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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: Honorable William F. Highberger

18 v.

AMENDED NOTICE OF RULING

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

Date: October 18, 2021

Time: 10:30 a.m.

Dept: SS10

21 Respondents.

Action Filed: September 19, 2014

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  
28

1 AMENDED NOTICE OF RULING

2 On October 18, 2021, the parties appeared at a further status conference, the Honorable  
3 William F. Highberger, Judge presiding. The parties stated their appearances on the record,  
4 and/or they are reflected on LA Court Connect records. The Court ordered the City of Ventura  
5 (City) to provide notice of the following orders and determinations:

- 6
- 7 1. The Court denied Cross-Defendant Claude Baggerly's motion for a court-  
8 appointed scientific advisor, without prejudice.
  - 9
  - 10 2. The Court ordered the City of Ventura to meet and confer with the City of Ojai  
11 and Casitas Municipal Water District to try to reach an agreement regarding the  
12 phrasing of the five phase 1 trial issues, to reduce those issues to writing, and to  
13 provide notice to all parties so they have the opportunity to object.
  - 14
  - 15 3. The Court set a status conference for November 2, 2021 at 2:00 p.m. for the  
16 limited purpose of addressing any further adjustments to the deadline for expert  
17 disclosures. The Judge ordered that the City and East Ojai Group file and serve a  
18 joint status conference report on October 28, 2021 discussing this limited issue.
  - 19
  - 20 4. The Court ordered each party that has a position on the structure of phase 1 trial to  
21 file and serve a brief no later than November 8, 2021 with suggested issues of fact  
22 and law to be tried, in what sequence they should be tried, and whether any issues  
23 can be addressed earlier than February 14, 2021.
  - 24
  - 25 5. The Court ordered that the date for exchange of supplemental expert disclosures,  
26 including expert witness reports, be advanced from December 10, 2021 to  
27 December 3, 2021. A revised discovery and pre-trial schedule for phase 1 trial is  
28 attached hereto as Exhibit A.

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6. The Court set a status conference for November 15, 2021 from 1:30 p.m. until 4:30 p.m. The City shall file and serve a joint status report by November 8, 2021. Any unilateral status reports shall be filed and served by November 8, 2021.

Dated: November 4, 2021

BEST BEST & KRIEGER LLP

By: 

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CITY OF SAN BUENAVENTURA

# **EXHIBIT A**

**SANTA BARBARA CHANNELKEEPER V. SWRCB, CASE NO. 19STCP01176 -  
REVISED DISCOVERY AND PRE-TRIAL SCHEDULE FOR PHASE 1 TRIAL**

<b>DATE</b>	
June 21, 2021	Discovery Stay is lifted for the issues to be tried in Phase 1 of Trial
August 31, 2021	City of Ventura's Expert Witness Disclosures, including Expert Witness Reports, pursuant to CCP § 843, due
September 24, 2021	Expert Witness Disclosures, including Expert Witness Reports, pursuant to CCP § 843, for State Water Resources Control Board, California Department of Fish and Wildlife, California State Parks, Casitas Municipal Water District, East Ojai Group, City of Ojai, and Proposing Parties (Ventura River Water District, Meiners Oaks Water District, Wood-Claeysens Foundation (Taylor Ranch), and Rancho Matilija Mutual Water Company) due  Depositions of City experts cannot commence before this disclosure
October 15, 2021	Percipient Discovery Cut-Off Date All percipient discovery must be completed by this date
October 22, 2021	All Other Expert Witness Disclosures, including Expert Witness Reports, pursuant to CCP § 843, due
November 3, 2021	Deadline for any party to file a Motion for Summary Judgment or Summary Adjudication for phase 1 issues only
December 3, 2021	Date for exchange of Supplemental Expert Disclosures, including Expert Witness Reports, pursuant to CCP § 843 (advanced from original deadline of December 10, 2021)
January 14, 2022	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 at 10:00 a.m.	Hearing date for all phase 1 Motions including Motions for Summary Judgment or Summary Adjudication (excludes Motions in Limine)
January 28, 2022	Responses to Motions in Limine are Due. Parties must exchange all exhibits.
February 2, 2022 at 10:00 a.m.	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 (10-15 day trial)

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 Street, Suite 390, Walnut Creek, CA 94596. On November 4, 2021, I served the following document(s):

**AMENDED 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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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  
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Mutual Water Company; Siete Robles Mutual  
Water Company; Soule Park Golf Course,  
Ltd.; Telos, LLC; Victor C. Timar, Jr. Trustee  
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Ltd.; Burgess Ranch; Cary Cheldin; Cynthia  
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Foundation; Robert Norris (not yet appeared);  
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Water Company (not yet appeared); Margaret  
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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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Bonnie Burreson Cline, Trustees of the Mark

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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 October 11, 2018; Mandy Macaluso, Trustee of The Living Trust of Mandy Macaluso;



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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; Chris E. Platt and Hanh H. Plat; Deborah Lys Martin Crawford; Diane Syvertson, Trustee of the Diana Syvertson Living Trust; Erica J. Abrams, Trustee of the Erica J. Abrams Trust; Frank Clay Creasey Jr.; Frederic DeVault; Gilbert G. Vondriska and Carolyn J. Vondriska, Trustees of the Vondriska Living Trust; James P. Robie, Trustee of the Robie Family Trust; John H. Thacher and Caroline H. Thacher, Trustees of the Thacher Family Trust dated January 2004; Mandy Macaluso, Trustee of the Living Trust of Mandy Macaluso; Margot J. Griswold; Mark Sutherland, Trustee of the Sutherland Marital Trust; Randall Leavitt, Trustee of the Randall B. Leavitt 2010 Trust; Raul E. Alvarado and Hildegard M. Alvarado, trustees of the Alvarado Family Trust; Sumeet Bhatia and Michael McDonald; Timothy Jerome Murch and Jody Caren Murch, Trustees of the Jodim Family 2007 Trust dated July 31, 2007; Wendell M. Mortensen and Laura L. Mortensen, Trustees of the Mortensen Family Revocable Trust; Petter Romming and Kimi Romming, Trustees; William Armstrong and April Nardini; William Erickson; Rancho Sueño, LLC

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18 I declare under penalty of perjury under the laws of the State of California that the  
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20 Executed on November 4, 2021 at Walnut Creek, California

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