



1 **MUSICK, PEELER & GARRETT LLP**

2 2801 Townsgate Road, Suite 200
3 Westlake Village, California 91361
4 Telephone (805) 418-3100
5 Facsimile (805) 418-3101

6 Gregory J. Patterson (State Bar No. 136665)
7 *g.patterson@musickpeeler.com*

8 Attorneys for The Thacher School; Friend's Ranches, Inc.; Topa Topa Ranch & Nursery, LLC;
9 Finch Farms, LLC; Red Mountain Land & Farming, LLC; Thacher Creek Citrus, LLC; The Finch
10 Family Trust; James P. Finch; Robert Calder Davis, Jr.; Robert Calder Davis, Jr., TTEE of Trust
11 Owned Properties; Sharon H. Booth, Trustee of The Survivor's Trust Created Under Declaration
12 of Trust of Richard G. Booth and Sharon H. Booth Dated July 10, 1980; David Robert Hamm;
13 Ojai Oil Company; Ojai Valley School; Reeves Orchard, LLC and Ojai Valley Inn

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF LOS ANGELES**

16 **SANTA BARBARA CHANNELKEEPER, a**
17 **California non-profit organization**

18 **Petitioner,**

19 **vs.**

20 **STATE WATER RESOURCES CONTROL**
21 **BOARD, a California State Agency; CITY OF**
22 **SAN BUENAVENTURA, a California**
23 **municipal corporation, incorrectly named as**
24 **CITY OF BUENAVENTURA**

25 **Respondents.**

26 **CITY OF SAN BUENAVENTURA, a**
27 **California municipal corporation**

28 **Cross-Complainant**

vs.

DUNCAN ABBOTT, an individual, et al.

Cross-Defendants.

CASE No. 19STCP01176

[Assigned to Hon. William F Highberger]

**OJAI VALLEY INN'S INITIAL
DISCLOSURE PURSUANT TO
CALIFORNIA CODE OF CIVIL
PROCEDURE SECTION 842**

Action Filed: September 19, 2014
Trial Date: None Set

1 Cross-Defendant Ojai Valley Inn ("OVI") provides its Initial Disclosure pursuant to
2 California Code of Civil Procedure section 842 as follows:

3 **DISCLOSURE NO. 1:**

4 The name, address, telephone number, and email address of the party and, if applicable, the
5 party's attorney.

6 **RESPONSE TO DISCLOSURE NO. 1:**

7 Dave Comfort
8 Ojai Valley Inn
9 905 Country Club Road
10 Ojai, CA 93023
11 Tel: (310) 498-2016
12 Email: davecomfort@crown-chicago.com

13 Gregory Patterson
14 Musick, Peeler & Garrett LLP
15 2801 Townsgate Rd., Ste. 200
16 Westlake Village, CA 91361
17 Tel: (805) 418-3103
18 Email: g.patterson@musickpeeler.com

19 **DISCLOSURE NO. 2:**

20 The quantity of any groundwater extracted from the basin by the party and the method of
21 measurement used by the party's predecessor in interest for each of the previous 10 years
22 preceding the filing of the Complaint.

23 **RESPONSE TO DISCLOSURE NO. 2:**

24 OVI has not pumped groundwater during the last ten years, but has a metered connection
25 through the Casitas Municipal Water District.

OJAI VALLEY INN - ANNUAL WATER USAGE DATA SUMMARY			
HISTORICAL METERED WATER USAGE (AF)			
DATE	PAPER BILLS	CASITAS DATA	
	CALENDAR YEAR (JAN - DEC)	WATER YEAR (JUL-JUN)	
2013	380	INCONSISTENT OR MISSING DATA	
2014	376		
2015	263		
2016	378		

2017	INCONSISTENT OR MISSING DATA	MISSING	403
2018		378	315
2019		355	329
ANNUAL AVG	349.4	366.5	348.8

OVI asserts at least this quantity of water annually used as a metered customer of Casitas Municipal Water District (by any source of Casitas' own combination of surface or groundwater or other rights of its own) which OVI has used *in lieu of* any separate right of use to either riparian surface water or as an overlying landowner to groundwater. To the extent that any OVI right is dormant or unexercised at this time, due to active onsite water conservation or otherwise, such non-use is not to be misconstrued as any form of OVI abandonment or relinquishment of those rights. OVI asserts a maximum historical reasonable and beneficial use of 874 acre-feet (AF) annually.

DISCLOSURE NO. 3:

The type of water right or rights claimed by the party for the extraction of groundwater.

RESPONSE TO DISCLOSURE NO. 3:

OVI is an overlying landowner and asserts both overlying and unexercised water rights for the extraction of groundwater from inactive wells located on the OVI property within the Ojai Basin Groundwater Management Area (OBGMA).

OVI also asserts a right to use groundwater under the self-help doctrine, if prescriptive rights to extract groundwater from the basin are determined.

DISCLOSURE NO. 4:

A general description of the purpose to which the groundwater has been put.

RESPONSE TO DISCLOSURE NO. 4:

Irrigated landscaping and domestic uses.

DISCLOSURE NO. 5:

The location of each well or other source through which the groundwater has been extracted.

RESPONSE TO DISCLOSURE NO. 5:

Not applicable.

