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12 CITY OF SAN BUENAVENTURA

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

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

Case No. 19STCP01176

17 Petitioner,

Judge: Hon. William F. Highberger

18 v.

**DECLARATION OF SARAH  
CHRISTOPHER FOLEY IN SUPPORT  
OF CITY OF SAN BUENAVENTURA'S  
OPPOSITION TO EAST OJAI  
GROUP'S EX PARTE APPLICATION  
TO CONTINUE TRIAL**

19 STATE WATER RESOURCES CONTROL  
20 BOARD, et al,

21 Respondents.

*[Filed concurrently with Opposition to Ex  
Parte Application to Continue Trial;  
Declaration of Christopher M. Pisano]*

23 CITY OF SAN BUENAVENTURA, et al.,

Date: January 18, 2022

24 Cross-Complainant,

Time: 1:30 p.m.

Dept.: 10

25 v.

Action Filed: Sept. 19, 2014

Trial Date: February 14, 2022

26 DUNCAN ABBOTT, an individual, et al.,

27 Cross-Defendants.

28

BEST BEST & KRIEGER LLP  
ATTORNEYS AT LAW  
655 WEST BROADWAY, 15TH FLOOR  
SAN DIEGO, CALIFORNIA 92101

**DECLARATION OF SARAH CHRISTOPHER FOLEY**

I, Sarah Christopher Foley, declare:

1. I am a partner at the law firm of Best Best & Krieger LLP (BBK), the attorneys of record for Defendant and Cross-Complainant City of San Buenaventura (City). I am licensed to practice law before all of the courts in the State of California. Unless otherwise stated, I have personal knowledge of the facts set forth herein and if called and sworn as a witness, could and would testify competently thereto.

2. I make this declaration in response to the declaration of Gregg Scott Garrison re ex parte to continue trial and in support of the City's opposition to the ex parte request for a trial continuance.

3. BBK has not "withheld discovery" from Mr. Garrison. The Court-ordered percipient discovery cut-off date was October 15, 2021. There is no outstanding discovery request by Mr. Garrison to BBK. There is no outstanding request by Mr. Garrison to BBK other than his demand set forth in number 5, below.

4. At the December 13, 2021 status conference/order to show cause hearing, Mr. Garrison requested that BBK update its map of appearing parties and create a new map showing the parcels of the defaulted parties. The Court agreed that updating the appearing parties map and preparing a new defaulted parties map would be useful for the parties and for the Court and asked the City to do so, while acknowledging that the City would need sufficient time to complete these tasks. The Court did not "order" the City to produce these maps and did not impose a deadline for the City to complete this work. Attached hereto as Exhibit A is a true and correct copy of the December 13, 2021 transcript, with the relevant discussion highlighted.

5. Mr. Garrison has repeatedly demanded (by emails dated December 17, 2021, December 20, 2021, and December 28, 2021) that BBK produce these maps pursuant to Mr. Garrison's arbitrary schedule. BBK has had to repeatedly communicate and re-communicate the facts recited in number 4 above to Mr. Garrison. BBK has also communicated that updating these maps takes extensive time and effort, as further set forth below. Additionally, BBK has communicated its position that these maps are not relevant to the upcoming Phase 1 Trial, and

1 their disclosure is not required for any expert analysis. Attached hereto as Exhibit B is a true and  
2 correct copy of the email correspondence between BBK and Mr. Garrison regarding this issue.

3 6. Updating the appearing parties map requires the following tasks that I am  
4 supervising:

5 a. Two BBK paralegals, Marnie Prock and Elizabeth Balloue, track and confirm  
6 party appearances and analyze and update a spreadsheet of appearing parties that  
7 includes party name and APN ownership as reflected by answers, stipulations,  
8 initial disclosures, and/or BBK's work product [COMPLETE];

9 i. Ms. Prock and Ms. Balloue informed me that this work took them 16.3  
10 hours and 18.7 hours, respectively and was completed expeditiously,  
11 including during the weekend.

12 b. I review these updated spreadsheets and discuss additional revisions and changes  
13 with BBK paralegals [COMPLETE];

14 c. I provide this spreadsheet to City experts that are able to create the map  
15 [COMPLETE];

16 d. City experts create an updated map of appearing parties [IN PROGRESS];

17 e. BBK paralegals and I review the draft map for accuracy and consistency;

18 f. City experts make any final changes to the map;

19 g. City serves the map on all parties [ESTIMATED COMPLETION DATE: January  
20 31, 2022].

21 7. BBK is researching and evaluating its options for creating a map of the non-  
22 appearing/defaulted named Cross-Defendants, and my paralegals inform me that this effort will  
23 require the mapping of thousands of parcels and similar coordination with City experts.

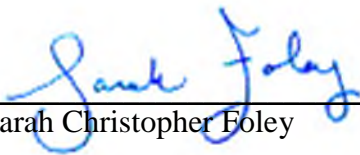
24 8. BBK met and conferred with Mr. Garrison and Mr. Whitman via Zoom on  
25 December 13, 2021. I shared my screen with them and mapped the properties of parties for  
26 which they wanted more information, based on my own research and based on research done by  
27 BBK paralegals. BBK answered all of their questions and did not withhold any information from  
28 them.

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9. Mr. Garrison requested more information about Sisar Mutual Water Company at the December 13, 2021 hearing and via email to me on December 17, 2021. After obtaining permission from Sisar Mutual Water Company’s counsel of record, Bill Slaughter, BBK paralegals and I researched Sisar Mutual Water Company and responded to Mr. Garrison’s request for more information about the entity on December 20, 2021. See Exhibit B.

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

Executed on January 14, 2022, at New Orleans, Louisiana.

