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13	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
14	COUNTY OF LOS ANGELES		
15	GANTA DADDADA GUANDIEL KEEDED	G N 100TCD011T(	
16	SANTA BARBARA CHANNELKEEPER, a California non-profit corporation,	Case No. 19STCP01176	
17	Petitioner,	Judge: Honorable William F. Highberger	
18	V.	NOTICE OF RULING Date: June 21, 2021	
19	STATE WATER RESOURCES CONTROL	Time: 1:30 p.m. Dept: SS10	
20	BOARD, etc., et al.,  Respondents.	Action Filed: Sept. 19, 2014	
21	Respondents.	Trial Date: February 14, 2022	
22	CITY OF SAN BUENAVENTURA, etc.,		
23	Cross-Complainant		
24	V.		
25	DUNCAN ABBOTT, an individual, et al.		
26	Cross-Defendants.		
27			
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		- 1 - e of Ruling	
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### NOTICE OF RULING

On June 21, 2021, the parties appeared at a Further Status Conference, the Honorable William F. Highberger, Judge presiding. The parties stated their appearances on the record and/or they are reflected on LA Court Connect records. The Court made the following orders and determinations:

 In advance of the Status Conference, the Court issued a tentative ruling the morning of June 21, 2021 through File & Serve Xpress. The Court's June 21, 2021 tentative ruling is attached as Exhibit A.

The Court signed the Order regarding the Stipulation for Dismissal between
Petitioner Santa Barbara Channelkeeper and Cross-Complainant and Respondent
City of San Buenaventura ("City").

3. The Court heard the Order to Show Cause ("OSC") regarding service of City's Third Amended Cross-Complaint ("3ACC") by publication of the summons as to unserved Roe Cross-Defendants behind gates and fences in the *Ventura County Star*. No party opposed, and the Court Ordered service by publication of summons as to 71 unserved Roe Cross-Defendants behind gates and fences.

4. The Court ordered and set an OSC hearing for June 30, 2021, at 10:30 a.m.<sup>1</sup> regarding final service by publication in the *Ventura County Star* of the summons of the City's 3ACC as to the remaining 78 unserved Cross-Defendants, who are evading service, located behind gates, or deceased with no known successor upon

<sup>&</sup>lt;sup>1</sup> The OSC hearing on June 30, 2021 was originally set for 9:30 a.m., but pursuant to instructions from the Court from message board post dated June 27, 2021, the time was changed to 10:30 a.m. with instructions to log in via LA Court Connect at 10:15 a.m.

whom service was recently attempted at new addresses, and/or Cross-Defendants that, despite diligent efforts, remain unserved at their tax assessor mailing or physical addresses. The City was ordered to deliver the Notice of the OSC hearing, along with Notices and Acknowledgments of receipt to the final unserved Cross-Defendants, via overnight mail no later than June 23, 2021. Any opposition to the issuance of an order for service by publication must be filed and served no later than June 28, 2021.

5. The Court signed the Order Directing Service of Summons by Delivery to the California Secretary of State for 7 unserved Cross-Defendant corporate entities.

- 6. Cross-Defendants Claude and Patricia Baggerly were directed to file and re-serve, without any substantive changes, their Notice of Motion and Motion Requesting the Court to Appoint a Scientific Advisor for Hydrology, with a suggestion to set it for hearing on July 19, 2021. Changes may only be made as set forth in the Court's July 21st tentative ruling regarding signing the Declaration, filing with the Court clerk, and paying the \$60 filing fee. Any previously filed oppositions will stand.
- 7. The Court requested that the City meet and confer with Cross-Defendants Gerrold and Karen Grigsby regarding the issues laid out in their May 26, 2021 letter to the Court, served June 16, 2021.
- 8. The Court ordered the City to file with the Court and to serve on File & Serve Xpress a list of the 10 to 20 most important documents supporting interconnection between groundwater and surface water in the Ventura River Watershed by June 25, 2021.

- 9. The Court granted the City's Motion to Bifurcate and Partial Lifting of the Discovery Stay for matters relevant to the Phase 1 trial on the basin and watershed boundaries and interconnectivity. The Court lifted the discovery stay only as to Phase 1 matters. The Court scheduled a bench trial for 10 to 15 days starting on February 14, 2022 at 10:00 a.m., with a pretrial conference set for February 2, 2022 at 10:00 a.m. The Court set a further status conference to address a pre-trial discovery and a law and motion schedule on July 6, 2021 at 2:00 p.m. and ordered the parties to meet and confer. City will serve a joint report on File & Serve Xpress by noon on July 2, 2021 and file it with the Court that day. Unilateral reports may also be filed.
- 10. The Court heard argument on initial disclosures regarding those who signed stipulations to the physical solution, and the Court withdrew its tentative ruling requiring initial disclosures. The Court directed the State to explain to the Court why stipulating parties should be required to provide initial disclosures at this time.
- 11. The Court did not consent to the lodgment of the proposed physical solution and judgment. Court will hear argument and consider this topic at the July 6, 2021 Status Conference. Any objections to the lodgment of the proposed physical solution must be in writing and filed and served no later than July 6, 2021.
- 12. The Court modified the time of the further Status Conference on July 19, 2021 and scheduled it for 3:00 p.m. The Court ordered that a joint status report and/or any unilateral status reports be filed and served by July 12, 2021.

