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11 Attorneys for Respondent and Cross-Complainant
CITY OF SAN BUENAVENTURA
12

Exempt From Filing Fees Pursuant to
Cal. Gov't Code § 6103

FILED
Superior Court of California
County of Los Angeles

MAR 23 2021

Sherri R. Carrer, Executive Officer/Clerk
By Yuliya Tarasyuk, Deputy

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

15
16 SANTA BARBARA CHANNELKEEPER, a
California non-profit corporation,
17
Petitioner,
18
v.
19 STATE WATER RESOURCES CONTROL
BOARD, etc., et al.,
20
Respondents.
21
22 CITY OF SAN BUENAVENTURA, etc.,
23
Cross-Complainant
24
v.
25 DUNCAN ABBOTT, an individual, et al.
26
Cross-Defendants.
27
28

Case No. 19STCP01176
Judge: Honorable William F. Highberger
NOTICE OF RULING
Date: March 15, 2021
Time: 1:30 p.m.
Dept: SS10
Action Filed: Sept. 19, 2014
Trial Date: Not Set

03/24/2021

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1 NOTICE OF RULING

2
3 On March 15, 2021, the parties appeared at a Further Status Conference, the Honorable
4 William F. Highberger, Judge presiding. The parties stated their appearances on the record and/or
5 they are reflected on LA Court Connect records. The Court made the following orders and
6 determinations:

- 7
8 1. In advance of the Status Conference, the Court issued a tentative ruling on March
9 14, 2021 through File & Serve Xpress. The Court's March 14, 2021 document is
10 attached as Exhibit A.
11
12 2. The Court set a further Status Conference for April 19, 2021, at 1:30 p.m. and
13 ordered that a joint status report and/or any unilateral status reports be filed and
14 served by April 12, 2021.
15

16 Dated: March 23, 2021

BEST BEST & KRIEGER LLP

17
18 By: 

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EXHIBIT A



19STCP01176 Santa Barbara ChannelKeeper v. SWRCB

March 15, 2021 Tentative

Time Constraint on March 15, 2021:

Due to the need to prepare BC522224 *GemCap Lending, I, LLC v. Western Food Distribution, LLC* for a jury trial to start in Dept. 10 on March 29, 2021 and certain other matters on calendar with overlapping time slots on March 15, I will have limited time available to talk to you tomorrow. I will need to limit this session to 60 minutes at most.

Service of Isolated Private Residences:

While provision is made for private process servers (or the Sheriff) to force lawful entry into gated communities for service of necessary process via C.C.P. § 415.21, the Court is aware of no similar adaptation of the law to situations where a single private residence is located behind a locked gate. The Court invites counsel to provide a suggestion for what work-around is reasonable, lawful and consistent with due process. If the Ventura County Sheriff (in lieu of a private professional process server) was engaged to serve process, can it force lawful entry to the front of the residence to accomplish service or attempted service? If not, perhaps this is the rare case where fictional service via Notice Of Publication with advice re same provided by certified mail or the equivalent via UPS or FedEx to the occupant of the isolated residence should suffice.

Parallel Data Base of Party Name and Status:

Judge Highberger has not yet obtained court management comment on the suggestion to have an outside vendor at party expense create a mirror image of the Register of Actions and the status of each party named in this suit (or who has voluntarily appeared after receiving notice).

Santa Barbara ChannelKeeper Request For Dismissal:

If you have a conformed copy of the Oct. 30, 2019 Request or Feb. 8, 2021 Request showing that it was tendered to and received, in hard copy (or by fax), by employees of the Los Angeles Superior Court, please provide it. Otherwise, and as noted in the posting by Judge Highberger on FSX recently, the paperwork has to be delivered in hard copy (or fax) to the court staff before any action will be taken. Service via FSX is NOT a substitute for filing/lodging of a document.

Schedule For Site Visit:

While Judge Highberger has had the benefit of two Pfizer covid shots, he recognizes that this immunization is not yet broadly available and that any gathering for a site visit needs to comply with public health restrictions on gatherings of persons from separate households. At a minimum, this leads to the conclusion that the timing and protocols for such a site visit should be deferred to the scheduled April 19, 2021 Status Conference. (As a technical matter, this Status Conference needs to be officially set, but it is very much in order and will be set for this date at 1:30 p.m.)