By:  \_\_\_\_\_  
Sarah Christopher Foley

# **EXHIBIT A**

# **EXHIBIT A**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 10

HON. WILLIAM F. HIGHBERGER, JUDGE

- - -

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

Plaintiff, )

vs. )

Case No. 19STCP01176

STATE WATER RESOURCES CONTROL BOARD, )  
etc., et al., )

Defendants. )

AND RELATED CROSS-ACTION. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, DECEMBER 13, 2021

IN-PERSON APPEARANCES OF COUNSEL:

FOR CITY OF SAN  
BUENAVENTURA:

BEST BEST & KRIEGER LLP  
BY: CHRISTOPHER M. PISANO, ESQUIRE  
300 South Grand Avenue, 25th Floor  
Los Angeles, California 90071

CASITAS MUNICIPAL  
WATER DISTRICT:

RUTAN & TUCKER, LLP  
BY: DOUGLAS J. DENNINGTON, ESQUIRE  
1857 Jamboree Road, 9th Floor  
Irvine, California 92612

REPORTED BY:

TIMOTHY J. McCOY, CSR NO. 4745  
OFFICIAL REPORTER PRO TEMPORE

TRANSCRIPT OF PROCEEDINGS

December 13, 2021

<p>1 REMOTE LA COURTCONNECT APPEARANCES OF COUNSEL: 2 3 STATE WATER RESOURCES OFFICE OF THE ATTORNEY GENERAL CONTROL BOARD: BY: MARC N. MELNICK, DEPUTY ATTORNEY GENERAL 4 5 CA. DEPARTMENT OF OFFICE OF THE ATTORNEY GENERAL FISH &amp; WILDLIFE: BY: NOAH GOLDEN-KRASNER, DEPUTY ATTORNEY GENERAL 6 7 FOR LOA E. BLISS BY: LOA E. BLISS, 2006 REVOCABLE TRUST: IN PROPRIA PERSONA 8 FOR AERA ENERGY, LLC: MANATT, PHELPS &amp; PHILLIPS LLP BY: PETER R. DUCHESNEAU, ESQUIRE 9 10 FOR AGR BREEDING INC.: ALSTON &amp; BIRD LLP BY: GINA ANGIOLILLO, ESQUIRE 11 FOR HEIDI A. WHITMAN: BY: ANDREW WHITMAN, ESQUIRE 12 FOR BALDWIN RANCH: BY: BRIAN MOSKAL, ESQUIRE 13 FOR CLAUDE R. BAGGERLY: BY: CLAUDE R. BAGGERLY 14 FOR VENTURA COUNTY BY: NATHAN METCALF, ESQUIRE WATERSHED PROTECTION 15 DISTRICT: 16 FOR THE THACHER SCHOOL: BY: GREGORY PATTERSON, ESQUIRE 17 FOR GREGG GARRISON: BY: GREGG GARRISON, IN PROPRIA PERSONA 18 19 VENTURA RIVER COUNTY HERUM CRABTREE SUNTAG WATER DISTRICT: BY: JEANNE M. ZOLEZZI, ESQUIRE 20 21 22 23 24 25 26 27 28</p>	<p>1 CASE NUMBER: 19STCP01176 2 CASE NAME: SANTA BARBARA CHANNELKEEPER 3 vs. STATE WATER RESOURCES 4 CONTROL BOARD, et al. 5 LOS ANGELES, CA MONDAY, DECEMBER 13 2021 6 DEPARTMENT 10 HON. WILLIAM F. HIGHBERGER, JUDGE 7 TIME: 4:05 P.M. 8 REPORTER: TIMOTHY J. McCOY, CSR NO. 4745 9 APPEARANCES: (AS HERETOFORE NOTED) 10 *** 11 12 13 (The proceedings commenced in open court, with 14 various parties appearing remotely, as follows:) 15 16 17 THE COURT: Okay. Good afternoon. 18 Mr. Whitman, you're there? 19 MR. WHITMAN: Yeah, I'm here. 20 THE COURT: And Mr. Garrison, you're there? 21 MR. GARRISON: I'm present, your Honor. 22 THE COURT: Mr. Whitman, have you and representatives 23 of City of Ventura, such as Mr. Pisano, had any luck 24 in determining whether your relevant fee simples should 25 or should not be considered as within the basin? 26 MR. WHITMAN: I do understand their position, your 27 Honor, and, you know, without a description I have no way 28 of knowing one way or the other, but I'm not objecting</p>
<p>1 I N D E X 2 3 MONDAY, DECEMBER 13, 2021 4 5 W I T N E S S E S 6 (NONE) 7 8 9 E X H I B I T S 10 (NONE) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>1 until I see that evidence. 2 THE COURT: Mr. Pisano, do you consider the Whitman 3 property to be within the basin after further examination 4 of the details? 5 MR. PISANO: Your Honor, the properties that we 6 discussed on the meet and confer call, they are either 7 within the watershed or -- 8 THE COURT: The watershed doesn't matter. 9 MR. PISANO: For purposes of the Upper Ojai Basin, yes, 10 they're within the Upper Ojai Basin. 11 THE COURT: That matters. 12 MR. PISANO: Correct. 13 THE COURT: I don't give a hoot about watershed unless 14 they're riparian. 15 MR. PISANO: Okay. 16 THE COURT: Are they riparian? 17 MR. PISANO: Well, some of the addresses or some of 18 the properties they gave us are riparians in other portions 19 of the watershed. 20 But for purposes of the Upper Ojai Basin, the 21 properties they gave us -- 22 THE COURT: Bear with me. 23 Are any of the fee simples that are at issue 24 owned by Garrison or indirectly owned by Garrison 25 named as cross-defendants because they're riparian? 26 MR. PISANO: I don't know the answer to that, but 27 Mr. Hagerty might. He's on the screen, your Honor. 28 MR. HAGERTY: Thank you, your Honor. Shawn Hagerty</p>