ĩ	Dated: July 2, 2021 BEST BEST	& KRIEGER LLP
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Notice of Ruling





### 19STCP01176 Santa Barbara Channelkeeper v. State Water Resources Control Board

### June 21, 2021 Tentative Rulings

**Note:** While Claude and Patricia Baggerly served a purported "Notice of Motion and Motion Requesting the Court to Appoint a Scientific Advisor, etc." on May 10, 2021 on File & ServeXpress, the Court has no record of such a document ever being presented for filing and no record of the mandatory \$60.00 filing fee having been paid. Therefore, while a number of Opposition papers were filed and a Reply was filed, there is no motion on calendar to be heard. Further, the purported Motion is not in proper form for filing because it and the purported Declaration are unsigned, and would have been rejected by this Court for this reason even if filed with a fee paid. (Code Civ. Proc., § 128.7(a) ("Every pleading, petition, written notice of motion, or other similar papers . . . if the party is not represented by an attorney, shall be signed by the party."). Self-represented parties are not excused from complying with the basic rules of procedure.

### City of San Buenaventura's Motion to Bifurcate and to Partially Lift Stay: Grant in part and set Phase I trial for February 2022.

No party has opposed the bifurcation request, as such. The only dispute is the timeline to a Phase I trial. The City of San Buenaventura's ("Ventura") trial date of November 2021 is unfair to the most interested cross-defendants. The East Ojai Group's "end of 2022" trial date for Phase I is too desultory. The Court thinks the State Agencies' suggestion of a February 2022 trial date is a reasonable compromise of the due process rights to Ventura's opponents versus the strong public need to move this case forward so that a resolution can be had within our lifetimes. A firm date in February 2022 will be decided at the hearing and the parties will be ordered to meet and confer in the next 30 days to agree upon a discovery and motion schedule.

Ventura's June 16 Ex Parte Application for Order to Allow Service by Publication: Grant. The Court is unaware of any opposition filed as to the Ex Parte Application for Order to Allow Service by Publication as to these 92 property owners living behind locked gates. Sufficient notice has been given by alternative means to such persons, and use of publication notice is justified based on the unique circumstances present here. If there is any opposition to issuance of such an Order, file a written Opposition in this docket by June 28, 2021.

## Ventura's June 18 Ex Parte Application for Order to Show Cause re Service by Publication: Grant and Issue OSC Returnable June 30, 2021 at 9:30 a.m.

The Court is unaware of any opposition filed as to the Ex Parte Application for Order to Show Cause. Proper notice has been given and use of publication notice appears justified based on the unique circumstances present here as to the 50 cross-defendants evading service, the 23 cross-defendants living behind locked gates, and the six named cross-defendants who are deceased.<sup>1</sup> If

<sup>&</sup>lt;sup>1</sup>Query as to the deceased: If Ventura tries to get a default and default judgment against a deceased person without going through probate proceedings, does it have a judgment of any value? Also, if Ventura really should be suing the successor in interest or heir, does it obtain a judgment of any value when only the deceased person is named? These concerns do not, however, counsel against giving cross-complainant the benefit of an Order allowing service of a deceased person by publication for whatever good it may do this party.

there is any opposition to issuance of such an Order, file a written Opposition in this docket by June 28, 2021.

# Ventura's June 18 Ex Parte Application to Serve Seven Corporate Cross-Defendants via Secretary of State: Grant.

The Court is unaware of any opposition filed as to the Application. Proper notice has been given and use of service via the Secretary of State is justified based on the unique circumstances present here.

### **Further Status Conference:**

- Ventura is asked to address the concerns expressed in the letter to the Court sent by Karen and Gerrold Grigsby, which this Court served on all parties via File & ServeXpress on June 15, 2021.
- 2. Why is the Stipulation for Dismissal and [Proposed] Order served June 17, 2021 as between petitioner Santa Barbara Channelkeeper and Ventura signed on behalf of Santa Barbara Channelkeeper by Daniel Cooper as "Attorneys for Cross-Defendants," not as Attorney for Petitioner?
- 3. The Court has reviewed the State's submission explaining how the modeling process has been underway "[s]ince 2016," with a contractor hired four years ago in June 2017 and with a revised delivery date of December 2021 for an updated draft model with a preliminary draft issued sooner in August 2021. "The perfect is the enemy of the good," per Voltaire, and the State Agencies' approach proves the wisdom of this adage. Please do everything possible to get the preliminary draft deliverable by August 2021 and no later.
- 4. The Court agrees with the State that ALL parties need to provide initial disclosures of their historic well water usage so that we can determine if Code of Civil Procedure § 850(b) can be invoked by the City and so we know the historic productive capacity of the groundwater basin(s). Having incomplete data caused by lack of responses from those consumptive users who have signed Stipulations and [Proposed] Orders for Entry of Judgment will hinder this process. Time extension requests are legitimate and the Court has signed all such Stipulations and Orders that it has received to date.

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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 & Krieger LLP, 2001 N. Main Street, Suite 390, Walnut Creek, CA 94596. On July 2, 2021, I served the following document(s):

### **NOTICE OF RULING**

- 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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22	Company; Ojai Valley School; Sharon Hamm-Booth and David Robert Hamm, Co-	
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