1 **DISCLOSURE NO. 6:**

2 The area in which the groundwater has been used.

3 **RESPONSE TO DISCLOSURE NO. 6:**

4 Not applicable. OVI is a metered customer of the Casitas Municipal Water District. All
5 Casitas metered water is used on four separate OVI parcels:

6 APN: 023-0-010-179

7 APN: 023-0-020-170

8 APN: 024-0-010-020

9 APN: 024-0-010-110

10 **DISCLOSURE NO. 7:**

11 Any claims for increased or future use of groundwater.

12 **RESPONSE TO DISCLOSURE NO. 7:**

13 OVI anticipates that any future use of groundwater will be at least as much as its current
14 metered Casitas use.

15 OVI asserts the maximum historical right to pump and consumptively use water by either
16 surface riparian right or groundwater (whether dormant or currently unexercised), neither of which is
17 ever lost, forfeited, or abandoned for any period of non-use.

18 OVI reserves the right to supplement this initial disclosure with additional future uses.

19 **DISCLOSURE NO. 8:**

20 The quantity of any beneficial use of any alternative water use that the party claims as its
21 use of groundwater under any applicable law, including, but not limited to, Section 1005.1,
22 1005.2, or 1005.4 of the Water Code.

23 **RESPONSE TO DISCLOSURE NO. 8:**

24 To the extent that OVI maintains riparian rights to subsurface underflow that are “part and
25 parcel” of the property, OVI reserves the right to this additional water use pursuant to Water Code
26 Sections 1005.1, 1005.2, 1005.4, or other applicable law.

27 OVI also asserts any quantity of water it uses as a metered customer of Casitas Municipal Water
28 District (by any source of its own surface or groundwater right(s) of its own) is an alternative

1 source that OVI uses *in lieu of* any right of use that OVI might otherwise have to maximum
2 historical reasonable and beneficial uses of water for onsite purposes.

3 **DISCLOSURE NO. 9:**

4 Indemnification of all surface water rights and contracts the party claims provides the basis
5 for its water right claims in the comprehensive adjudication.

6 **RESPONSE TO DISCLOSURE NO. 9:**

7 OVI asserts riparian rights to San Antonio Creek, and possible riparian rights to subsurface
8 underflow underneath any of its properties.

9 **DISCLOSURE NO. 10:**

10 The quantity of any replenishment of water to the basin that augmented the basin's native
11 water supply, resulting from the intentional storage of imported or non-native water in the basin,
12 managed recharge of surface water, or return flows resulting from the use of imported water or
13 non-native water on lands overlying the basin by the party, or the party's representative or agent,
14 during each of the 10 calendar years immediately preceding the filing of the Complaint.

15 **RESPONSE TO DISCLOSURE NO. 10:**

16 OVI does not currently import any non-native water or manage any recharge of surface
17 water peak-flow into groundwater, but reserves the right to appropriate water and store such
18 waters for more than 30-days (pursuant to a Water Availability Analysis) and/or capture and store
19 stormwater or rainwater through any combination of offsets or production forbearance or
20 conserved water credits that might otherwise contribute to either onsite water supply resiliency
21 and reliability or enhance stream flow in San Antonio Creek.

22 **DISCLOSURE NO. 11:**

23 The names, addresses, telephone numbers, and email addresses of all persons possessing
24 information that supports the party's disclosures.

25 ///

26 ///

27 ///

28 ///

1 **RESPONSE TO DISCLOSURE NO. 11:**

2 Dave Comfort
3 Ojai Valley Inn
4 905 Country Club Rd.
5 Ojai, CA 93023
6 Tel: (310) 498-2016
7 Email: davecomfort@crowns-chicago.com

8 Regina Hirsch
9 Executive Director, Watershed Progressive
10 206 N. Signal Street, Suite S
11 Ojai, CA 93023
12 Tel: (209) 206-2234
13 Email: regina@h2oprogressive.com

14 Tom Hicks
15 Hicks Law
16 35 Temescal Terrace
17 San Francisco, Ca. 94118
18 Tel: (415) 309-2098
19 Email: tdh@tomhickslaw.com

20 **DISCLOSURE NO. 12:**

21 Any other facts that tend to prove the party's claimed water right.

22 **RESPONSE TO DISCLOSURE NO. 12:**

23 To the extent that OVI may assert possible riparian rights to subsurface underflow on or
24 appurtenant to or "part and parcel" of the property, OVI reserves the right to this additional water use
25 pursuant to Water Code Sections 1005.1, 1005.2, 1005.4, or other applicable law.

26 OVI asserts at least the annual quantity of water used as a metered customer of Casitas
27 Municipal Water District (by any source of Casitas' own combination of surface of groundwater or
28 other rights of its own) which OVI has used *in lieu of* any separate right of use to either riparian
surface water or overlying landowner groundwater. To the extent that any OVI right is dormant or
unexercised at this time, due to active onsite water conservation or otherwise, such non-use is not to
be misconstrued as any form of OVI abandonment or relinquishment of those rights. OVI asserts a
maximum historical reasonable and beneficial consumptive use of 874 acre-feet (AF) annually.

OVI is a project partner in the Wildlife Conservation Board Prop One Water Bond grant
awarded to the Ventura County Resource Conservation District for the Ventura River Watershed

1 Instream Flow Enhancement and Water Resiliency Framework (VRIF) Project. Through this state-
2 funded project, OVI and other project partners are coordinating to plan and implement onsite
3 *voluntary* water conservation actions that will further conserve OVI's onsite annual water demand,
4 including stormwater, rainwater, reduction of phreatophytes such as *Arundo*, and other onsite
5 water use efficiencies to use less water annually for the purpose of enhancing stream flow. OVI is
6 actively considering projects that will result in a 20-year or longer commitment to onsite
7 "production forbearance" and/or direct streamflow enhancement benefits for steelhead.

8
9 OVI makes this Initial Disclosure based on the information currently available to it. OVI
10 will amend this disclosure, if necessary, consistent with California Code of Civil Procedure
11 section 842(d) (1-3).