<p>1 on behalf of the City.  2 Mr. Garrison's property itself I don't believe  3 is at issue, at least it hasn't been specifically raised --  4 THE COURT: I think we're talking about Whitman.  5 Weren't we talking about Whitman, Mr. Pisano?  6 MR. HAGERTY: Yes, that's correct.  7 With Mr. Whitman, we brought up a map, we showed  8 Mr. Whitman where his property is located as to that map,  9 and it is within the Upper Ojai Basin. We don't think  10 there's any dispute about that.  11 The issue, you know, was the issue that was  12 raised previously about it being outside of the watershed  13 but in the basin, and we have confirmed to our satisfaction  14 that it is absolutely within the basin, and that's why  15 he received notice and that's why he decided to appear  16 in the case.  17 THE COURT: Okay. So Mr. Whitman, is this consistent  18 with what they've told you, which is, that your property  19 is outside the Ventura River watershed but it is within  20 their analysis of the Upper Ojai Valley groundwater basin?  21 MR. WHITMAN: I understand that they take that position.  22 They showed me a map with the address on the border of  23 that, so I'd like to see metes and bounds so I can confirm  24 if there was -- there was no way of correlating that.  25 But I'm not objecting to our proceeding on these  26 issues until I can see if it's a valid description, which  27 I understand that their position is that they don't have  28 it and it doesn't exist.</p>	<p>1 MR. HAGERTY: Yes, your Honor. And we also can do  2 that with software that we have. And so -- I mean, there  3 is no question that this property is within the basin as  4 described in DWR. And, you know, that's why they received  5 the notice, and that's why Mr. Whitman apparently elected  6 to appear.  7 There was a representation made that somehow  8 that we were noticing people outside of the basin, and  9 we have no evidence of that. We've asked for information  10 about that, that's what the meet and confer was about.  11 We got a list of six names, and we've confirmed that all  12 of those names that Mr. Garrison has provided, they're  13 either in the basin or they're named riparians that are  14 part of the watershed.  15 And so, again, if there's someone that's outside  16 of the basin and outside of the watershed, as we said in  17 court last Thursday, we don't want them in the case and  18 we'll deal with that.  19 But Mr. Whitman is definitely part of the Upper  20 Ojai Basin.  21 THE COURT: Okay.  22 Mr. Garrison, you wanted to be heard and I was  23 holding you off. You've got the floor.  24 MR. GARRISON: Thank you, your Honor.  25 Pursuant to the hearing on Thursday, I contacted  26 the Department of Water Resources and disclosed to them  27 that we have four basins within this adjudication, two  28 of which do not have coordinates, and I have asked that</p>
<p>1 So, you know, it's their burden of proof to show  2 where it is, so we'll see if they do.  3 THE COURT: So my understanding of what I've been told  4 is that, by law, I am to take and use the basin definition  5 created by the Department of Water Resources, however good  6 or bad it is, and if people feel that that definition of  7 the basin needs to be corrected, either to add precision or  8 to move a line, that one has to petition the Department of  9 Water Resources to do so, and that that is, by the statute  10 I'm applying, supposedly beyond my powers.  11 Is that a correct understanding, Mr. Hagerty,  12 of your position?  13 MR. HAGERTY: That's exactly right, your Honor.  14 And if I may just add something. The map we  15 showed was actually a tool that is on the DWR website  16 where you can look -- they have the boundaries shown,  17 and you can use a locator tool. And that's what we  18 showed Mr. Whitman. That wasn't something we prepared,  19 that was a DWR process.  20 MR. GARRISON: Your Honor, if I may speak?  21 THE COURT: Not yet. Not yet.  22 MR. GARRISON: Okay.  23 THE COURT: Mr. Hagerty, if you drill down on that  24 map on the internet that the Department of Water Resources  25 provides can you essentially go to a given street and start  26 looking at this side or that side of the street and have a  27 clear answer as to whether the property is mapped as being  28 within the groundwater basin, Mr. Hagerty?</p>	<p>1 they provide those coordinates so we can go forward  2 with some certainty pursuant to CCP 841(a) through (d).  3 I spoke with a senior hydrologist and counsel  4 for the Department of Water Resources, which its just  5 contacted me and wants to discuss my letter of this morning  6 in more detail with what we require for specificity in  7 this groundwater adjudication.  8 THE COURT: So that was apparently a relatively positive  9 interchange, suggesting that they would provide the level  10 of detail you're hoping to get?  11 MR. GARRISON: Absolutely, your Honor.  12 THE COURT: Okay.  13 Do you have further questions where you want  14 information from Mr. Hagerty or Mr. Pisano that they  15 have not yet supplied you, Mr. Garrison?  16 MR. GARRISON: I do, your Honor.  17 They are correct, we met and conferred with  18 Mr. Whitman this morning and we did identify six particular  19 parcels. But moreover, on Map 3 of 3 for the answering  20 parties, there are 13 parcels that are identified as not  21 in the watershed of Ventura and may not be in the basin.  22 And on those 13 properties, that's a subset of the  23 nonanswering parties or the defaulted parties.  24 This map also, that Mr. Hagerty referred to,  25 is dated 8/13/2021, four months old. What I would request  26 of BBK and the City of Ventura is that they update the  27 appearing parties' map so that we can see where the  28 answering parties are located that have responded, but</p>



1 also include another map of those parcels sued and/or  
 2 defaulted or nonanswering so we can see the full universe  
 3 of all parcels that they have sued that may not be in the  
 4 basin and that may be subject to dismissal based on what  
 5 Mr. Hagerty just said.  
 6 So really, in an instant universe, right now we're  
 7 looking through a knothole in the fence and we need to take  
 8 down that claim and look at -- because there are 13 parties  
 9 here that are not situated in the watershed, I understand  
 10 that. There must be a multiple exponent of 40 parties that  
 11 had been served and/or defaulted, and I'd like to see them  
 12 depicted in this map, as well.  
 13 THE COURT: So bear with me.  
 14 I at least, as a neutral, would contemplate  
 15 proposing that a map generated by the City of Ventura  
 16 of appearing parties be supplemented to include default  
 17 status information only as to named cross-defendants  
 18 who have in fact been defaulted.  
 19 That being noted, the way the Streamlined  
 20 Comprehensive Adjudication statute works for people  
 21 whose interest in the litigation is limited to that  
 22 of the owner of a fee simple over a groundwater basin,  
 23 they aren't named, they instead get alternative kind of  
 24 short-form notice of the suit, they're given an opportunity  
 25 to answer or theoretically demur and move for judgment on  
 26 the pleadings or otherwise, certainly at least to answer,  
 27 but they don't have to, and it cost money to answer, and  
 28 if somebody got that short-form notice and does nothing

1 thereafter to respond, they're never going to get defaulted  
 2 so they won't be listed as defaulted parties.  
 3 So if you've got people who own a fee simple in  
 4 that portion of the Upper Ojai groundwater basin which is  
 5 east of or northeast of the limitations of the Ventura River  
 6 watershed, it would be really weird if they have otherwise  
 7 stepped away from the lawsuit to find their default entered.  
 8 Correct, Mr. Pisano?  
 9 MR. PISANO: Correct, your Honor.  
 10 THE COURT: So I don't know how we would do much  
 11 more to improve upon that map as to that subset of  
 12 people, Mr. Garrison, who were fee simple owners in the  
 13 non-watershed portion of the Upper Ojai Valley Basin who  
 14 have been noticed up on the suit but otherwise stood aside.  
 15 So help me out with what it is you want Ventura  
 16 City to do as to that unique subset of potential litigants,  
 17 Mr. Garrison?  
 18 MR. GARRISON: Yes, your Honor. To update the now  
 19 four-month old map to include those appearing parties that  
 20 have appeared since August to December, and also, you know,  
 21 through the defaulted parties that do not appear on the map  
 22 currently.  
 23 THE COURT: Well, I don't quarrel with that in concept.  
 24 So if somebody in the Upper Ojai Valley Basin  
 25 who's outside the Ventura watershed did choose to answer,  
 26 it's your request that the map of four months vintage be  
 27 updated to tell us who those people are, Mr. Garrison?  
 28 MR. GARRISON: Yes, your Honor.

