



JENNIFER T. BUCKMAN, State Bar No. 179143  
 HOLLY J. JACOBSON, State Bar No. 281839  
 BARTKIEWICZ, KRONICK & SHANAHAN  
 A PROFESSIONAL CORPORATION  
 1011 Twenty-Second Street  
 Sacramento, California 95816-4907  
 Telephone: (916) 446-4254  
 Facsimile: (916) 446-4018  
 E-Mail: [jtb@bkslawfirm.com](mailto:jtb@bkslawfirm.com)  
[hjj@bkslawfirm.com](mailto:hjj@bkslawfirm.com)

Attorneys for Cross-Defendants City of Ojai

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 Gov. Code, § 6103

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
 COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER,  
 a California non-profit corporation,

Petitioner,

v.

STATE WATER RESOURCES CONTROL  
 BOARD, a California State Agency;  
 CITY OF SAN BUENA VENTURA, a  
 California municipal corporation, incorrectly  
 named as CITY OF BUENA VENTURA,

Respondents.

Case No. 19STCP01176

Judge: Honorable William F. Highberger

**CITY OF OJAI'S NOTICE OF MOTION  
 FOR JUDGMENT ON THE PLEADINGS**

**Date: January 18, 2021**

**Time: 1:30pm**

**Dept: 10**

**310 North Spring Street  
 Los Angeles, CA 90012**

Action Filed: September 19, 2014

First Amended Complaint Filed:  
 September 7, 2018

CITY OF SAN BUENA VENTURA, a  
 California municipal corporation,

Cross-Complainant,

v.

DUNCAN ABBOTT;  
 AGR BREEDING, INC; et al.

1 PLEASE TAKE NOTICE that on January 18, 2022, at 1:30 P.M., or as soon after that as  
2 the matter can be heard, Department, 10 of the above-entitled court located at 312 North Spring  
3 Street, Los Angeles, CA 90012, cross-defendant will and does move this Court for entry of  
4 judgment on the pleadings in favor of cross-defendant City of Ojai as to the first through ninth  
5 causes of action in cross-complainant Ventura’s Third Amended Cross-Complaint. This motion  
6 for Judgment on the Pleadings is made pursuant to Code of Civil Procedure § 438 on the grounds  
7 that the court does not have jurisdiction to conduct a comprehensive groundwater adjudication  
8 as pled, that it lacks jurisdiction as to the remaining causes of action, that Ventura lacks standing  
9 to seek the requested relief against the City of Ojai, or the entire Ojai groundwater basin, and that  
10 the Third Amended Cross-Complaint fails to state a cause of action for each and every cause of  
11 action stated therein.

12 The Motion shall be based on this notice, the attached memorandum of points and  
13 authorities, the attached Request for Judicial Notice, the attached declaration of Holly J. Jacobson  
14 regarding compliance with the meet and confer requirements of Code of Civil Procedure §  
15 439(a), on the complete files and records of this action, and on such other oral and/or  
16 documentary evidence as may be presented at the hearing on the Motion.

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CROSS DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS

Cross-Defendant, the City of Ojai (“Ojai”) hereby moves this Court for judgment in its favor as to each of the City of Ventura’s (“Ventura”) nine causes of action as pled in the Third Amended Cross-Complaint.

FIRST CAUSE OF ACTION

Cross-Defendant requests judgment in favor of Ojai on the pleadings as to the First Cause of Action for a permanent and preliminary injunction under Article 2 of Section X of the California Constitution on the following grounds: the court lacks jurisdiction of the subject of the cause of action alleged and cannot grant the relief requested; Ventura lacks standing and; the pleading does not state facts sufficient to constitute a cause of action against Ojai or the entire Ojai groundwater basin. (Code of Civil Procedure § 438 (c)(1)(B)(i)-(ii).)

SECOND CAUSE OF ACTION

Cross-Defendant requests judgment in favor of Ojai on the pleadings as to the Second Cause of Action for a permanent and preliminary injunction under the Public Trust Doctrine on the following grounds: the court lacks jurisdiction of the subject of the cause of action alleged and cannot grant the relief requested; Ventura lacks standing and; the pleading does not state facts sufficient to constitute a cause of action against Ojai or the entire Ojai groundwater basin. (Code of Civil Procedure § 438 (c)(1)(B)(i)-(ii).)