12 OVI is serving this Initial Disclosure electronically to all parties to the extent possible
13 pursuant to California Code of Civil Procedure section 842(e).

14
15 DATED: June 16, 2021

MUSICK, PEELER & GARRETT LLP

16
17 By: 
18 Gregory J. Patterson
19 Attorneys for The Thacher School; Friend's
20 Ranches, Inc.; Topa Topa Ranch & Nursery, LLC;
21 Finch Farms, LLC; Red Mountain Land &
22 Farming, LLC; Thacher Creek Citrus, LLC; The
23 Finch Family Trust; James P. Finch; Robert Calder
24 Davis, Jr.; Robert Calder Davis, Jr., TTEE of Trust
25 Owned Properties; Sharon H. Booth, Trustee of
26 The Survivor's Trust Created Under Declaration
27 of Trust of Richard G. Booth and Sharon H. Booth
28 Dated July 10, 1980; David Robert Hamm; Ojai
Oil Company; Ojai Valley School; Reeves
Orchard, LLC and Ojai Valley Inn

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF VENTURA

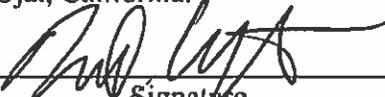
I have read the foregoing OJAI VALLEY INN'S INITIAL DISCLOSURE and know its contents.

I, Dave Comfort, as Asset Manager of OJAI VALLEY INN, am authorized to make this verification on behalf of all OJAI VALLEY INN. I am informed and believe, and on that ground allege, that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed on June 15, 2021 at Ojai, California.

Dave Comfort
Print Name of Signatory


Signature

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Ventura, State of California. My business address is 2801 Townsgate Road, Suite 200, Westlake Village, California 91361.

On June 16, 2021, I served true copies of the following document(s) described as **OJAI VALLEY INN'S INITIAL DISCLOSURE PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 842** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

By transmission via E-Service to File & ServExpress: to the person(s) set forth below. Local Rules of Court 2.10(P)

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

Executed on June 16, 2021, at Westlake Village, California.


Heather Silverman

SERVICE LIST

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Daniel Cooper, Esq.
Cooper & Lewand-Martin, Inc.
1004B O'Reilly Avenue
San Francisco, CA 94129
Tel: (415) 360-2962
Email: daniel@lawyersforcleanwater.com

Attorneys for Petitioner and Plaintiff Santa
Barbara Channelkeeper

Matthew Bullock, Esq.
Deputy Attorney General
California Department of Justice
Natural Resources Law Section
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Tel: (415) 510-3376
Email: matthew.bullok@doj.ca.gov

Attorneys for Respondent and Defendant State
Water Resources Control Board

Marc N. Melnick, Esq.
Deputy Attorney General
Attorney General's Office
1515 Clay Street, 20th Floor
Post Office Box 70550
Oakland, CA 94612-0550
Tel: (510) 879-0750
Email: Marc.melnick@doj.ca.gov

Attorneys for Respondent and Defendant State
Water Resources Control Board

Gene Tanaka, Esq.
Sarah Foley, Esq.
Patrick Skahan, Esq.
Best, Best & Krieger LLP
2001 North Main Street, Suite 390
Walnut Creek, CA 94596
Phone: (925) 977-3300
Email: gene.tanaka@bbklaw.com
sarah.foley@bbklaw.com
Patrick.Skahan@bbklaw.com

Attorneys for Respondent and Cross-
Complainant City of San Buenaventura

Shawn Hagerty, Esq.
Best, Best & Krieger LLP
655 West Broadway, 15th Floor
San Diego, CA 92101
Tel: (619) 525-1300
Email: shawn.hagerty@bbklaw.com

Attorneys for Respondent and Cross-
Complainant City of San Buenaventura

Edward J. Casey, Esq.
Clynton Namuo, Esq.
Alston & Bird LLP
333 South Hope Street, 16th Floor
Los Angeles, CA 90071
Tel: (213) 576-1000
Email: ed.casey@alston.com
clynton.namuo@alston.com

Attorneys for Cross-Defendants AGR Breeding,
Inc.; Bentley Family Limited Partnership and
Southern California Edison

1 Ryan Blatz, Esq.
Blatz Law Firm
2 206 North signal Street, Suite G
Ojai, CA 93023
3 Tel: (805) 646-3110
Email: blatzlawfirm@gmail.com
4 ryan@ryanblatzlaw.com

Attorneys for Cross-Defendants Troy Becker and Jeri Becker; Janet Boulten; Michael Boulten; Michael Caldwell; Joseph Peter Clark, successor in interest to The Joseph Clark and Linda Epstein Family Trust; Linda Louise Epstein, successor in interest to The Joseph Clark and Linda Epstein Family Trust; Michael I. Cromer and Jody D. Cromer; Michael A. Etchart, Trustee of The Michael A. Etchart Separate Property Trust; Mark W. Etchart, Trustee of The Mark W. Etchart Separate Property Trust; Lawrence Hartmann; Ole Konig; Krotona Institute of Theosophy; Stephen Mitchell 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 and Lola L. Rudd Trust, Dated May 20, 1976; Shlomo Raz; Sylvia Raz; Senior Canyon Mutual Water Company, Siete Robles Mutual Water Company; Soule Park Golf Course, Ltd.; Telos, LLC; Victor C. Timar, Jr., Trustee of The Timar Family Trust; John Town; Trudie Town; Asquith Family Limited Partnership; Burgess Ranch; Cary Cheldin; Cynthia Daniels; Wayne Francis; David Friend; The Larry & Pat Hartmann Family Trust; The John N. Hartmann Trust; Gary Hirschcron; Cheryl Jensen; Lutheran Church of the Holy Cross of Ojai, California; Janice Sattler (Mineo); Eitan Sloustcher; Rogers-Cooper Memorial Foundation; Robert Norris; Patricia Norris; Old Creek Road Mutual Water Company; Margaret Vanderfin; Telos Ojai, LLC; Jennifer Ware; The Walker Jr. Living Trust; David Altman, Trustee of The 1190 El Toro Trust; Babtiste Foundation; Sean A. Bennett and Leslie Bennett, Trustees of The Bennett Family Trust; Dwayne A. Bower and Marilyn E. Bower, Trustees of The Bower Family Trust; Mark Terry Cline and Bonnie Bureson Cline, Trustees of The Mark Terry Cline and Connie Bureson 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