1 THE COURT: So Mr. Pisano or Mr. Hagerty, is that a  
 2 reasonable and doable thing by your client, given enough  
 3 time to implement the data updates?  
 4 MR. HAGERTY: Your Honor, I think we could pursue that.  
 5 I mean, I think that the problem I'm having here  
 6 is that we've asked Mr. Garrison and Mr. Whitman to identify  
 7 what they represented to the Court on Thursday, which was,  
 8 they knew of people who were outside of the basins that got  
 9 notice. And we haven't received any of that information.  
 10 And I think what's happening is we're just getting  
 11 things thrown at us, and I'm not quite sure why this is  
 12 occurring when, you know, we've noticed everyone, we've  
 13 demonstrated and submitted to the Court, as required,  
 14 evidence that we've provided all the notice, we've submitted  
 15 proofs of service for everyone, there's a whole default  
 16 process.  
 17 All this information is there and available, but  
 18 if the Court wishes us to update a map, we're happy to  
 19 do this.  
 20 But we would ask that Mr. Garrison or Mr. Whitman,  
 21 if they have actual evidence of what they asserted to you  
 22 on Thursday, they need to provide that to us because we  
 23 haven't seen that at all.  
 24 And we do also ask the Court to go forward with  
 25 the order to show cause, because even if there is some  
 26 subsequent change or we get some information from DWR,  
 27 it's the Bulletin 118 description that the Court's obligated  
 28 to use until that's formally amended. And you approved

1 the other two -- three, excuse me, and we would ask that  
 2 the Court go forward with that.  
 3 We're happy to continue to work with Mr. Garrison  
 4 and Mr. Whitman, we're happy to update the map as suggested,  
 5 it's just, you know, I'm not sure where this is heading  
 6 in terms of the value to the parties and to the Court.  
 7 MR. GARRISON: Your Honor, I can speak to that.  
 8 THE COURT: Go ahead, Mr. Garrison.  
 9 MR. GARRISON: One concern I had in the map of 8/13,  
 10 I looked for a couple of answering parties and they weren't  
 11 on the map. And I don't know if that's just because it's  
 12 so far back in time. But I was looking particularly for  
 13 the Sisar Water Company.  
 14 Are you familiar with that client?  
 15 THE COURT: Your voice is dropping off, Mr. Garrison.  
 16 You need to be slower, enunciate, and get your mouth closer  
 17 to the microphone.  
 18 MR. GARRISON: The Sisar Mutual Water Company, they're  
 19 not on the map, but they've answered.  
 20 MR. HAGERTY: Your Honor? Again, your Honor, I'm  
 21 happy to work with Mr. Garrison. If he has questions  
 22 about who has answered, who has been defaulted, we're  
 23 happy to work with him and provide that information.  
 24 I don't know why we need to do this at an OSC.  
 25 And the other parties who have questions can  
 26 call us and we'll provide the information, and we're  
 27 happy to continue to do that, including with Mr. Garrison.  
 28 THE COURT: I tend to agree with you on that point.