THIRD CAUSE OF ACTION

Cross-Defendant requests judgment in favor of Ojai on the pleadings as to the Third Cause of Action for declaratory relief pursuant to alleged Pueblo Rights and/or Treaty Water rights and determination of the priority of water rights on the following grounds: the court lacks jurisdiction of the subject of the cause of action alleged and cannot grant the relief requested; Ventura lacks standing and; the pleading does not state facts sufficient to constitute a cause of action against Ojai or the entire Ojai groundwater basin. (Code of Civil Procedure § 438 (c)(1)(B)(i)-(ii).)

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FOURTH CAUSE OF ACTION

Cross-Defendant requests judgment in favor of Ojai on the pleadings as to the Fourth Cause of Action for declaratory relief pursuant to alleged prescriptive rights and determination of the priority of water rights on the following grounds: the court lacks jurisdiction of the subject of the cause of action alleged and cannot grant the relief requested; Ventura lacks standing and; the pleading does not state facts sufficient to constitute a cause of action against Ojai or the entire Ojai groundwater basin. (Code of Civil Procedure § 438 (c)(1)(B)(i)-(ii).)

FIFTH CAUSE OF ACTION

Cross-Defendant requests judgment in favor of Ojai on the pleadings as to the Fifth Cause of Action for declaratory relief and determination of water rights on the following grounds: the court lacks jurisdiction of the subject of the cause of action alleged and cannot grant the relief requested; Ventura lacks standing and; the pleading does not state facts sufficient to constitute a cause of action against Ojai or the entire Ojai groundwater basin. (Code of Civil Procedure § 438 (c)(1)(B)(i)-(ii).)

SIXTH CAUSE OF ACTION

Cross-Defendant requests judgment in favor of Ojai on the pleadings as to the Sixth Cause of Action for comprehensive adjudication and physical solution pursuant to Civil Code of Procedure section 830-852 on the following grounds: the court lacks jurisdiction of the subject of the cause of action alleged and cannot grant the relief requested; Ventura lacks standing and; the pleading does not state facts sufficient to constitute a cause of action against Ojai or the entire Ojai groundwater basin. (Code of Civil Procedure § 438 (c)(1)(B)(i)-(ii).)

SEVENTH CAUSE OF ACTION

Cross-Defendant requests judgment in favor of Ojai on the pleadings as to the Seventh Cause of Action for declaratory relief and determination of the priority of water rights on the following grounds: the court lacks jurisdiction of the subject of the cause of action alleged and cannot grant the relief requested; Ventura lacks standing and; the pleading does not state facts sufficient to constitute a cause of action against Ojai or the entire Ojai groundwater basin. (Code of Civil Procedure § 438 (c)(1)(B)(i)-(ii).)

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EIGHTH CAUSE OF ACTION

Cross-Defendant requests judgment in favor of Ojai on the pleadings as to the Eighth Cause of Action for declaratory relief and determination of the priority of water rights on the following grounds: the court lacks jurisdiction of the subject of the cause of action alleged and cannot grant the relief requested; Ventura lacks standing and; the pleading does not state facts sufficient to constitute a cause of action against Ojai or the entire Ojai groundwater basin. (Code of Civil Procedure § 438 (c)(1)(B)(i)-(ii).)

NINTH CAUSE OF ACTION

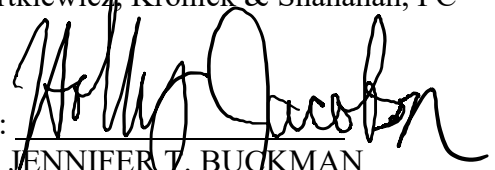
Cross-Defendant requests judgment in favor of Ojai on the pleadings as to the Ninth Cause of Action for declaratory relief on the following grounds: the court lacks jurisdiction of the subject of the cause of action alleged and cannot grant the relief requested; Ventura lacks standing and; the pleading does not state facts sufficient to constitute a cause of action against Ojai or the entire Ojai groundwater basin. (Code of Civil Procedure § 438 (c)(1)(B)(i)-(ii).)

Dated: December 20, 2021

Respectfully submitted,

Bartkiewicz, Kronick & Shanahan, PC

By:



JENNIFER T. BUCKMAN  
HOLLY J. JACOBSON  
Attorneys for CITY OF OJAI,