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Carolyn D. Bennett, Trustees of The Bennett Family Trust; Sumeet Bhatia and Michael McDonald; John Joseph Broesamle and Katherine Sue Broesamle, Trustees of The Broesamle Family Trust; Richard Aaron Carlson, Trustee of The Richard Aaron Carlson Trust; Michelle Larson, Trustee of The Michelle 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, LLC; Douglas Roy Parent and Ann Marie Parent; William Erickson; Gelb Enterprises, L.P.; Jan Stephen Grande and Priscilla K. Grande, Trustees of The Grande Family Revocable Living Trust; Margaret 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 Bengston 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; 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;

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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; and Oscar D. Acosta, Trustee of The Acosta Trust

William G. Short, Esq.
Law Offices of William G. Short
Post Office Box 1313
Ojai, CA 93024-1313
Tel: (805) 490-6399
Email: billshortesa@me.com

Attorney for Cross-Defendant Robin Bernhoft

Anthony Lee Francois, Esq.
Pacific Legal Foundation
930 G Street
Sacramento, CA 95814-1802
Tel: (916) 419-7111
Email: TFrancois@pacificlegal.org

Attorneys for Cross-Defendant Robin Bernhoft

Robert Kwong, Esq.
Dennis O. La Rochelle, Esq.
A to Z Law Firm, LLP
300 Esplanade Drive, Suite 2100
Oxnard, CA 93036
Tel: (805) 988-9886
Email: rkwong@atozlaw.com

Attorneys for Cross-Defendant Casitas Municipal Water District

Patrick Loughman, Esq.
Cristina Arrieta
Lowthorp, Richards, McMillan, Miller & Templeman
300 Esplanade Drive, Suite 850
Oxnard, CA 93036
Tel: (805) 804-3848
Email: Ploughman@lrmmt.com
Carrieta@lrmmt.com

Attorneys for Cross-Defendants Ernest Ford; Tico Mutual Water Company; Betty Withers and Betty Bow Withers Trust

Lindsay F. Nielson, Esq.
Law Office of Lindsay F. Nielson
845 East Santa Clara Street
Ventura, CA 93001
Tel: (805) 658-0977
Email: nielsonlaw@aol.com

Attorneys for Cross-Defendants Meiners Oaks Water District and Ventura River Water District

1 Jeanne Zolezzi, Esq.
Herum Crabtree Suntag
2 5757 Pacific Avenue, Suite 222
Stockton, CA 95207
3 Tel: (209) 472-7700
Email: izolezzi@herumcrabtree.com

Attorneys for Cross-Defendants Meiners Oaks
Water District and Ventura River Water District

4 Neal P. Maguire, Esq.
5 Ferguson Case Orr Patterson LLP
1050 South Kimball Road
6 Ventura, CA 93004
Tel: (805) 659-6800
7 Email: nmaguire@fcoplaw.com

Attorneys for Cross-Defendant Rancho Matilija
Mutual Water Company; Bettina Chandler,
Trustee of The Bettina Chandler Trust; Martin
Gramckow, Trustee of The Monika G. Huss
Irrevocable Trust, Trustee of The Karin W.
Gramckow Irrevocable Trust and Trustee of
The Kurt J. Gramckow Irrevocable Trust

8 Stephen C. Lewis, Esq.
9 Barg Coffin Lewis & Trapp LLP
600 Montgomery Street, Suite 525
10 San Francisco, CA 94111
Tel: (415) 228-5480
11 Email: slewis@bargcoffin.com

Attorney specially appearing for proposed
Cross-Defendant Rudd Ranch, LLC

12 Thomas S. Bunn, III, Esq.
Lagerlof Senecal Gosney & Kruse LLP
13 301 North Lake Avenue, 10th Floor
Pasadena, CA 91101-5123
14 Tel: (626) 793-9400
Email: tombunn@lagerlof.com

Attorneys for Cross-Defendant St. Joseph's
Associates of Ojai, California, Inc. and St.
Joseph's Health and Retirement Center; Janis
Long Nicholas; John Jay Nicholas; Jess Earl
Long (aka Jess E. Long); Johana Rae Long and
Mary Margaret Long; Janis Long Nicholas and
15 Jess E. Long as Trustees of The Long Family
Trust

16 Michael J. Van Zandt, Esq.
17 Nathan A. Metcalf, Esq.
Sean G. Herman, Esq.
18 Hanson Bridgett LLP
425 Market Street, 26th Floor
19 San Francisco, CA 94105
Tel: (415) 777-3200
20 Email: mvanzandt@hansonbridgett.com
nmetcalf@hansonbridgett.com
21 sherman@hansonbridgett.com

Attorneys for Cross-Defendant Ventura County
Watershed Protection District and County of
Ventura