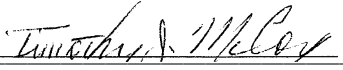
<p>1 But, Mr. Garrison, I do think it's fair to ask  2 that a map trying to tell all interested parties who's  3 appeared in the case should be updated, and I think it's  4 good that it be updated to include named parties who have  5 been defaulted.</p> <p>6 And beyond that, Mr. Whitman, do you wish to  7 be heard any further to object to adopting that portion  8 of the order to show cause dealing with adoption of  9 the Department of Water Resources' currently-written,  10 vague-as-they-may-be boundaries for the Upper Ojai  11 Valley water basin, Mr. Whitman?</p> <p>12 MR. WHITMAN: Yes, your Honor.</p> <p>13 And just, you know, for the record, Mr. Hagerty's  14 made representations about inquiries that I made. I've been  15 kind of drug into this thing and -- but as long as there's  16 no prejudice to our ability to show that we're not in that  17 basin if upon further description it shows we're not in the  18 basin guidelines.</p> <p>19 I understand that if we are, then we're apparently  20 stuck in this, although if you do have to read 118, it  21 does say that the water does not serve the valley and --</p> <p>22 THE COURT: Well, that's for a merits determination  23 later.</p> <p>24 Mr. Garrison, do you wish to be heard further  25 to contest adopting the Department of Water Resources  26 Bulletin 118 definition, vague as it may be at the  27 moment, of the boundaries of the Upper Ojai Valley basin?</p> <p>28 MR. GARRISON: Your Honor, I would respectfully ask</p>	<p>1 But again, we renew our request that the Court  2 move forward now with fixing the boundaries of the basin  3 subject to subsequent change to the DWR process.</p> <p>4 MR. GARRISON: And your Honor, a final word from myself?</p> <p>5 THE COURT: Yes, Mr. Garrison.</p> <p>6 MR. GARRISON: The statute specifically delineates,  7 as was pointed out by Mr. Melnick on Thursday, a CCP  8 section by which you, as the judicial representative or  9 a litigant in a water adjudication can request that the  10 Department of Water Resources Control Board to provide  11 more specificity. That has been done, and I would ask  12 that you defer any final -- defer anything on the boundaries  13 until we let the DWR respond pursuant to the statute.</p> <p>14 THE COURT: Thank you.</p> <p>15 I am going to adopt the currently-defined  16 boundaries for the Upper Ojai Valley basin over your  17 objection, Mr. Garrison, but have Mr. Hagerty and Mr. Pisano  18 include the statement that this is without prejudice to  19 updating these boundaries if and when the Department of  20 Water Resources provides a more detailed description and/or  21 a revised location of the boundaries.</p> <p>22 I want that expressed in the order, Mr. Hagerty.</p> <p>23 MR. HAGERTY: Yes. Thank you, your Honor.</p> <p>24 THE COURT: Okay. But you can finalize that order.  25 and I think for efficiency sake it would be just  26 as well that you now submit a single order that is the  27 boundaries of the watershed and the two subbasins for  28 Upper and Lower Ventura River groundwater and then the</p>
<p>1 that we defer a decision on this until our standard  2 December 20th status conference, by which time I'll  3 have had a chance and an opportunity to meet and confer  4 with counsel for the Department of Water Resources, as  5 they've already responded to my letter of today's date  6 identifying the defects in the boundary descriptions,  7 and them positively willing to work with us pursuant  8 to 841 of the CCP.</p> <p>9 THE COURT: I don't believe we've got anything on  10 calendar December 20.</p> <p>11 What date do you think we're next together,  12 Mr. Garrison?</p> <p>13 MR. GARRISON: Our next status conference in this  14 matter.</p> <p>15 MR. HAGERTY: Your Honor, I think that that December  16 20th date did get moved to the one we had last week. And  17 so we don't have any December status conference. And I  18 think the next scheduled date is in January for the hearings  19 on the 18th.</p> <p>20 THE COURT: Indeed.</p> <p>21 MR. HAGERTY: And, I mean, for what it's worth, we don't  22 disagree with what Mr. Whitman said in terms of -- I mean,  23 if the boundaries change or if there's an issue, if he can  24 demonstrate he's actually outside the boundaries, that's  25 a different story.</p> <p>26 And, you know, with Mr. Garrison, if his work  27 proves fruitful and there are changes, that can be added  28 to the Court's decision.</p>	<p>1 Ojai Valley groundwater and Upper Ojai groundwater,  2 Mr. Hagerty.</p> <p>3 MR. HAGERTY: Will do. And we'll include all the  4 language that we discussed last Thursday.</p> <p>5 Thank you, your Honor.</p> <p>6 THE COURT: But including today's new language about  7 recognizing the provisions of --</p> <p>8 MR. HAGERTY: Yes. Yes, your Honor.</p> <p>9 THE COURT: And frankly, we know that Mr. Garrison  10 has quite usefully -- and I thank you for this,  11 Mr. Garrison -- asked the Department of Water Resources to  12 provide the missing clarity of the exact metes and bounds  13 of what at the moment may be in software precise but in  14 terms of English is not yet precise, so that those of us  15 who rely on English words can have a better understanding  16 of the metes and bounds and not just be dependent on going  17 into somebody's interactive software.</p> <p>18 So thank you for your efforts in this regard,  19 Mr. Garrison.</p> <p>20 MR. GARRISON: Thank you, your Honor.</p> <p>21 THE COURT: Okay.</p> <p>22 Mr. Hagerty, is there anything else, or Mr. Pisano,  23 you think we need to usefully address this afternoon?</p> <p>24 Oh, the Archer thing. Are you making any progress  25 on Archer, or not?</p> <p>26 MR. PISANO: Well, I've submitted a draft stipulation  27 and protective order to counsel for the City of Ojai,  28 the East Ojai Group and Casitas, who have all retained</p>

TRANSCRIPT OF PROCEEDINGS

December 13, 2021

1 hydrogeological experts and who have requested the model  
 2 for their experts. That draft is out for --  
 3 THE COURT: So basically it's just three different  
 4 people who want the model.  
 5 MR. PISANO: Three different people want the model.  
 6 And assuming we can work out this stip and  
 7 protective order, we would prepare hard drives and FedEx  
 8 them to those three people, and they can do, you know,  
 9 their verifying of the model.  
 10 THE COURT: Okay. Well, if you have further discovery  
 11 problems, I'm here Friday. Tomorrow's too soon. I'm out  
 12 Wednesday for a medical procedure and recovery is Thursday.  
 13 Hopefully that's all I need. Next week I'm out Monday  
 14 through Wednesday, but I am here -- Monday and Tuesday  
 15 rather. I'm here the 22nd and the 23rd. I don't wish  
 16 to be here between Christmas and New Years, but if you  
 17 have something urgent, post a message on the bulletin  
 18 board and I'll make myself available because I'm in town.  
 19 Otherwise I'm back on January 3 and I'm here all days  
 20 that week.  
 21 MR. PISANO: Very good, your Honor.  
 22 THE COURT: Anybody else wish to be heard this  
 23 afternoon?  
 24 MR. HAGERTY: Your Honor, Shawn Hagerty.  
 25 Just to clarify, we did respond to your post on  
 26 the message board over the weekend explaining the situation  
 27 with regard to any summary judgments. We're not sure what  
 28 that is, but it's not --

1 THE COURT: Well, it's just a rough calendar. I mean,  
 2 I had planned ahead in part because, since I was going to  
 3 be out of town, if there was going to be a serious event I  
 4 wanted to give it a new date. Now it sounds like it's not  
 5 going to be any event at all.  
 6 MR. HAGERTY: That's right, your Honor. It can't be  
 7 under the current schedule.  
 8 THE COURT: Okay. That solved that. So, so much the  
 9 better.  
 10 Okay. Court's in recess. City of Ventura to  
 11 give notice.  
 12 MR. PISANO: Thank you, your Honor.  
 13 MR. DENNINGTON: Thank you, your Honor.  
 14  
 15 (At 4:35 p.m., the proceedings were adjourned)  
 16 ---  
 17  
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 28

