Certain Watershed Boundaries According To The Terms Of Notice Of Hearing Filed By City Of Ventura is scheduled for 12/09/21 at 02:30 PM in Department 10 at Spring Street Courthouse.

Hearing on Motion for Judgment on the Pleadings (City of Ojai) is scheduled for 01/18/22 at 01:30 PM in Department 10 at Spring Street Courthouse.

City of Ventura is to file brief regarding the Antelope Evaluations case by 11/30/21.

City of Ojai is to file a response by 12/07/21.

Deadline for objections to Judicial Notice is 12/08/21.

City of Ojai to give notice.

On 12/06/21 the Court will post the structure for the 12/09/21 hearing.

City of Ventura is to give notice.

**** Additional Appearances****

(telephonic)

Peter Duchesneau for Aera Energy, LLC

Gina Angiolillo for AGR Breeding, Inc.

Brian E. Moskal for Baldwin Ranch, LLC

Noah Golden-Krasner for California Department of Fish & Wildlife

Christopher Pisano for City of Buenaventura

Holly Jacobson for City of Ojai

Claude R. Baggerly for Claude R. Baggerly

Ryan Blatz for Erica J. Abrams

Laura R. Schreiner

Loa E. Bliss (Roe 27)

Neal Maguire for Rancho Matilija Mutual Water Company

Gregg Garrison for Rosanna Garrison

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

19STCP01176

November 23, 2021

**SANTA BARBARA CHANNELKEEPER vs STATE WATER
RESOURCES CONTROL BOARD, et al.**

9:00 AM

Judge: Honorable William F. Highberger

CSR: Tracy Dyrness, CSR# 12323

Judicial Assistant: P. Martinez

ERM: None

Courtroom Assistant: R. Sanchez

Deputy Sheriff: None

Daniel Cooper for Santa Barbara Channelkeeper

Scott Slater for Santa Barbara Channelkeeper

Adam Kear for Senior Canyon Mutual Water Company

Marc N. Melnick for State Water Resources Control Board

William Carter for The Thacher School

Nathan Metcalf for Ventura County Watershed Protection District

Jeanne M. Zolezzi for Ventura River County Water District

Brad Herrema for Wood-Claeyssens Foundation

PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the action herein; my business address is Best Best & Krieger LLP, 2001 N. Main Street, Suite 390, Walnut Creek, CA 94596. On December 6, 2021, I served the following document(s):

NOTICE OF RULING

- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Walnut Creek, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.
- ☐ I caused such envelope to be delivered via overnight delivery. Such envelope was deposited for delivery by United Parcel Service following the firm's ordinary business practices.
- ☒ by transmission via **E-Service to File & ServeXpress** to the person(s) set forth below. Local Rules of Court 2.10 (P).
- ☒ **By e-mail or electronic transmission.** I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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Louise Epstein, successor in interest to the
Joseph Clark and Linda Epstein Family Trust;
Michael I. Cromer and Jody D. Cromer;
Michel A. Etchart, Trustee of the Michel A.
Etchart Separate Property Trust, and Mark W.
Etchart, Trustee of the Mark W. Etchart
Sepertate Property Trust; Lawrence
Hartmann; Ole Konig; Krotana Institute of
Theosophy; Stephen Michtell and Kathleen
Reid Mitchell, Trustees of the Stephen
Mitchell and Byron Katie Trust; North Fork
Springs Mutual Water Company; Stephen
Robert Smith, Trustee of the Charles R. Rudd
and Lola L. Rudd Trust, dated May 20, 2976;
Shlomo Raz; Sylvia Raz; Senior Canyon
Mutual Water Company; Siete Robles Mutual
Water Company; Soule Park Golf Course,
Ltd.; Telos, LLC; Victor C. Timar, Jr. Trustee
of the Timar Family Trust; John Town; Trudie
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Ltd.; Burgess Ranch; Cary Cheldin; Cynthia
Daniels; Wayne Francis; David Friend; The
Larry & Pat Hartmann Family Trust; The John
N. Hartmann Trust; Gary Hirschcron; Cheryl
Jensen; Lutheran Church of the Holy Cross of
Ojai, California; Janice Sattler (Mineo); Eitan