22 Scott Slater, Esq.
Bradley Herrema, Esq.
23 Christopher Guillen, Esq.
Brownstein Hyatt Farber Schreck LLP
24 1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101
25 Tel: (805) 963-7000
Email: sslater@bhfs.com
26 bherrema@bhfs.com
cguillen@bhfs.com
27

Attorneys for Cross-Defendant Wood
Clayssens Foundation

1 Joseph C. Chrisman, Esq.
Hathaway, Perrett, Webster, Powers,
2 Chrisman & Gutierrez
5450 Telegraph Road
3 Ventura, CA 93003
Tel: (805) 644-7111
4 Email: ichrisman@hathawaylawfirm.com

Attorneys for Cross-Defendant Wood
Claeysens Foundation

5 Eric M. Katz, Supervising Deputy AG
Noah Golden Krasner, Deputy AG
6 Carol Boyd, Deputy AG
ATTORNEY GENERAL'S OFFICE
7 300 S. Spring Street
Los Angeles, CA 90023
8 Tel: (213) 269-6343
Fax: (213) 897-2802
9 Email: Eric.Katz@doj.ca.gov
10 Noah.goldenkrasner@doj.ca.gov
Carol.boyd@doj.ca.gov

Attorneys for Proposed Intervenor California
Department of Fish & Wildlife

11 David B. Cosgrove, Esq.
12 Jeffrey M. Oderman, Esq.
Douglas J. Dennington, Esq.
13 Jeremy N. Jungreis, Esq.
RUTTAN & TUCKER, LLP
14 611 Anton Blvd., Ste. 1400
Costa Mesa, CA 92626-1931
15 Tel: (714) 641-5100
Fax: (714) 546-9035
16 Email: dcosgrove@rutan.com
joderman@rutan.com
17 ddennington@rutan.com
jjungreis@rutan.com
18

Attorneys for Cross-Defendant Casitas
Municipal Water District

19 Thomas E. Jeffry, Esq.
Debra J. Albin-Riley, Esq.
20 Stefan Bogdanavich, Esq.
ARENT FOX LLP
21 555 W. Fifth Ave., 48th Flr.
Los Angeles, CA 90013-1065
22 Tel: (213) 629-7400
Fax: (213) 629-7401
23 Email: Thomas.jeffry@arentfox.com
Stefan.bogdanovich@arentfox.com
24

Attorneys for Community Memorial Health
System

25 Andrew Brady, Esq.
DLA Piper LLP (US)
26 550 S. Hope St., Ste. 2400
Los Angeles, CA 90071-2618
27 Tel: (213) 330-7700
Fax: (310) 330-7701
28 Email: andrew.brady@us.dlpiper.com

Attorneys for Integritas Ojai, LLC

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Jennifer T. Buckman, Esq.
Andrew J. Ramos, Esq.
BARTKIEWICZ KRONICK & SHANAHAN,
PC
1011 Twenty-Second Street
Sacramento, CA 95816-4907
Tel: (916) 446-4254
Fax: (916) 446-4018
Email: jtb@bkslawfirm.com

Attorneys for City of Ojai

David R. Krause-Leemon, Esq.
BEAUDOIN & KRAUSE-LEEMON LLP
15165 Ventura Blvd., Ste. 400
Sherman Oaks, CA 91403
Tel: (818) 205-2809
Fax: (818) 788-8104
Email: david@bk-llaw.com

Attorneys for RDK Land, LLC

Eric J. Schindler, Esq.
Michelle J. Berner, Esq.
KROESCHE SCHINDLER LLP
2603 Main St., Ste. 200
Irvine, CA 92614
Tel: (949) 387-0495
Fax: (888) 588-0034
Email: eschindler@kslaw.legal
mberner@kslaw.legal

Attorneys for Oak Haven, LLC

Brian A. Osborn, Esq.
OSBORNE LAW FIRM
674 County Square Drive, Ste. 308
Ventura, CA 93003
Tel: (805) 642-9283
Fax: (805) 642-7054
Email: osbornelawyer@gmail.com

Attorneys for Cross-Defendants Brian A. Osborne; Ronald W. Rood and Susan B. Rood, Trustees of The Rood Family Trust

Adam D. Wieder, Esq.
Barry C. Groveman, Esq.
Ryan Hiete, Esq.
GROVEMAN HIETE LLP
35 East Union St., Ste. B
Pasadena, CA 91103
Tel: (626) 747-9383
Fax: (626) 747-9370
Email: awieder@grovemanhiete.com
bgroveman@grovemanhiete.com
rhiete@grovemanhiete.com

Attorneys for Cross-Defendants Michael Bradbury; Heidi Bradbury; and The Heidi Gramckow Trust

1 Peter A. Goldenring
Mark R. Pachowicz
2 PACHOWICH | GOLDENRING
6050 Seahawk Street
3 Ventura, CA 93003-6622
Tel: (805) 642-6702
4 Fax: (805) 642-3145
Email: attorneys@gopro-law.com

Attorneys for Cross-Defendant The Manfred
Krankl and Elaine V. Krankl Living Trust

5 Ernest J. Guadiana
6 ELKINS KALT WEINTRAUB REUBEN
GARTSIDE LLP
7 10345 W. Olympic Boulevard
Los Angeles, CA 90064
8 Tel: (310) 746-4425
Email: eguadiana@elkinskalt.com

Attorneys for Michael Lombardo and Charles
L. Ward III, as Co-Trustees of the Ward-
Lombardo Living Trust

9 Justin M. Alvarez
10 Lamdien T. Le
THE ALVAREZ FIRM
11 24005 Ventura Boulevard
Calabasas, CA 91302
12 Tel: (818) 224-7077
Fax: (818) 224-1380
13 Email: jalvarez@alvarezfirm.com
del@alvarezfirm.com

