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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

JOINT STATUS CONFERENCE REPORT

Date: November 2, 2021

Time: 2:00 p.m.

Dept: SS10

Action Filed: September 19, 2014

Trial Date: February 14, 2022

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1 for expert depositions¹. Any other change to the approved schedule would augment the prejudice
2 the City contends it has already incurred by having to unilaterally disclose its expert witnesses
3 and reports in advance of all other parties. Because the phase 1 issues have been established
4 since June 21, 2021, and because all parties have had sufficient time to prepare any required
5 expert disclosures for those issues, no changes to the schedule are required or warranted.

6
7 The East Ojai Group's request to change the expert schedule is not based on good cause,
8 is unnecessary, and will only result in needless additional delay of a case that was originally filed
9 in 2014. For more than a year, this Court has encouraged all parties to coordinate with like-
10 minded parties and pool their resources. It is unfair to permit a change in a schedule and a
11 process that has been well-known to all parties for many months. The East Ojai Group's request
12 appears solely motivated by a desire to reduce costs to a limited number of parties at the expense
13 of others. In addition, Phase 1 will not evaluate individual water extractions or extractors; it will
14 determine interconnection between surface water and groundwater in the Ventura River
15 Watershed and its groundwater basins. Therefore, the existing expert reports provide sufficient
16 information for the Court to determine the Phase 1 issues, and there is no need for individual
17 parties to join the existing expert reports. While the East Ojai Group says that is it not currently
18 requesting a delay in the Phase 1 trial, it is apparent that a delay is the desired result and that one
19 will be requested given the change in the schedule. Such a delay will only add to the prejudice
20 the City contends has already occurred.

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26 ¹ It is the City's position that December 3, 2021 is the deadline for supplemental and rebuttal experts and that only
27 those parties who have previously and timely designated experts and provided reports may make further designations
28 on this date. A "reservation" of the right to designate witnesses does not constitute a disclosure. (*Fairfax v. Lords*
(2006) 138 Cal.App.4th 1019, 1026-1027.) As ordered by the Court, any requested relief from the Court-imposed
schedule for expert disclosures was required to be made before the relevant deadline.

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1 for submittal of supplemental expert witness designation and reports, to submit either notice of
2 joining with the East Ojai Group and its expert or proffering a new expert. This will allow for a
3 more reasonable time for parties to organize and coordinate and have a meaningful say in the
4 case, without the need to continue the trial.

5
6 The City argues it will be prejudiced if any extension is granted for these parties. How?
7 If the City needs more time to respond to new parties' submission of expert(s), the Court can
8 provide that time and the East Ojai Group will certainly agree to any extension. Such a procedure
9 allows the Court to have a fuller understanding of the case, allows a fuller representation by the
10 parties sued by the City, and at no material prejudice to the City.

11 Dated: October 28, 2021

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13 By: 

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18 Dated: October 28, 2021

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20 By: /s/ Gregory J. Patterson (with permission)

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22 Attorneys for Cross-Defendants EAST
23 OJAI GROUP
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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 October 28, 2021, I served the following document(s):

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- ☐ 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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21 I declare under penalty of perjury under the laws of the State of California that the
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23 Executed on October 28, 2021 at Walnut Creek, California

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25 Irene Islas