E-SERVICE
66756256
Jul 09 2021
08:13PM
File & ServeXpress™

Gregg S. Garrison (SBN 141653)
Email: gsgarrison@garrisonlawcorp.com
Garrison Law Corporation
12986 MacDonald Avenue
Ojai, CA 93023
Telephone: (650) 726-1111
Fax: (805) 669-3168

Attorneys for Cross-defendants, Gregg Garrison and Rosanna Garrison

SUPERIOR COURT OF 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 BUENAVENTURA, a California municipal corporation, incorrectly named as CITY OF BUENAVENTURA,

Respondents.

CITY OF SAN BUENAVENTURA, a California municipal corporation,
Cross-Complainant
v.
DUNCAN ABBOTT, an individual, et al.
Cross-Defendants.

AND RELATED CROSS-ACTION

Case No. 19STCP01176

ASSIGNED FOR ALL PURPOSES TO
Judge: Honorable William F. Highberger
Department 10

CROSS-DEFENDANTS ROSANNA GARRISON AND GREGG GARRISON'S REPLY TO CITY OF SAN BUENA VENTURA'S OPPOSITION TO MOTION FOR COURT-APPOINTED SCIENTIFIC EXPERT

Court Hearing: July 19, 2021
Time: 3:00 p.m.
Dept.: SS10

Action Filed: Sept. 19, 2014
Trial Date: February 14, 2022

Come now Cross-Defendants ROSANNA GARRISON and GREGG GARRISON in REPLY to the to the CITY OF SAN BUENAVENTURA'S OPPOSITION to Cross-



Garrison Law Corporation

Defendants ROSANNA GARRISON and GREGG GARRISON MOTION for a Court-appointed scientific expert.

1. The GARRISONS are seeking a neutral expert to provide the Court assistance, not to represent them.

2. The major parties in this litigation have had years to work with their retained experts and the related information;

3. Now is a critical stage to have a Court-appointed neutral expert – to assist the Court in evaluating other experts and studies for Court in its decision making;

4. The timetable for new experts to be engaged, come up to speed, and present meaningful contributions to the case is a very tight discovery schedule itself, so delay in appointing a neutral expert would only make such a role very unlikely to successfully discharge for such expert in this role; and

5. Who if not a Court-appointed neutral expert will evaluate the body of experts and information to advise the Court – and is the Court equipped to fully evaluate such a huge body of opinions and information for long lasting decisions, without the benefit and assistance of a Court-appointed neutral expert?

The Phase 1 trial issues and related parameters of how they will affect the case are pivotal. A Court also has the power to order/appoint a skilled Watermaster to adjudicate matters, understood not appropriate in this case of many parties and a matter of long evolution – but such an appointment process itself is long. Here, with the Court in the central supervisory and decisional role, it is asserted court-neutral expert assistance to the Court is critical. One can say many smaller parties are not skilled as to the law-nuances and may, in error, indicate wanting representation when what is legally required to shepherd this



Garrison Law Corporation

case is a full and fair evaluation of complex and technical issues, involving a court-neutral expert timely brought into this case.

6. The City's Opposition does not address Garrisons' objection and request for inclusion of fire prevention and suppression as a beneficial water use under state water laws. The State of California, the State Water Board, and its regional boards need to act promptly to update beneficial uses to include these wildfire issues.

The state needs to update beneficial uses to include fire prevention, fire resistance and fighting wildfires. Among other issues is the need for adequate water for the habitat to make it greener and more resistant to fire, and to increase relative humidity, which also prevents the spread of wildfire.

7. The City's Response to the undersigned Cross-Defendants Garrisons' Objections presented at July 6, 2021, Status Conference hearing only addresses the support for appointment of a court-neutral scientific expert issue, and this Reply is limited to addressing that issue.

The undersigned Cross-Defendants Garrisons' reserve the right to later object (by July 15, 2021) to the draft Proposed Physical Solution as incomplete as a draft because, among other issues, of these unaddressed matters: 1) fire related water use under the Basin Plan Beneficial Uses, 2) the right of GWR [Ground Water Replenishment] support by stream water including underflow under Basin Plan policy, and 3) the meaning (and question of improper use) of the word "usufructuary".

RESPECTFULLY SUBMITTED

DATED: July 9, 2021

By: _____
GARRISON LAW CORPORATION



GARRISON LAW CORPORATION

Gregg S. Garrison
Attorneys for Cross-Defendants
ROSANNA GARRISON and GREGG GARRISON

.

Garrison Law Corporation