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Superior Court of California
County of Los Angeles

MAY 03 2021

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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, etc., et al.,

Respondents.

CITY OF SAN BUENAVENTURA, etc.,

Cross-Complainant,

v.

DUNCAN ABBOTT, an individual, et al.,

Cross-Defendants.

Case No. 19STCP01176

Judge: Hon. William F. Highberger

STATUS CONFERENCE REPORT

Date: May 10, 2021
Time: 1:30 p.m.
Dept: SS10

Action Filed: Sept. 19, 2014
Trial Date: Not Set

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STATUS CONFERENCE REPORT

Defendant and Cross-Complainant City of San Buenaventura (City) submits this Status Conference Report (Report) in advance of the Status Conference scheduled for May 10, 2021 at 1:30 p.m. In accordance with the Court's discussion at the April 19, 2021 Status Conference, the City has made a good faith effort to solicit input from interested parties prior to submission of this Report. Specifically, counsel for the City sent a draft of this Report via email to all counsel of record and to all parties for which the City has an email address on April 28, 2021 and invited input. The City received comments from Cross-Defendant Claude Baggerly and accommodated his requested revisions in section 5 below. The City understands that some parties may submit their own Status Conference Reports.

Subject to the Court's direction and needs of the other parties, the City anticipates that the May Status Conference will be fairly narrow in scope, with a much more significant discussion occurring at the June 21, 2021 Status Conference.

1. ORDER TO SHOW CAUSE REGARDING SERVICE BY PUBLICATION

The Court set an Order to Show Cause (OSC) hearing regarding service by publication of the summons for the May 10, 2021 Status Conference. On April 16, 2021, the City filed an application for an order to serve via publication for the 51 Cross-Defendants that are behind fences and gates. In advance of the May 10, 2021 Status Conference, and consistent with the discussion with the Court at the April Status Conference, on April 28, 2021, City sent Notice and Acknowledgment of Receipt forms with complete service packets of the Third Amended Cross-Complaint (Cross-Complaint) to 51 unserved Cross-Defendants. The City will file the Notice of OSC, a declaration in support of the OSC, and a [Proposed] Order for Publication on May 5, 2021.

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2. MEET AND CONFER RE CITY MOTION

The City has scheduled an all-parties Zoom meet and confer session on May 6, 2021 at 10:00 a.m. regarding its proposed motion to bifurcate set for hearing on June 21, 2021 at 1:30 p.m. The City will update the Court regarding these meet and confer efforts at the May 10, 2021 Status Conference.

3. UPDATE RE SERVICE OF THE THIRD AMENDED CROSS-COMPLAINT

The City diligently continues to work to complete service of the Cross-Complaint on all named Cross-Defendants, including newly added Roes. The City continues to make substantial progress on these efforts.

As of the last Status Conference, there were 102 unserved Cross-Defendants out of the over 2,500 Cross-Defendants named in the Third Amended Cross-Complaint. The City has attempted to serve by notice and acknowledgment of receipt packages by overnight mail to the 51 Cross-Defendants behind gates and fences. Those Cross-Defendants that do not timely return the acknowledgment of receipt will be served via publication, if the Court so orders. The City successfully served 5 additional Cross-Defendants in April and early May and continues its efforts to serve the remaining 46 that are not behind gates and fences. Summary tables are provided below. The City will continue to attempt to locate and serve these un-served Cross-Defendants, including by conducting targeted outreach and phone calls to and additional researching and tracking of un-served Cross-Defendants.

Total Cross-Defendants	2,596
Served Cross-Defendants	2,497
NAK and Publication	51
Unserved Cross-Defendants	46

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Known details regarding categories of un-served Cross-Defendants are summarized in the table below.

Located behind locked gates/fences	51
Evading service or reattempts to be made by process servers	30
Deceased with no known successors/Vacant properties requiring further information from Tax Collector	16

A summary of the service status of the recently added Roe Cross-Defendants is set forth in the table below.

Total Roe Cross-Defendants – Amendment Nos. 2-5 (Roes 2-417)	415
Served Roe Cross-Defendants	210
Unserved Roe Cross-Defendants	205

Known details regarding categories of the 205 un-served Roe Cross-Defendants are summarized in the table below. After exhausting service efforts, City will seek permission to serve via publication the Roe Cross-Defendants that are located behind gates and fences through the process described in section 1, or as otherwise ordered by the Court.

Located behind locked gates/fences	79
Evading service or reattempts to be made by process servers	123
Deceased with no known successors	3

4. CHANNELKEEPER NOTICE OF DISMISSAL

Per the Court's request, the City is working with Santa Barbara Channelkeeper (Channelkeeper) to prepare a stipulation and order regarding the dismissal of Channelkeeper's

1 action against the City.

2
3 5. CROSS-DEFENDANT CLAUDE BAGGERLY'S MOTION TO APPOINT A
4 SPECIAL MASTER

5 Pursuant to his request at the April 19, 2021 Status Conference, the Court invited Cross-
6 Defendant Claude Baggerly to file a Motion to Appoint a Special Master with a hearing date set
7 on June 21, 2021 at 1:30 p.m. Moving papers must be filed by May 11, 2021. Oppositions must
8 be filed by June 1, 2021, and replies must be filed by June 14, 2021.

9
10 6. CONCLUSION AND SUMMARY OF REQUESTS

11 Based on the above Report, the City respectfully requests that the Court consider taking
12 the following action at the May 10, 2021 Status Conference:

- 13 • Grant the City's application for an order to serve via publication the 51 unserved
14 Cross-Defendants located behind locked gates.

15
16 Dated: May 3, 2021

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18 By: 

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

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

17 Petitioner,

18 v.

19 STATE WATER RESOURCES CONTROL
20 BOARD, a California State Agency, et al.,

21 Respondents.

22 CITY OF SAN BUENAVENTURA, a
23 California municipal corporation,

24 Cross-Complainant

25 v.

26 DUNCAN ABBOTT, an individual, et al.

27 Cross-Defendants.
28

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 Street,, Ste 390, Walnut Creek, CA 94596. On May 3, 2021, I served the following document(s):

STATUS CONFERENCE REPORT

- ☐ 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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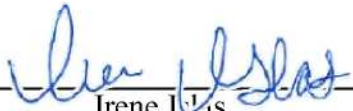
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I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

Executed on May 3, 2021 at Walnut Creek, California



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