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12 CITY OF SAN BUENAVENTURA

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

16 SANTA BARBARA CHANNELKEEPER, a  
California non-profit corporation,

Case No. 19STCP01176

17 Petitioner,

Judge: Hon. William F. Highberger

18 v.

STATUS CONFERENCE REPORT

19 STATE WATER RESOURCES CONTROL  
20 BOARD, etc., et al.,

Date: July 6, 2021  
Time: 2:00 p.m.  
Dept: SS10

21 Respondents.

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

22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant,

24 v.

25 DUNCAN ABBOTT, an individual, et al.,

26 Cross-Defendants.  
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1           The parties did not reach a consensus regarding a date for initial expert disclosures (late  
2 August vs. late September) and whether expert disclosures should be mutual or whether the City  
3 should be ordered to make expert disclosures first. The City does not object to a late August  
4 initial disclosure, but other parties expressed concerns with that earlier date. The City contends  
5 that all parties who have retained experts and who have already taken a position on the Phase 1  
6 issues should mutually disclose their experts' opinions, but other parties contend that the Court  
7 should require the City to disclose unilaterally.

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9           2.       INITIAL DISCLOSURES

10           The City contends that parties who have stipulated to the proposed physical solution or  
11 who have stipulated to the proposed physical solution in lieu of filing an answer should be  
12 excused from preparing and providing Initial Disclosures at this time. These parties have  
13 stipulated to the proposed physical solution in order to minimize their participation in the case  
14 and will ultimately be required to provide their pumping information, if any, to the Management  
15 Committee, an arm of the Court, appointed by the Court, to be established by the proposed  
16 physical solution. The majority of these parties do not currently pump or divert water or they are  
17 de minimis users (i.e., they divert or extract fewer than five acre feet of water from the Watershed  
18 per year). Requiring these parties to submit Initial Disclosures will not provide meaningful  
19 information relevant to any pending issue and is therefore not currently necessary. Code of Civil  
20 Procedure section 850(b) has not been invoked at this time, and Section 850(b) does not require  
21 that Initial Disclosures be used for purposes of calculating the thresholds in that section even in  
22 the event that a party seeks to proceed under Section 850(b).

23           The Court tabled this issue at the June 21, 2021 Further Status Conference and asked  
24 counsel for the State to explain to the Court why stipulating parties should be required to provide  
25 Initial Disclosures at this time. The Court continued this issue to the July 6, 2021 Further Status  
26 Conference.

1           3.       LODGMET OF PROPOSED PHYSICAL SOLUTION

2           The City, together with Cross-Defendants the Ventura River Water District, Meiners Oaks  
3 Water District, the Wood-Claeysens Foundation, and the Rancho Matilija Mutual Water  
4 Company (collectively the Proposing Parties) are prepared to lodge the public review draft of the  
5 proposed physical solution dated May 17, 2021. The Proposing Parties believe that the Court's  
6 review and consideration of the draft proposed physical solution would help educate the Court  
7 and assist with framing certain issues to be decided in the Phase 1 trial. The Proposing Parties  
8 disagree with the State's contention that the proposed physical solution is a settlement offer. It is  
9 a publically available draft document, and the Proposing Parties will be prepared to seek the  
10 Court's approval of it after Phase 1 trial.

11           To date, no party has submitted written objections to the lodgment of the proposed  
12 physical solution. Some parties have submitted written objections to the substance of the  
13 proposed physical solution, and the State has encouraged the Court to decline to accept the  
14 document. The City contends that parties who object to lodgment of proposed physical solution  
15 should file written objections explaining the basis for their objections so that the Court may make  
16 a final decision on this long-standing issue.

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18           4.       CONCLUSION AND SUMMARY OF REQUESTS

19           In compliance with the Court's order, the City has proposed a discovery and pretrial  
20 schedule based on meet and confer with the parties and will be prepared to discuss these issues  
21 with the Court and the parties and the Court at the July 6, 2021 Further Status Conference. The  
22 City respectfully requests that the Court consider taking the following actions at the July 6, 2021  
23 Status Conference:

- 24           • Issue an order setting a discovery plan and pretrial schedule for Phase 1 trial.  
25           • If necessary, order that stipulating parties be excused from providing Initial  
26           Disclosures at this time.  
27           • Allow the Proposing Parties to lodge the public review draft of the proposed  
28           physical solution dated May 17, 2021.

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Dated: July 2, 2021

BEST BEST & KRIEGER LLP

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Dated: July 2, 2021

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VALLEY SCHOOL; SHARON HAMM-  
BOOTH AND DAVID ROBERT HAMM,  
CO-TRUSTEES OF THE HAMM 2004  
FAMILY TRUST DATED APRIL 29,  
2004; REEVES ORCHARD, LLC; and  
OJAI VALLEY INN

# EXHIBIT A

**PROPOSED DISCOVERY AND PRE-TRIAL SCHEDULE FOR PHASE 1**

<b>DATE</b>	
June 21, 2021	Discovery Stay is lifted for the issues to be tried in Phase 1 of Trial. (As Ordered by the Court.)
September 24, 2021	First date for Initial Expert Witness Disclosures, including Expert Witness Reports, pursuant to Code of Civil Procedure Section 843. (This date applies to Parties who have retained/employed expert(s) for the purpose of analyzing those issues to be tried in Phase 1 and who intend to put on direct expert testimony regarding these issues, as opposed to rebuttal expert testimony only.)
October 15, 2021	Percipient Discovery Cut-Off Date. (All percipient discovery must be completed by this date.)
November 3, 2021	Deadline for any party to file a Motion for Summary Judgment or Summary Adjudication.
November 12, 2021	Second date for Initial Expert Witness Disclosures, including Expert Witness Reports, pursuant to Code of Civil Procedure Section 843. (This date applies to Parties who, at the time of the first date for Initial Expert Witness Disclosures, had not yet retained/employed expert(s) for the purpose of analyzing those issues to be tried in Phase 1 and providing direct expert testimony. At the time of submitting any such Disclosure, the Submitting Party must also submit a Declaration attesting to the fact that he/she/it had not retained or hired an expert for the purpose of analyzing those issues to be tried in Phase 1 at the time of the September 24, 2021 Initial Expert Witness Disclosure.)
December 10, 2021	Date for exchange of Supplemental Expert Disclosures, including Expert Witness Reports, pursuant to Code of Civil Procedure Section 843.
January 14, 2021	Expert Deposition Cut-Off. (All expert discovery must be completed by this date.)
January 21, 2022	Pre-Trial Statements, Exhibit Lists, Witness Lists, Motions in Limine, and Trial Briefs are Due.
January 21, 2022	Law and Motion Cut-Off Date. (All motions other than Motions in Limine, including any Motions for Summary Judgment and/or Adjudication must be heard on or before this date.)

January 28, 2022	Responses to Motions in Limine are Due. Parties must exchange all exhibits.
February 2, 2022	Final Status Conference, at 10:00 a.m. in Dept. SS10. (Motions in Limine will be heard at the Final Status Conference.)
February 14, 2022	Phase 1 Trial (First Day), at 10:00 a.m. in Dept. SS10.

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