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EXEMPT FROM FILING FEES
 PER GOV. CODE, § 6103

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 16 COUNTY OF LOS ANGELES

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

Case No. 19STCP01176
SWRCB’S AND CDFW’S RESPONSE TO REQUESTS FOR EXTENSIONS ON EXPERT DISCLOSURE DEADLINES
 Date: November 23, 2021
 Time: 9:00 a.m.
 Dept.: 10 (South Spring Courthouse)
 Judge: Honorable William Highberger
 Trial Date: February 14, 2022 (Phase One)
 Action Filed: September 19, 2014

1 Respondent and intervenor State Water Resources Control Board (“State Water Board”)
2 and intervenor California Department of Fish and Wildlife (“CDFW”) respectfully and jointly
3 submit this response to the two requests that have been filed: cross-defendants Loa E. Bliss and
4 David A. Gilbert’s Ex Parte Application for Extension of Time to Serve Pleading, served October
5 22, 2021 (as supplemented by their Brief and Statement in Support of Motions to for Extension of
6 Time, served November 10, 2021) and cross-defendant Casitas Municipal Water District’s Notice
7 of Motion and Motion for Order Granting Casitas Leave to Serve Expert Witness Designation,
8 served November 10, 2021. Neither of these parties have served an expert designation yet; Ms.
9 Bliss and Mr. Gilbert’s designation was due October 22, 2021 and Casitas Municipal Water
10 District’s designation was due September 24, 2021.

11 The State Water Board and CDFW have no opposition to the Court granting the requested
12 relief, provided that the Court sets clear deadlines for these expert designations and there is
13 sufficient time between those designations and the close of expert discovery to diligently prepare
14 for trial. If the Court grants the relief, the State Water Board and CDFW respectfully request that
15 the Court have the following in mind in its order.

- 16 • These two moving parties are clearly in different positions, both in terms of resources
17 and also the date by which they were supposed to make expert disclosures.
- 18 • The Court has already advanced the date for supplemental expert disclosures from
19 December 10, 2021 to December 3, 2021. Casitas Municipal Water District’s papers
20 ignore this change.
- 21 • It is not clear that there is time for Casitas Municipal Water District to do more than
22 one expert disclosure. Assuming that disclosure is served on December 3, 2021, it
23 will be its initial, supplemental, and rebuttal expert disclosure all together. This is
24 what Ms. Bliss and Mr. Gilbert appear to envision for themselves.
- 25 • All disclosures should be done by December 3, 2021, as the parties with experts have
26 tentatively agreed on a schedule for expert depositions, and those depositions are
27 currently scheduled to begin the following week. Other than the two holiday weeks,
28 there are currently scheduled either two or three days of expert deposition each week

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up until the expert discovery cutoff on January 14, 2022. Importantly, Mr. Brown’s and Mr. Kear’s depositions are currently scheduled on December 14, 2021 and December 15, 2021, respectively.

The other item that the Court needs to address is the deadline for rebuttal expert disclosures and reports. The State Water Board and the CDFW believe not setting that date was an oversight by all involved, and a date should be set. Given the overlap between “supplemental” and “rebuttal” expert disclosures and reports, and given that the expert depositions are currently scheduled to begin the following week, the State Water Board and CDFW respectfully request that the Court set December 3, 2021 as the deadline for rebuttal expert disclosures and reports.

Dated: November 16, 2021

Respectfully Submitted,
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PROOF OF SERVICE OF ELECTRONIC TRANSMISSION
VIA FILE & SERVE XPRESS

Case Name: **Santa Barbara Channelkeeper v. State Water Resources Control Board, et al.**

Case No.: **19STCP01176**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is Office of the Attorney General, 300 S. Spring Street, Suite 1702, Los Angeles, CA 90013.

On November 16, 2021, I electronically served the document described below via File & Serve Xpress, on the recipients designated on the Transaction Receipt located on the File & Serve Xpress website:

**SWRCB'S AND CDFW'S RESPONSE TO REQUESTS FOR EXTENSIONS ON
EXPERT DISCLOSURE DEADLINES**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 16, 2021, at Los Angeles, California.

Beatriz Davalos

Declarant



Signature