Attorneys for Cross-Defendant Rancho Sueno,
LLC

14 Patrick L. Rendon
15 LAMB AND KAWAKAMI LLP
333 S. Grand Ave., Ste. 4200
16 Los Angeles, CA 90071
Tel: (213) 630-5500
17 Fax: (213) 630-5555
Email: prendon@lkfirm.com

Attorneys for Real Party in Interest Emily V.
Brown

18 Karen A. Feld, Esq.
19 Daniel S. Roberts, Esq.
COLE HUBER LLP
20 3401 Centerlake Dr., Ste. 670
Ontario, CA 91761
21 T: (909) 230-4209
F: (909) 937-2034
22 Email: kfeld@colehuber.com
droberts@colehuber.com

Attorneys for Cross-Defendant VENTURA
UNIFIED SCHOOL DISTRICT

23
24 David A. Ossentjuk, Esq.
OSSENTJUK & BOTTI
25 2815 Townsgate Rd., Ste. 320
Westlake Village, CA 91361
26 T: (805) 557-8081
F: (805) 456-7884
27 Email: dossentjuk@oandblawyers.com

Attorneys for Cross-Defendant ROBERT
MARTIN

1 Attn: Tim Carey, Managing Member
2 Del Cielo LLC
3 22410 Hawthorne, #5
4 Torrance, CA 90505
5 Tel: (310) 787-6569
6 Email: tim@calvoterguide.com

Attn: Roger J. Essick
Hermitage Mutual Water Company
2955 Hermitage Road
Ojai, CA 93023
Tel: (805) 320-1406
Email: rogeressick@gmail.com

7 Julia A. Baker
8 2193 Maricopa Hwy.
9 Ojai, CA 93023
10 Tel: (805) 646-8700
11 Email: Janjbaker2@gmail.com

Attn: Oriana Fedele
The Joseph Fedele 1995 Living Trust
Oriana Marie Fedele, Trustee
P.O. Box 298
Lahaina, HI 96767
Tel: (818) 601-3161
Email: orianafedele@gmail.com

12 T&D Nevada Trust
13 Dennis and Antoinette Mitchell
14 Mitchell Homes, Inc.
15 P.O. Box 360
16 Ojai, CA 93024
17 Tel: (805) 340-2890
18 Email: amitc74383@aol.com

Michaela Boehm
12293 Topa Lane
Santa Paula, CA 93060
Tel: (323) 493-3737
Email: Micboehm@me.com

19 Anthonie M. Voogd
20 918 Palomar Road
21 Ojai, CA 93023
22 Tel: (805) 646-1512
23 Email: avoogd@stanfordalumni.org

Lawrence S. Mihalas
Trustees of the Mihalas Family Trust
419 21st Place
Santa Monica, CA 90402
Tel: (310) 739-0700
Email: lmihalas@gmail.com

24 Heather Blair
25 556 S. Fair Oaks Ave., Ste. 101
26 P.O. Box 356
27 Pasadena, CA 91105
28 Tel: (626) 755-6566
Email: Hblair1946@gmail.com

Martin Hartmann
Whitney Hartmann
430 S. Carrillo Road
Ojai, CA 93023
Tel: (805) 798-2253
Email: earthbuilding@gmail.com

1 Robert K. Cartin
2 Cartin Family LLC
3 505 Estremoz Ct.
4 Oceanside, CA 90257
5 Tel: (760) 429-4738
6 Email: bob.cartin@dvm.com

7 Joyce Syme, and
8 The Joyce A. Syme Living Trust
9 1760 Ocean Avenue
10 Santa Monica, CA 90401
11 Tel: (310) 403-1760
12 Email: seaviewmotel@hotmail.com

13 Dale and Patricia Givner
14 12617 Koenigstein Rd.
15 Santa Paula, CA 93060
16 Tel: (805) 525-9524
17 Email: dalegivner@gmail.com

18 David R. Greifinger
19 LAW OFFICE OF DAVID R. GREIFINGER
20 15515 West Sunset Blvd., No. 214
21 Pacific Palisades, CA 90272
22 Tel: (424) 330-0193
23 Email: tracklaw@me.com

24 Kelton Lee Gibson
25 878 Oak Grove Court
26 Ojai, CA 93023
27 Tel: (805) 701-9318
28 Email: kgibson@mwglaw.com
kgibson878@gmail.com

George and Sigrid Bressler
340 Longhorn Lane
Ojai, CA 93023
Tel: (805) 646-1221
Email: andybsail@gmail.com

Peter Duchesneau
Sigrid R. Waggener
MANNAT, PHELPS & PHILLIPS, LLP
One Embarcadero Center, 30th Flr.
San Francisco, CA 94111
Tel: (415) 291-7400
Fax: (415) 291-7474
Email: pduchesneau@manatt.com
swaggener@manatt.com

Loa E. Bliss
Loa E. Bliss 2006 Revocable Trust
9030 Ojai Santa Paula Road
Ojai, CA 93023
Tel: (617) 750-8500
Email: loabliss@hotmail.com

Janice and Jesse Hillestad
9611 N. Ventura Ave.
Ventura, CA 93001
Tel: (310) 614-8438
Email: janicehillestad@icloud.com
jessehillestad@icloud.com

Dennis and Nadine Corte
12812 MacDonald Drive
Ojai, CA 93023
Tel: (805) 701-1950

Attorney for Cross-Defendants Danny Everett
and Tiarzha Talyor

Kelton Lee Gibson, Trustee of
The Gibson Family Trust Dated June 6, 2006

Rebecca C. Collins
Thomas M. Collins, Jr.
241 Longhorn Lane
Ojai, CA 93023
Tel: (805) 312-5894
Email: tominojai@gmail.com
collinst3@sbcglobal.net