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 2 FOR THE COUNTY OF LOS ANGELES  
 3 DEPARTMENT 10 HON. WILLIAM F. HIGHBERGER, JUDGE  
 4 ---  
 5  
 6  
 7 SANTA BARBARA CHANNELKEEPER, a )  
 California non-profit corporation, )  
 8 )  
 Plaintiff, )  
 9 )  
 vs. ) Case No. 19STCP01176  
 10 )  
 STATE WATER RESOURCES CONTROL BOARD, )  
 11 etc., et al., )  
 )  
 12 Defendants. )  
 )  
 13 AND RELATED CROSS-ACTION. )  
 )  
 14  
 15 I, TIMOTHY J. McCOY, CSR No. 4745, Official  
 16 Reporter Pro Tempore of the Superior Court of the State of  
 17 California, for the County of Los Angeles, do hereby certify  
 18 that the foregoing pages, 1 through 16, inclusive, comprise  
 19 a full, true and correct transcript of the proceedings held  
 20 in the above-entitled matter on Monday, December 13, 2021.  
 21  
 22 DATED THIS 20TH DAY OF DECEMBER 2021.  
 23  
 24   
 25  
 26 TIMOTHY J. McCOY, CSR NO. 4745  
 OFFICIAL REPORTER PRO TEMPORE  
 LOS ANGELES SUPERIOR COURT  
 27  
 28

**EXHIBIT B**

**EXHIBIT B**

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**From:** Shawn Hagerty  
**Sent:** Friday, December 17, 2021 10:07 AM  
**To:** 'GLC'  
**Cc:** Sarah Foley; Christopher Pisano; Rosanna Garrison  
**Subject:** RE: Further Meet & Confer re: BBK's Production and Serving of the Two Sets of Three Maps Reflecting Five Basins and Two Watersheds of (1) Appearing and (2) Defaulted Parties as Ordered by the Court December 13, 2021

Gregg: We are currently working on the revised map of the appearing parties in the watershed and the 4 basins at issue in this litigation. Revising the map takes time and we will provide it to the parties and the Court when it is ready. We are also working on a new way to depict the location of defaulting parties. Since this is a new effort, this will take more time to prepare. The Court did not set a deadline for this work. If you have any questions about specific parties in the meantime, please let Sarah know.

---

**From:** GLC <gsgarrison@garrisonlawcorp.com>  
**Sent:** Friday, December 17, 2021 10:01 AM  
**To:** Shawn Hagerty <Shawn.Hagerty@bbklaw.com>  
**Cc:** Sarah Foley <Sarah.Foley@bbklaw.com>; Christopher Pisano <Christopher.Pisano@bbklaw.com>; Rosanna Garrison <rosanna@garrisonlawcorp.com>  
**Subject:** Further Meet & Confer re: BBK's Production and Serving of the Two Sets of Three Maps Reflecting Five Basins and Two Watersheds of (1) Appearing and (2) Defaulted Parties as Ordered by the Court December 13, 2021

**CAUTION - EXTERNAL SENDER.**

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Dear Shawn,

Thank you for your email dated December 17, 2021.

On December 13, 2021, BBK promised the Judge that BBK will provide to the counsel and parties:

1. Updated maps (three) — based on proximity to the five basins in the two Watersheds (VRW and SCRW) — of all Appearing Parties from the outdated August 13, 2021 maps; and
2. Provide new maps (three) — based on proximity to the five basins in the two Watersheds (VRW and SCRW) — of all the Defaulted Parties.

In that it has been 5 days since the Judge instructed BBK to produce and serve maps 1 and 2 above, please confirm that you will be serving these maps on all parties and counsel on December 17, 2021.

As you know, GLC's client list is dynamic including the five Stipulations for Motion to Set Aside we have in process with BKK.

We currently have additional parties requesting representation. I will research the Retainer Agreements on file and double check and clarify for BBK the client list as it has been changing weekly as many Defaulted Parties are now seeking a Set Aside of Defaults and non-represented parties are seeking representation.

Thank you,

Gregg



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Attorney-Client Communication and/or Attorney Work-Product Privilege

On Dec 17, 2021, at 9:25 AM, Shawn Hagerty <[Shawn.Hagerty@bbklaw.com](mailto:Shawn.Hagerty@bbklaw.com)> wrote:

Gregg: In some of the recent documents you have served, such as your recent expert disclosure, you have listed as clients a number of parties who you did not previously represent. Some of these parties were previously pro per and some already have separate counsel. Some of these parties or their counsel are contacting us directly, and we need formal confirmation about who you represent in the case so we can honor the attorney-client relationship. By way of example, in your expert disclosure, you list AGR Breeding as a client. However, AGR Breeding is currently represented by Ed Casey of Alston & Bird. Mr. Casey represented to us yesterday that he is still counsel for AGR Breeding, and Mr. Casey just help them update their initial disclosures. To help us understand who you are representing, we ask that you process substitutions of attorney or otherwise clarify for the parties and the Court who you represent. In this way, we can honor the client relationship. At the moment, we are receiving mixed information about some of these parties. If you are not able to clarify this issue, it will need to be addressed by the Court.

Thank you for helping us to clarify this important issue. If you have any questions, please let us know.



Shawn Hagerty  
Partner  
[shawn.hagerty@bbklaw.com](mailto:shawn.hagerty@bbklaw.com)  
T: (619) 525-1327 C: (619) 347-4837  
[www.BBKlaw.com](http://www.BBKlaw.com)  

Holiday Greetings from BB&K!

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**From:** Shawn Hagerty  
**Sent:** Monday, December 20, 2021 12:50 PM  
**To:** Gregg Garrison  
**Cc:** Sarah Foley; Bill Slaughter; Rosanna Garrison  
**Subject:** Re: Sisar Mutual Water Company

Gregg. As I have already informed you, we are working on the updated map and the information on defaulted parties. We will serve them when they are done. There is a significant amount of work to complete to prepare these documents. The court did not set a specific time to complete this work. In the meantime, if you have specific questions on parties, please let us know.



[Shawn Hagerty](#)  
Partner  
shawn.hagerty@bbklaw.com  
T: (619) 525-1327 C: (619) 347-4837  
[www.BBKlaw.com](http://www.BBKlaw.com) [in](#) [t](#)

Holiday Greetings from BB&K!

On Dec 20, 2021, at 1:33 PM, Gregg Garrison <gsgarrison@garrisonlawcorp.com> wrote:

CAUTION - EXTERNAL SENDER.

---

Dear Sarah,

Thank you for your email dated December 20, 2021 to Mr. Slaughter and GLC re: Further meet and confer on BBK's production of Court-ordered maps.