Pending Stipulations in Lieu of Answers:

Because so many of the first such Stipulations evidenced clerical errors (e.g. assertions that a party had been named as a cross-defendant when such was not the case according to the Court's

records), the Court has been stock-piling the subsequent submissions until such time as it has access to a list which Cross-Complainant City of Buenaventura claims, by counsel, to be accurate. As of this writing on Sunday March 14, 2021, no such list has been provided to the Court though hopefully this will occur on the morning of March 15. Once such lists are available, the Court intends to deal with this paperwork as quickly as possible, subject to the press of other cases.

Requests For Default:

This is done by clerical staff of the court, not courtroom staff, and not subject to any direction by the judge. To my understanding a flood of these Requests are now being tendered, and they will be dealt with by staff in due course. If counsel have concerns, contact Spring Street Court Administrator II Rick Thrall at 213-310-7089.

Anticipated Motion To Set Evidentiary Hearing:

The Court has barely scratched the surface on this contested issue¹, but it is enough to say that a motion has to precede the setting of an evidentiary hearing. The Court would assume that practical counsel for the parties urging the Physical Solution would want to exhaust their settlement discussions with the State's representatives and other interested parties before they file such a motion. The condition of the Court's calendar is such that the concept of setting a contested evidentiary hearing in January 2022 or some time thereafter should not be a problem. It may well be that some preliminary motion practice needs to be had in the second half of 2021 on whether the predicates for a proceeding under C.C.P. § 850(b) have been established by the proponents of the Physical Solution.

Other:

If there are other topics which can be usefully addressed on March 15, please feel free to raise them with the Court.

¹ Simply put, the Court has not yet had time to review the Brief Of Proposing Parties Regarding The Physical Solution, the portion of the State's brief addressed to the same topic, the brief of Casitas Municipal Water District re same, City of Ojai's Legal Brief On Physical Solution, Andrew Whitman's Objections on behalf of certain clients re same, Loa Bliss's Brief re same, two filings by Claude & Patricia Baggerly re same, or any of the items included in the Requests For Judicial Notice. The Court does not expect to have time to do so before the March 15 status conference. Hopefully, I can address the substance of these briefs on April 19, 2021 if the scheduled Jury Trial is resolved before then.

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14 COUNTY OF LOS ANGELES

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19 STATE WATER RESOURCES CONTROL
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23 California municipal corporation,

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Case No. 19STCP01176

Judge: Hon. William F. Highberger

PROOF OF SERVICE

Action Filed: September 19, 2014
Trial Date: Not Set

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 Best & Krieger LLP, 2001 N. Main St. Suite 390, Walnut Creek, CA 94596. On March 23, 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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Louise Epstein, successor in interest to the
Joseph Clark and Linda Epstein Family Trust;
Michael I. Cromer and Jody D. Cromer;
Michel A. Etchart, Trustee of the Michel A.
Etchart Separate Property Trust, and Mark W.
Etchart, Trustee of the Mark W. Etchart
Sepertate Property Trust; Lawrence
Hartmann; Ole Konig; Krotona Institute of
Theosophy; Stephen Michtell and Kathleen
Reid Mitchell, Trustees of the Stephen
Mitchell and Byron Katie Trust; North Fork
Springs Mutual Water Company; Stephen
Robert Smith, Trustee of the Charles R. Rudd
and Lola L. Rudd Trust, dated May 20, 2976;
Shlomo Raz; Sylvia Raz; Senior Canyon
Mutual Water Company; Siete Robles Mutual
Water Company; Soule Park Golf Course,
Ltd.; Telos, LLC; Victor C. Timar, Jr. Trustee
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Town; Asquith Family Limited Partnership,
Ltd.; Burgess Ranch; Cary Cheldin; Cynthia
Daniels; Wayne Francis; David Friend; The
Larry & Pat Hartmann Family Trust; The John
N. Hartmann Trust; Gary Hirschkron; Cheryl
Jensen; Lutheran Church of the Holy Cross of
Ojai, California; Janice Sattler (Mineo); Eitan
Sloustcher; Rogers-Cooper Memorial
Foundation; Robert Norris (not yet appeared);
Patricia Norris; Old Creek Road Mutual
Water Company (not yet appeared); Margaret
Vanderfin; Telos Ojai, LLC (not yet
appeared); Jennifer Ware; The Walker Jr.
Living Trust; David Altman, Trustee of the
1190 El Toro Trust ; Babtiste Foundation;
Sean A. Bennett and Leslie Bennett, Trustees
of the Bennett Family Trust; Dwayne A.
Bower and Marilyn E. Bower Trustees of the