Attorneys for Cross-Defendant Aera Energy,
LLC

1 Claude R. and Patrica E. Baggerly
119 S. Poli Avenue
2 Ojai, CA 93023-2144
Tel: (805) 646-0767
3 Tel: (805) 766-7317
Email: russ.baggerly65@gmail.com
4

Judith L. Mercer
C/O Jason Goldman
Mercer Family Trust Agreement of 1992
1175 Grand Avenue
Ojai, CA 93023
Tel: (310) 625-7795
Email: jgoldman@begroup.com

5 Matthew Haffner
HAFFNEW LAW GROUP
6 86 S. Laurel Street
Ventura, CA 93001
7 Tel: (805) 641-9334
Fax: (805) 980-5014
8 Email: mhaffner@haffnerlawgroup.com

Attorneys for Cross-Defendant Susan Moll

9 Henry D. Finkelstein
Brian Moskal
10 GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP
11 2049 Century Park East, Ste. 2600
Los Angeles, CA 90067
12 Tel: (310) 785-6833
Fax: (310) 201-2368
13 Email: hfinkelstein@ggfirm.com
bmoskal@greenbergglusker.com
14

Attorneys for Ginnetti Living Trust; and
Baldwin Ranch, LLC

15 Harry D. Sims and Raymond P. Sims
Post Office Box 1870
Ojai, CA 93024
16 Tel: (805) 646-0167
Email: 1978simsfamilytrust@gmail.com
17

18 Tristan F. Mackprang
David J. Farkas
COLEMAN FROST LLP
19 201 Nevada St., Smokey Hollow
El Segundo, CA 92045
20 Tel: (424) 277-1650
Email: tristan@colemanfrost.com
21 david@colemanfrost.com

Attorneys for Cross-Defendants Housing
Authority of the City of San Buenaventura;
Triad Properties, Inc.; Encanto Del Mar
Apartments, L.P.; Villages at Westview I L.P.;
Vista Del Mar Commons, LP; and Soho
Associates, L.P.

22 Andrew K. Whitman
821 N. Signal Street
23 Ojai, CA 93023
Tel: (805) 444-5671
24 Email: sfreberg@scr-legal.com

In pro per and attorney for Cross-Defendants
Andrew K. Whitman and Heidi A Whitman;
Nancy L. Whitman; John R. Whitman and
Nancy L. Whitman Family Trust

25 Christopher Danch
16200 Maricopa Highway
26 Ojai, CA 93023
Tel: (805) 640-8534
27 Email: chrisdanch@gmail.com
28

Attorney for Cross-Defendants Angie Marie
Genasci and Christopher Paul Danch, Trustees
of The Genasci-Danch Family Trust; and
Donald and Wendy Givens

1 Paul R. Huff, Esq.
THE HUFF LAW FIRM
2 21 S. California St., Ste. 205
Ventura, CA 93001
3 Tel: (805) 667-8940
Fax: (805) 850-7399
4 Email: phuff@hufffirm.com

Attorneys for Berbard Properties, Inc.

5 Alessandro (Alex) Loba
Alessandro Lobba and Mary E. Jackson,
6 individually and as Trustees of The Lobba-
Jackson Family Trust
7 947 Casitas Vista Rd.
Ventura, CA 93001
8 Tel: (805) 895-7056
Email: alobba@gmail.com

Christine Steiner
2560 Ladera Road
Ojai, CA 93023
Tel: (310) 600-3220
Email: csteiner@csteinerlaw.com

9 William Slaughter
10 Slaughter, Reagan & Cole, LLP
625 East Santa Clara St., Ste. 101
11 Ventura, CA 93001
Tel: (805) 658-7800
12 Fax: (805) 644-2131
Email: slaughter@srllplaw.com

Attorneys for The Boyd S. Dron and Karin
Dron Joint Living Trust; and Sisar Mutual
Water Company

13 Julia Taft-Whitman, President CEO Taft
14 Corporation'
111 West Topa Street
15 Ojai, CA 93023
Tel: (805) 794-2837
16 Email: juliawhitman@gmail.com

Jaide Whitman, President
Julia Whitman, Director
Conservation Endowment Fund
P.O. Box 6
Oak View, CA 93022
Tel: (805) 649-2333
Fax: (805) 804-7005
Email: jaide.whitman@gmail.com
TaftGardensOffice@gmail.com

17 Kelley M. Rasmussen, Trustee
18 2420 Park Road
19 Lake Oswego, OR 97034
20 Tel: (805) 798-7125
Email: kelleyras@gmail.com

Angela Small Booth, Attorney
2175 Valley Meadow Drive
Oak View, CA 93022
Tel: (805) 765-5413
Email: angie@angiesmall.org

22 William E. Colborn, Jr.
13183 Ojai Road
23 Santa Paula, CA 93060
Tel: (805) 795-1909
24 Email: jake@colbornandassociates.com

Rebecca Tickell
350 Verano Drive
Ojai, CA 93023
Tel: (323) 559-5700
Email: rebccca@bigpictureranch.com

25 Joshua Beckman
913 Oso Road
26 Ojai, CA 93023
Tel: (323) 404-0465
27 Email: joshbfbp@gmail.com

Gregg S. Garrison and Rosanna Garrison
Garrison Law Corporation
12986 MacDonald Drive
Ojai, CA 93023
Tel: (650) 726-1111
Fax: (805) 669-3168
Email: gsgarrison@garrisonlawcorp.com

