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14 [See next page for additional counsel]

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 16 COUNTY OF LOS ANGELES

17 SANTA BARBARA CHANNELKEEPER, a
 18 California non-profit corporation,

19 Petitioner,

20 v.

21 STATE WATER RESOURCES CONTROL
 22 BOARD, a California State Agency; CITY OF
 23 SAN BUENAVENTURA, a California
 24 municipal corporation, incorrectly named as
 25 CITY OF BUENAVENTURA,

26 Respondents.

27 CITY OF SAN BUENAVENTURA, a
 28 California municipal corporation,

Cross-Complainant,

v.

DUNCAN ABBOTT, an individual, et al.,

Cross-Defendants.

Case No. 19STCP01176

Judge: Hon. William F. Highberger
 Dept. 10 (South Spring Courthouse)

**CROSS-DEFENDANT THE WOOD
 CLAEYSSSENS FOUNDATION'S
 RESPONSE TO THE EAST OJAI
 GROUP'S EX PARTE APPLICATION
 TO CONTINUE TRIAL**

Date: January 18, 2021
 Time: 1:30 p.m.
 Dept.: SS10

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

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Attorney for Cross-Defendant
THE WOOD-CLAEYSSSENS FOUNDATION

1 Cross-defendant the Wood-Claeyssens Foundation (“Foundation”) provides this response
2 to the “East Ojai Group’s” *Ex Parte* Application to Continue Trial. The Foundation is amenable to
3 a short continuance in this matter to permit the completion of discovery and preparation for the
4 Phase 1 trial. However, the Foundation strongly opposes the fourth month delay proposed by the
5 East Ojai Group—such an extensive delay is prejudicial to the Foundation, water producers within
6 the Watershed, and the fishery.

7 As a procedural matter, the East Ojai Group failed to meet and confer with the Foundation
8 regarding its proposed continuance. The Foundation, whose lands are the site of the largest
9 agricultural production of groundwater in the Ventura watershed, has been an active participant in
10 this case at all times, and its counsel primarily conducted the deposition of the East Ojai Group’s
11 expert, Mr. Anthony Brown. Despite this fact, the East Ojai Group failed to confer with the
12 Foundation regarding the proposed continuance of the Phase 1 trial in this matter. (See Declaration
13 of Gregory Patterson filed in support of the *Ex Parte* Application, ¶¶ 15-17 [describing the East
14 Ojai Group’s meet and confer efforts regarding the continuance].) If the Foundation had been asked,
15 it would have represented that it does not oppose a *short* continuance of 7-10 days, but the
16 Foundation opposes and, as explained further below, will be significantly prejudiced by the four
17 month continuance requested by the East Ojai Group.

18 Substantively, the parties proposing the physical solution in this matter, the City of San
19 Buenaventura (“Ventura”), the Ventura River Water District, Meiners Oaks Water District, the
20 Foundation, and the Rancho Matilija Mutual Water Company (“Proposing Parties”), have a
21 significant interest in the expedient resolution of this matter. Petitioner Santa Barbara
22 Channelkeeper filed this litigation and alleged harm to the fishery as a result of the status quo—
23 e.g., Ventura’s production of water from “Reach 4” of the Ventura River—and Ventura filed its
24 Third Amended Cross-Complaint to address this issue on a watershed basis. (See September 7,
25 2018 Santa Barbara Channelkeeper’s First Amended Complaint.) The Proposing Parties are left in
26 a state of uncertainty pending the resolution of these claims, unclear as to whether their production
27 of water from the watershed is in jeopardy. While the Proposing Parties are seeking to affirmatively
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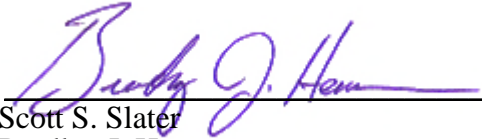
1 address these issues via this litigation, the East Ojai Group and the parties represented by Mr. Gregg
2 Garrison (i.e., the “Upper Ojai Group”) are attempting to avoid any responsibility for the
3 management of the watershed. (See December 21, 2021 East Ojai Group Joinder in City of Ojai
4 Motion for Judgment on the Pleadings; December 20, 2021, Upper Ojai Group Motion for
5 Judgment on the Pleadings.)

6 The irony here is that the parties proposing the extended continuance of the Phase 1 trial
7 use very little of the watershed’s water: less than 5% of total diversions. Accordingly, they feel
8 very little pressure or concern to find a resolution to this current problem and will suffer no harm
9 by the requested continuance, as their ultimate goal is to avoid responsibility for the management
10 of the watershed all together or for as long as they can. In contrast, Proposing Parties actually use
11 water from the watershed, and acknowledge that to be the case, while urging a comprehensive
12 resolution that provides long term certainty. In the absence of a resolution, Proposing Parties will
13 continue to suffer harm, and the proposed benefits to the fishery are delayed, raising the potential
14 the future relief may become more difficult to undertake and expensive to implement: time is not
15 our friend. Accordingly, the Foundation respectfully requests this Court begin the Phase 1 trial at
16 the earliest possible date, and grant a continuance of no more than 7-10 days.

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Dated: January 14, 2022

**BROWNSTEIN HYATT FARBER SCHRECK,
LLP**

By: 
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PROOF OF SERVICE

I, Ivy Capili, declare:

I am a citizen of the United States and employed in Santa Barbara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Brownstein Hyatt Farber Schreck, LLP, 2049 Century Park East, Suite 3550, Los Angeles, California 90067. On January 14, 2022, I served a copy of the within document(s):

CROSS-DEFENDANT THE WOOD CLAEYSSSENS FOUNDATION’S RESPONSE TO THE EAST OJAI GROUP’S EX PARTE APPLICATION TO CONTINUE TRIAL

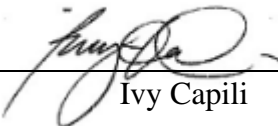
<input checked="" type="checkbox"/>	(BY ELECTRONIC SERVICE): By transmitting such document(s) to File & ServeXpress to the persons set forth on the attached service list. Local Rule of Court 2.10(P).
<input checked="" type="checkbox"/>	by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Los Angeles, California addressed as set forth below.

SEE ATTACHED SERVICE LIST

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 am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on January 14, 2022, at Los Angeles, California.


Ivy Capili

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