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FILED
Superior Court of California
County of Los Angeles

MAY 11 2021

Sherri R. Carter, Executive Officer/Clerk of Court
By Kristina Vargas Deputy
Kristina Vargas

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

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF LOS ANGELES

14
15 SANTA BARBARA CHANNELKEEPER, a
16 California non-profit corporation,

Case No. 19STCP01176

17 Petitioner,

Judge: Honorable William F. Highberger

18 v.

CITY OF SAN BUENAVENTURA'S
NOTICE OF MOTION TO BIFURCATE
AND PARTIAL LIFTING OF THE
DISCOVERY STAY

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

Date: June 21, 2021

Time: 1:30 p.m.

Dept: S10

20 Respondents.

21
22 CITY OF SAN BUENAVENTURA, etc.,

Action Filed: Sept. 19, 2014

Trial Date: Not Set

23 Cross-Complainant,

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.

1 TO THIS HONORABLE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS
2 OF RECORD:

3 PLEASE TAKE NOTICE that on June 21, 2021 at 1:30 p.m., in Department S10 of the
4 above-entitled court, located at 312 North Spring Street, Los Angeles, CA 90012, Respondent and
5 Cross-Complainant CITY OF SAN BUENAVENTURA (“City”) will and hereby does move the
6 Court for an order bifurcating the trial of this proceeding, and for an order partially lifting the
7 discovery stay. The City will and hereby does move: (1) for an order bifurcating this proceeding
8 such that the Court try the issues of the boundaries of the Ventura River Watershed
9 (“Watershed”) and the four groundwater basins therein, as well as the interconnectivity of the
10 Watershed and the groundwater basins in a first phase of trial; (2) for an order partially lifting the
11 discovery stay to allow for discovery only as to these two threshold issues that will be tried in the
12 first phase of trial, and (3) for an order setting the first phase of trial for mid-November 2021, or
13 as soon thereafter as the Court may hear the matter, and for setting a discovery schedule that
14 tracks the Civil Discovery Act for pre-trial discovery deadlines.

15 This Motion is made pursuant to Code of Civil Procedure Sections 128, 598, 1048, subd.
16 (b), and 2019.020, subd. (b). The motion is based on the ground that conducting the trial of this
17 matter in separate phases, with an initial phase of determining the boundaries of the Watershed
18 and groundwater basins, will be conducive to judicial economy and will promote the ends of
19 justice. The motion is also made on the ground that the Court has inherent authority to control its
20 calendar and the proceedings therein so as to promote judicial economy and conserve judicial
21 resources, and the Court should allow for limited discovery on the two threshold issues that will
22 comprise the first phase of trial, but should keep the stay in place for discovery of all other issues.


23 The Motion will be based upon this Notice, the concurrently filed Memorandum of Points
24 and Authorities, the concurrently filed Declaration of Christopher M. Pisano, and any exhibits
25 attached thereto, all pleadings, files, proceedings in this action, and upon all such evidence as may
26 be properly presented to the Court at the time of the hearing on this Motion.

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1 Dated: May 11, 2021

BEST BEST & KRIEGER LLP

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By: 

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05/14/2021