



1 Dale G. Givner and Patricia Givner  
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4 In Pro. Per.

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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF LOS ANGELES  
9

10 SANTA BARBARA CHANNELKEEPER )  
11 A California non-profit corporation, )  
12 Petitioner/Plaintiff, )  
13 v. )  
14 STATE WATER RESOURCES CONTROL )  
15 BOARD, a California State Agency, )  
16 CITY OF SAN BUENAVENTURA, a )  
17 municipal corporation. )  
18 Respondent/Defendant )  
19

Case No. 19STCPO1176  
Judge: Honorable William F. Highberger  
NOTICE FOR JOINDER MOTION IN  
SUPPORT OF MOTION FOR  
JUDGEMENT ON THE PLEADINGS  
BY ANDREW WHITMAN  
Date: December 20, 2021  
Action filed: Sept. 19, 2014  
Trial Date : February 14, 2022

20 CITY OF SAN BUENVENTURA, a California  
21 municipal corporation, incorrectly named as  
22 CITY OF BUENA VENTURA,  
23 Cross-Complaint  
24 v.  
25 Duncan Abbott, an individual. Et al.,  
26 Cross-Defendants  
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1 NOTICE IS HEREBY GIVEN that Cross-Defendants, Dale G. and Patricia Givner, do hereby  
2 join in, and provide this Notice of Motion regarding, the Motion for judgment on the Pleadings  
3 of Cross-Defendants Andrew K. Whitman, Heidi A. Whitman, Nancy L. Whitman Family Trust,  
4 to be heard on January 18, 2022 at ? a.m., or as soon thereafter as the matter may be heard, in  
5 Department 10 of the above-entitled court located at 312 North Spring Street, Los Angeles,  
6 California.

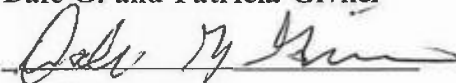
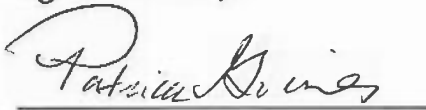
7 Cross-Defendants, Dale G. and Patricia Givner, by this Notice of Joinder and Notice of Motion  
8 regarding the above referenced motion, will and do hereby move, pursuant to Code of Civil  
9 Procedure section 438 and other applicable statutes and case law, for an Sixth Cause of Action of  
10 the Third Amended Cross-Complaint:

- 11 1. The Sixth Cause of Action for Comprehensive Adjudication of the Third Amended  
12 Cross-complaint fails to state facts sufficient to constitute a cause of action and is beyond  
13 the jurisdiction of the court to issue an order adjudication groundwater rights as against a  
14 property owner overlying groundwater of the Upper Ventura River Groundwater Basin  
15 (UVRGB). (Code Civ. Proc. Sec. 438 (c)(1)(B)(I) and (ii).

16 The joinder in the motion is based upon the Notice of Motion and Memorandum of Points and  
17 Authorities filed by the Whitman Cross-Defendants, the court's complete files and such other  
18 matters as may be filed with the court.

19  
20 **Dated:** December 26, 2021

**Dale G. and Patricia Givner**

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1 **MEMORANDUM OF POINTS AND SUTHORITIES**

2 **A PARTY MAY JOIN IN ANOTHER PARTY’S Motion for Judgment on the Pleadings so**  
3 **long as the joining party timely serves and files a Notice of Joinder and articulates all facts**  
4 **necessary to the motion. Cross-Defendants, Dale G. and Patricia Givner, are timely filing**  
5 **and serving this Notice of Joinder/Notice of Motion regarding the Motion for Judgment on**  
6 **the Pleadings of Cross-Defendants Andrew k. Whitman, Heidi A. Whitman, Nancy L.**  
7 **Whitman and the John R. And Nancy L. Whitman Family Trust.**

8 Joinder is proper because Joining Cross-Defendants are similarly situated to the  
9 moving party as a cross-defendant sued solely based upon ownership of property overlying  
10 the Upper Ventura River Groundwater Basin (UVRGB). The Third Amended Complaint  
11 (3ACC) does not assert facts establishing that the joining parties have ever extracted  
12 groundwater from the UVRGB and even if the 3ACC had stated such facts, the 3ACC fails  
13 to state facts showing that the joining cross-defendants used groundwater in a manner that  
14 was not reasonable or beneficial. Furthermore, the 3ACC fails to state facts,  
15 demonstrating the city of San Buenaventura has standing the assert the sixth cause of  
16 action for a comprehensive adjudication in that it fails to demonstrate via material fact that  
17 the CITY has any claim to groundwater rights of the UVRGB.

18 For the reasons stated above and in Motion for Judgement on the Pleadings by the  
19 Whitman cross-defendants, the Givner cross-defendants respectfully request that said  
20 Motion, as Joined in by the Givner cross-defendants, be granted and that judgement be  
21 entered in favor of Givner cross-defendants and against the CITY on the sixth cause of  
22 action of 3Acc.

23 Dated: December 20, 2021

Dale G. Givner



Patricia Givner