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Sloustcher; Rogers-Cooper Memorial Foundation; Robert Norris (not yet appeared); Patricia Norris; Old Creek Road Mutual Water Company (not yet appeared); Margaret Vanderfin; Telos Ojai, LLC (not yet appeared); Jennifer Ware; The Walker Jr. Living Trust; David Altman, Trustee of the 1190 El Toro Trust ; Babtiste Foundation; Sean A. Bennett and Leslie Bennett, Trustees of the Bennett Family Trust; Dwayne A. Bower and Marilyn E. Bower Trustees of the Bower Family Trust; Mark Terry Cline and Bonnie Burreson Cline, Trustees of the Mark Terry Cline and Connie Burreson Cline Revocable Trust; Robert R. Daddi and Darlene J. Daddi; Lucille A. Elrod, Trustee of the John and Lucille Elrod Family Trust; Friend's Stable & Orchard Inc. Daniel Hultgen, Trustee of the Hultgen Living Trust; Ojai Golf, LLC; Three Oaks, LLC, Erica J. Abrams, Trustee of the Erica J. Abrams Trust; Raul E. Alvarado and Hildegard M. Alvarado, Trustees of the Alvarado Family Trust; William Armstrong and April Nardini; Joseph Lynn Barthelemy and Elvira Lilly Barthelemy, Trustees of the Joseph Lynn Barthelemy and Elvira Lilly Barthelemy 2002 Family Trust; James S. Bennett and Carolyn D. Bennett, Trustees of the Bennett Family Trust; Sumeet Bhatia and Michael McDonald; John Joseph Broesamle and Katharine Sue Broesamle, Trustees of the Broesamle Family Trust; Richard Aaron Carlson, Trustee of the Richard Aaron Carlson Trust and Michelle Larson, Trustee of the Michelle Larson Family Trust; Thomas D. Carver and Cynthia L. Carver; Dana Cenicerros, Trustee of the Dana and Dawn Cenicerros Revocable Living Trust; Deborah Lys Martin Crawford; Frank Clay Creasey Jr.; Debra Joy Reed, Trustee of The Debra Joy Reed Revocable Trust Dated November 3, 1994; Frederic Devault; Diana Syvertson, Trustee of the Diana Syvertson Living Trust; Dive Deep L.L.C.; Douglas Roy Parent and Ann Marie Parent; William Erickson; Gelb Enterprises, L.P.; Jan Stephen Granade and Priscilla K. Granade, Trustees of the Granade Family Revocable Living Trust; Margot J. Griswold; Brian C. Haase and Marie Haase, Trustees of the B&M Haase Trust Dated October 8, 2019; Thomas Lann Harper and Jadona Collier-Harper; Ojai-Jackman L.L.C.; Kevin Rainwater and Marianne Ratcliff; Keith M. Nightingale and Victoria V. Nightingale, Trustees of The

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Nightingale Family Trust; Heide C. Kurtz, Trustee of The Kurtz Family Trust Dated January 19, 2019; Randall Leavitt, Trustee of The Randall B. Leavitt 2010 Trust; Edward C. Leicht and Jacqueline M. Leicht, Trustees of The Leicht Family 2013 Revocable Trust Dated March 1, 2013; Paul Lepiane and Bengtson Bo; Robert Levin and Lisa Solinas, Trustees of The Levin Family Living Trust; Francis Longstaff and Shauna Longstaff, Trustees of The Longstaff Trust Dated October 11, 2018; Mandy Macaluso, Trustee of The Living Trust of Mandy Macaluso; Marilyn Wallace, Trustee of The Marilyn Wallace Separate Property Trust; Daniel J. McSweeney and Yoko McSweeney; Wendell M. Mortensen and Laura L. Mortensen, Trustees of The Mortensen Family Revocable Trust; Timothy Jerome Murch and Jody Caren Murch, Trustees of The Jodim Family 2007 Trust Dated July 31, 2007; Chris E. Platt and Hanh H. Platt; Robert Erickson, Trustee and Ronald Wilson; Michael D. Robertson and Kimberly A. Robertson, Trustees of The Robertson Family Trust; James P. Robie, Trustee of the Robie Family Trust; Petter Romming and Kimi Romming, Trustees; Marc Saleh, Trustee of The Saleh Family Trust; Konrad Stefan Sonnenfeld, Trustee of The Konrad Stefan Sonnenfeld Living Trust; Mark Sutherland, Trustee of The Sutherland Marital Trust; John H. Thacher and Caroline H. Thacher, Trustees of The Thacher Family Trust Dated January 2004; Gilbert G. Vondrisk and Carolyn J. Vondrisk, Trustees of The Vondrisk Living Trust; William D. Rusin, Sr., Trustee of the William D. Rusin Sr. Revocable Trust; Oscar D. Acosta, Trustee of the Acosta Trust; Chris E. Platt and Hanh H. Plat; Deborah Lys Martin Crawford; Diane Syvertson, Trustee of the Diana Syvertson Living Trust; Erica J. Abrams, Trustee of the Erica J. Abrams Trust; Frank Clay Creasey Jr.; Frederic DeVault; Gilbert G. Vondrisk and Carolyn J. Vondrisk, Trustees of the Vondrisk Living Trust; James P. Robie, Trustee of the Robie Family Trust; John H. Thacher and Caroline H. Thacher, Trustees of the Thacher Family Trust dated January 2004; Mandy Macaluso, Trustee of the Living Trust of Mandy Macaluso; Margot J. Griswold; Mark Sutherland, Trustee of the Sutherland Marital Trust; Randall Leavitt, Trustee of the Randall B. Leavitt 2010 Trust; Raul E. Alvarado and Hildegard M. Alvarado, trustees

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Wendell M. Mortensen and Laura L.
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10 Valley School; Sharon Hamm-Booth and
11 David Robert Hamm, Co-Trustees of The
12 Hamm 2004 Family Trust Dated April 29,
13 2004; Reeves Orchard, LLC; and Ojai Valley
14 Inn, Edward J. Conner, Edward J. Conner,
15 Trustee of the Edward J. Conner Trust, Roe
16 56; Friend's Ranches, Inc.; Finch Farms,
17 LLC; Red Mountain Land & Farming, LLC;
18 James Finch, Trustee of the Finch Family
19 Trust

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Trust, Trustee of the Karin W. Gramckow
Irrevocable Trust, and Trustee of the Kurt J.
Gramckow Irrevocable Trust

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9 Long Nicholas, John Jay Nicholas, Jess Earl
10 Long (aka Jess E. Long), Johana Rae Long,
and Mary Margaret Long, Janis Long
Nicholas and Jess E. Long as Trustees of the
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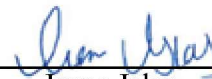
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1 I declare under penalty of perjury under the laws of the State of California that the
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3 Executed on December 6, 2021 at Walnut Creek, California

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