A week ago, in our Hearing before the Judge on December 13, 2021 at 4:00 PM, BBK promised the Judge that BBK will provide to my office, counsel and parties:

1. **Updated** maps (three) — based on proximity to the five basins in the two Watersheds (VRW and SCRW) — of all Appearing Parties from the outdated August 13, 2021 maps; and
2. Provide **new** maps (three) — based on proximity to the five basins in the two Watersheds (VRW and SCRW) — of all the Defaulted Parties.



In that it has been 7 days since the Judge instructed BBK to produce and serve maps 1 and 2 above.

Please confirm BBK's compliance and that you will be serving these maps to all parties and counsel this week.

Please copy Bill, Gregg and Rosanna on future Sisar Mutual Water District correspondence.

Thank you,

Gregg Scott Garrison

On Mon, Dec 20, 2021 at 10:05 AM Sarah Foley <[Sarah.Foley@bbklaw.com](mailto:Sarah.Foley@bbklaw.com)> wrote:

Thanks, Bill.

Bill and Gregg,

In response to Gregg's inquiry about Sisar Mutual Water Company's ("Sisar") interest in the Watershed and groundwater basins, our research reflects the following facts as we understand them:

- DWR's Water Management Planning Tool shows the boundaries of Sisar's service area in the attached map, (shown in pink), which shows that Sisar's service area is located within the Upper Ojai Groundwater Basin, and is located both within the Ventura River Watershed and the Santa Clara River Watershed.
- Sisar is a named cross-defendant in the City's Third Amended Cross-Complaint (paragraph No. 72) as a pumper that pumps from the Upper Ojai Basin
- Per the Watersheds Coalition of Ventura County's Integrated Regional Water Management Plan Update, Appendix C - Ventura River Watershed Section, Sisar is a small water supplier located within the Ventura River Watershed.
- Per the Ventura River Watershed Management Plan, Sisar's wells pump from the Upper Ojai Basin, and Sisar also purchases water from Casitas.
- Sisar's answer (received on 2/8/21) and initial disclosures (dated 6/1/2021) identify two addresses for Sisar property and/or wells: 12662 Sisar Rd, Ojai, CA and 12580 Sisar Rd., Ojai, CA. Per DWR's Water Management Planning Tool, both addresses are overlying the Upper Ojai Basin.

Please tell me if you have additional questions.

Thanks,

Sarah

**Sarah Christopher Foley**  
Partner  
[sarah.foley@bbklaw.com](mailto:sarah.foley@bbklaw.com)  
T: (213) 787-2560 C: (213) 435-8603  
[www.BBKlaw.com](http://www.BBKlaw.com) \_

---

**From:** Bill Slaughter <[slaughter@srllplaw.com](mailto:slaughter@srllplaw.com)>  
**Sent:** Monday, December 20, 2021 11:26 AM  
**To:** Sarah Foley <[Sarah.Foley@bbklaw.com](mailto:Sarah.Foley@bbklaw.com)>  
**Cc:** [gsgarrison@garrisonlawcorp.com](mailto:gsgarrison@garrisonlawcorp.com)  
**Subject:** RE: Sisar Mutual Water Company

CAUTION - EXTERNAL SENDER.

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No objection. I will get an association on file.



Bill Slaughter

Slaughter, Reagan & Cole LLP

625 E Santa Clara Suite 101

Ventura, Ca 93001

805-658-7800

Email: [slaughter@srllplaw.com](mailto:slaughter@srllplaw.com)

Website: <http://www.srllplaw.com>

 **GO GREEN: Please consider the environment before you print.**

---

**From:** Sarah Foley <[Sarah.Foley@bbklaw.com](mailto:Sarah.Foley@bbklaw.com)>  
**Sent:** Friday, December 17, 2021 12:44 PM  
**To:** Bill Slaughter <[slaughter@srllplaw.com](mailto:slaughter@srllplaw.com)>  
**Subject:** Sisar Mutual Water Company

Hi Bill,

It is our understanding that you represent Sisar Mutual Water Company since you filed its answer and initial disclosures, but Gregg Garrison is now telling us that he represents the entity. We have not been served with any notice of association of counsel or any substitution papers. Can you please work with Gregg so that the parties and the Court are given proper notice of the entity's counsel?

Gregg has requested that we conduct research and provide him with information about Sisar's location within the Watershed and its groundwater basins. Do you have any objection to my providing him with that information? Please let me know if the two of you should be copied on any emails re Sisar or if you no longer represent Sisar. Feel free to give me a call if you want to discuss.

Thanks,

Sarah

**Sarah Christopher Foley**  
Partner  
[sarah.foley@bbklaw.com](mailto:sarah.foley@bbklaw.com)  
T: (213) 787-2560 C: (213) 435-8603  
[www.BBKlaw.com](http://www.BBKlaw.com) \_

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--

Gregg Garrison, Esquire

**GARRISON LAW CORPORATION**

**Rancho Matilija**

**12986 MacDonald Drive**

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Phone: 650/726-1111

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Email: [GSGarrison@GarrisonLawCorp.com](mailto:GSGarrison@GarrisonLawCorp.com)

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**From:** Christopher Pisano  
**Sent:** Tuesday, December 28, 2021 4:42 PM  
**To:** 'Gregg Garrison'  
**Cc:** Marnie Prock; Rosanna Garrison; Shawn Hagerty; Sarah Foley  
**Subject:** RE: Courtesy copy of the EXPERT DISCLOSURE REPORT served December 15, 2021 via File & ServeXpress at 5:59 PM (Doc ID 88509773)

Gregg:

As Shawn has told you, we are working on the maps, but they are a lot of work and they take a lot of time to pull together. We will not have them ready this week as you request because we are focused on drafting oppositions to three motions for judgment on the pleadings, including the one that you filed. The Court did not order us to provide these maps by any particular deadline, and we are not going to follow a schedule that you have now set. We will provide the maps as soon as is reasonably practical.

As for your statement that the maps will be part of Mr. Kear's opinion testimony, I take issue with that for two reasons. First, Under CCP Section 843, Mr. Kear was required to submit a report that contains all of his opinions, and that report likewise was required to discuss all of the facts and data that support the opinions, and must include all trial exhibits Mr. Kear intends to use at trial. The Court gave Ms. Bliss leave to submit such a report by December 15<sup>th</sup>, and you have now disclosed the report on Ms. Bliss' and several other Upper Ojai owners' behalf. If you are now saying that the report is incomplete, then we will have no choice but to file a motion to exclude Mr. Kear from testifying on behalf the Upper Ojai owner group that you now purport to represent. Second, I also take issue that this map is somehow important for Mr. Kear's testimony because it is irrelevant to the Phase 1 issues. The boundaries of the basins and Watershed have been set, and the issue of interconnectivity of the groundwater basins and surface flows is not dependent on any particular users' use of groundwater. I do not know why Mr. Kear would need this map, but we view it as irrelevant to the Phase 1 issues. In short, Mr. Kear should not need this map to offer opinions, and to the extent he does, then his report is improper and subject to being stricken.