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Bower Family Trust; Mark Terry Cline and Bonnie Burreson Cline, Trustees of the Mark Terry Cline and Connie Burreson Cline Revocable Trust; Robert R. Daddi and Darlene J. Daddi; Lucille A. Elrod, Trustee of the John and Lucille Elrod Family Trust; Friend's Stable & Orchard Inc. Daniel Hultgen, Trustee of the Hultgen Living Trust; Ojai Golf, LLC; Three Oaks, LLC, Erica J. Abrams, Trustee of the Erica J. Abrams Trust; Raul E. Alvarado and Hildegard M. Alvarado, Trustees of the Alvarado Family Trust; William Armstrong and April Nardini; Joseph Lynn Barthelemy and Elvira Lilly Barthelemy, Trustees of the Joseph Lynn Barthelemy and Elvira Lilly Barthelemy 2002 Family Trust; James S. Bennett and Carolyn D. Bennett, Trustees of the Bennett Family Trust; Sumeet Bhatia and Michael McDonald; John Joseph Broesamle and Katharine Sue Broesamle, Trustees of the Broesamle Family Trust; Richard Aaron Carlson, Trustee of the Richard Aaron Carlson Trust and Michelle Larson, Trustee of the Michelle Larson Family Trust; Thomas D. Carver and Cynthia L. Carver; Dana Cenicerros, Trustee of the Dana and Dawn Cenicerros Revocable Living Trust; Deborah Lys Martin Crawford; Frank Clay Creasey Jr.; Debra Joy Reed, Trustee of The Debra Joy Reed Revocable Trust Dated November 3, 1994; Frederic Devault; Diana Syvertson, Trustee of the Diana Syvertson Living Trust; Dive Deep L.L.C.; Douglas Roy Parent and Ann Marie Parent; William Erickson; Gelb Enterprises, L.P.; Jan Stephen Granade and Priscilla K. Granade, Trustees of the Granade Family Revocable Living Trust; Margot J. Griswold; Brian C. Haase and Marie Haase, Trustees of the B&M Haase Trust Dated October 8, 2019; Thomas Lann Harper and Jadona Collier-Harper; Ojai-Jackman L.L.C.; Kevin Rainwater and Marianne Ratcliff; Keith M. Nightingale and Victoria V. Nightingale, Trustees of The Nightingale Family Trust; Heide C. Kurtz, Trustee of The Kurtz Family Trust Dated January 19, 2019; Randall Leavitt, Trustee of The Randall B. Leavitt 2010 Trust; Edward C. Leicht and Jacqueline M. Leicht, Trustees of The Leicht Family 2013 Revocable Trust Dated March 1, 2013; Paul Lepiane and Bengtson Bo; Robert Levin and Lisa Solinas, Trustees of The Levin Family Living Trust; Francis Longstaff and Shauna Longstaff, Trustees of The Longstaff Trust Dated

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October 11, 2018; Mandy Macaluso, Trustee of The Living Trust of Mandy Macaluso; Marilyn Wallace, Trustee of The Marilyn Wallace Separate Property Trust; Daniel J. McSweeney and Yoko McSweeney; Wendell M. Mortensen and Laura L. Mortensen, Trustees of The Mortensen Family Revocable Trust; Timothy Jerome Murch and Jody Caren Murch, Trustees of The Jodim Family 2007 Trust Dated July 31, 2007; Chris E. Platt and Hanh H. Platt; Robert Erickson, Trustee and Ronald Wilson; Michael D. Robertson and Kimberly A. Robertson, Trustees of The Robertson Family Trust; James P. Robie, Trustee of the Robie Family Trust; Petter Romming and Kimi Romming, Trustees; Marc Saleh, Trustee of The Saleh Family Trust; Konrad Stefan Sonnenfeld, Trustee of The Konrad Stefan Sonnenfeld Living Trust; Mark Sutherland, Trustee of The Sutherland Marital Trust; John H. Thacher and Caroline H. Thacher, Trustees of The Thacher Family Trust Dated January 2004; Gilbert G. Vondriska and Carolyn J. Vondriska, Trustees of The Vondriska Living Trust; William D. Rusin, Sr., Trustee of the William D. Rusin Sr. Revocable Trust; Oscar D. Acosta, Trustee of the Acosta Trust

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