At this point, I must insist that you provide me dates of availability in the first half of January. If I do not hear from you by Thursday of this week, I will unilaterally set the deposition. Thank you and I look forward to hearing from you.

Chris

**From:** Gregg Garrison <gsgarrison@garrisonlawcorp.com>  
**Sent:** Tuesday, December 28, 2021 9:19 AM  
**To:** Christopher Pisano <Christopher.Pisano@bbklaw.com>  
**Cc:** Marnie Prock <Marnie.Prock@bbklaw.com>; Rosanna Garrison <Rosanna@garrisonlawcorp.com>; Shawn Hagerty <Shawn.Hagerty@bbklaw.com>; Sarah Foley <Sarah.Foley@bbklaw.com>  
**Subject:** Re: Courtesy copy of the EXPERT DISCLOSURE REPORT served December 15, 2021 via File & ServeXpress at 5:59 PM (Doc ID 88509773)

CAUTION - EXTERNAL SENDER.

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Dear Chris,

Thank you for your email dated December 28, 2021 re potential dates with Mr. Kear. Your request is in process.

Two weeks ago, in our Hearing before the Judge on December 13, 2021 at 4:00 PM, BBK promised the Judge that BBK will provide to my office, counsel and parties:

1. **Updated** maps (three) — based on proximity to the five basins in the two Watersheds (VRW and SCRW) — of all Appearing Parties from the outdated August 13, 2021 maps; and
2. Provide **new** maps (three) — based on proximity to the five basins in the two Watersheds (VRW and SCRW) — of all the Defaulted Parties.

In that it has been 15 days since the Judge instructed BBK to produce and serve maps 1 and 2 above.

Please confirm BBK's compliance and that you will be serving these maps on all parties and counsel this week.

These maps will be part of the subject matter and opinions expert testimony of Mr. Kear.

I want to confirm the delivery date by BBK will allow adequate review time for the upcoming deposition.

Thank you,

Gregg Scott Garrison

On Mon, Dec 27, 2021 at 8:25 PM Christopher Pisano <[Christopher.Pisano@bbklaw.com](mailto:Christopher.Pisano@bbklaw.com)> wrote:

Gregg:

Have you had an opportunity to speak to Mr. Kear about a deposition date? If not please contact him and let me know. I would like to get a date set in mid-January, and do so I will need to send out a notice later this week or early next week. Thanks.

Chris

---

**From:** GLC <[gsgarrison@garrisonlawcorp.com](mailto:gsgarrison@garrisonlawcorp.com)>

**Sent:** Monday, December 20, 2021 5:29 PM

**To:** Christopher Pisano <[Christopher.Pisano@bbklaw.com](mailto:Christopher.Pisano@bbklaw.com)>

**Cc:** Marnie Prock <[Marnie.Prock@bbklaw.com](mailto:Marnie.Prock@bbklaw.com)>; Rosanna Garrison <[rosanna@garrisonlawcorp.com](mailto:rosanna@garrisonlawcorp.com)>; Shawn Hagerty

<[Shawn.Hagerty@bbklaw.com](mailto:Shawn.Hagerty@bbklaw.com)>; Sarah Foley <[Sarah.Foley@bbklaw.com](mailto:Sarah.Foley@bbklaw.com)>

**Subject:** Re: Courtesy copy of the EXPERT DISCLOSURE REPORT served December 15, 2021 via File & ServeXpress at 5:59 PM (Doc ID 88509773)

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Dear Chris,

I will discuss with Mr. Kear dates, times and locations for his deposition per your December 20, 2021 request.

Thank you,

Gregg

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On Dec 20, 2021, at 4:17 PM, Christopher Pisano <[Christopher.Pisano@bbklaw.com](mailto:Christopher.Pisano@bbklaw.com)> wrote:

Gregg:

Thank you for sending this expert disclosure last week. I would like to take Jordan Kear's deposition regarding this report in the first half of January. Can you please let me know when you and Mr. Kear can be available? Thanks.

Chris



**Christopher Pisano**  
Partner  
[christopher.pisano@bbklaw.com](mailto:christopher.pisano@bbklaw.com)  
T: (213) 617-7492 C: (213) 448-0667  
[www.BBKlaw.com](http://www.BBKlaw.com)

**Holiday Greetings from BB&K!**

**From:** Gregg Garrison <[gsgarrison@garrisonlawcorp.com](mailto:gsgarrison@garrisonlawcorp.com)>  
**Sent:** Wednesday, December 15, 2021 8:34 PM  
**To:** Marnie Prock <[Marnie.Prock@bbklaw.com](mailto:Marnie.Prock@bbklaw.com)>  
**Cc:** Rosanna Garrison <[Rosanna@garrisonlawcorp.com](mailto:Rosanna@garrisonlawcorp.com)>; Shawn Hagerty <[Shawn.Hagerty@bbklaw.com](mailto:Shawn.Hagerty@bbklaw.com)>; Christopher Pisano <[Christopher.Pisano@bbklaw.com](mailto:Christopher.Pisano@bbklaw.com)>; Sarah Foley <[Sarah.Foley@bbklaw.com](mailto:Sarah.Foley@bbklaw.com)>  
**Subject:** Courtesy copy of the EXPERT DISCLOSURE REPORT served December 15, 2021 via File & ServeXpress at 5:59 PM (Doc ID 88509773)

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Dear Marnie,

Here's a courtesy copy of the EXPERT DISCLOSURE REPORT served December 15, 2021 via File & ServeXpress at 5:59 PM (Doc ID 88509773).

Thank you,

Gregg

--



Gregg Garrison, Esquire  
**GARRISON LAW CORPORATION**

**Rancho Matilija**

**12986 MacDonald Drive**

**Ojai, California 93023**

Phone: 650/726-1111

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