28

1 Robert L. Smith
12777 Tree Ranch Road
2 Ojai, CA 93023
Tel: (805) 558-6322
3 Email: treeranch@ymail.com

Susan M. Glennon
292 Cruzero Street
Ojai, CA 93023
Tel: (805) 646-4816
Email: theglennonnest@aol.com

4 Robin Schwartzburd
411 Franklin Drive
5 Ojai, CA 93023
Tel: (805) 272-5877
6 Email: robin.schwartzburd@gmail.com

Melinda Hass
11947 Kocnigstein Road
Santa Paula, CA 93060
Tel: (213) 713-4360
Email: mlynnbooking@gmail.com

7
8 Malinda K. Vaughn
Mitchell B. Vaughn
12283 Ojai Santa Paula Road
9 Ojai, CA 93023-9323
Tel: (805) 890-6616
10 Email: vaughnmb@aol.com

Rebecca D. Schwermer
P. O. Box 174
Santa Paula, CA 93061
Tel: (805) 551-3494
Email: octoberbabies2@verizon.net

11
12 Jennifer Jordan Day and Joel Fox
909 North Rice Road
Ojai, CA 93023
13 Tel: (213) 321-5253
14 Email: jenniferjordanday@gmail.com

Brigitte Lovell, Trustee of Lovell Living Trust
295 Encino Drive
Oak View, CA 93022
Tel: (915) 227-9412
Email: loveb9@gmail.com

15 Catherine Ferro &
Catherine Eileen Ferro Inter Vivos Trust
16 312 Montana Road
Ojai, CA 93023
17 Tel: (805) 326-1686
18 Email: cepharoah@gmail.com

Susan C. White
Steven J. White
2 Shorewood Drive
Bellingham, WA 98225
Tel: (425) 891-9249
Email: curranwhite1@hotmail.com

19 Susan Capper
12870 Tree Ranch Road
20 Ojai, CA 93023
Tel: (805) 794-6421
21 Email: chelsue@aol.com

Lindy & Karen C. Goetz
12338 Linda Flora
Ojai, CA 93023-9721
Tel: (805) 649-2526; (805) 794-2312
Email: lindygoetz@roadrunner.com

22 Joyce L. Heath
23 Joyce Heath, Trustee
The Heath Family Living Trust,
P.O. Box 1323
24 Ojai, CA 93024
Tel: (805) 290-6231
25 Email: mamaheath55@gmail.com

Thomas M. German
301 N. Drown Avenue
Ojai, CA 93023
Tel: (805) 646-2130
Email: kittycatgirl214@gmail.com

1 Ronald W. Bowman, Trustee
The Bowman Trust Dated April 8, 2011
2 672 W. Villanova Road
3 Ojai, CA 93023
4 Tel: (805) 732-4014
5 Email: ron@l-binc.com

Amy Hueppe
1025 Moreno Drive
Ojai, CA 93023
Tel: (310)699-4619
Email: amyhueppe@gmail.com

5 Andrew P. Byrne, Esq.
1140 Highland Avenue, Ste. 250
6 Manhattan Beach, CA 90266
7 Tel: (310) 505.7170
8 Email: Andy@ByrneLaw-LA.com

Attorneys for Cross-Defendant Roman Catholic
Archdiocese of Los Angeles

8 Glenn Bator
338 Montana Road
9 Ojai, CA 93023
10 Tel: (805) 798-1802
11 Email: dembator@aol.com

Harry Anthony Williams
915 Daly Road
Ojai, CA 93023
Tel: (661) 609-1253
Tel: (805) 794-6922
Email: awilliam@me.com

11 Bryan M. Sullivan, Esq.
12 EARLY SULLIVAN WRIGHT GIZER &
13 McRAE LLP
14 6420 Wilshire Boulevard, 17th Floor
Los Angeles, CA 90048
15 Tel: (323) 301-4660
16 Email: bsullivan@earlysullivan.com

Attorneys for Cross-Defendant
Jeff Bacon as Trustee of the Villa Nero Trust
Dated January 25, 2000

15 David L. Osias, Esq.
16 ALLEN MATKINS LECK GAMBLE
17 MALLORY & NATSIS LLP
18 One America Plaza
600 West Broadway, 27th Floor
19 San Diego, CA 92101-0903
20 Tel: (619) 233-1155
21 Fax: (619) 233-1158
22 Email: dosias@allenmatkins.com

Attorneys for Cross-Defendant Jeff Bacon as
Trustee of The Villa Nero Trust Dated January 25,
2000

21 Laura M. Peakes
22 John E. Peakes, Jr.
316 Verano Drive
23 Ojai, CA 93023
Tel: (805) 402-0249
Email: jpeakesjr@aol.com

Kelsey Klein
Paula Kee
1042 Fairview Road
Ojai, CA 93023
Tel: (805) 640-5154
Email: kelseyklein88@gmail.com

24 Laura R. Schreiner, aka Laura Rearwin
418 Crestview Drive
25 Ojai, CA 93023
26 Tel: (805) 479-5400
Email: laura@rearwin.com

Paul J. Deneen
12170 Ojai Santa Paula Road
Ojai, CA 93023-9358
Tel: (805)218-0211
Email: paul@carbide.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jennifer Carafelli
Robin Schwartzburd
211 Village Commons Boulevard, No. 21
Camarillo, CA 93012
Tel: (805) 340-2540
Email: carafelli@gmail.com

Timothy Mahoney
10244 Ojai Santa Paula Road
Ojai, CA 93023
Tel: (323) 252-3309
Email: honedog@mac.com

Thomas Adams
Adams & Associates
21781 Ventura Boulevard, Suite 10005
Woodland Hills, CA 93003
Tel: (805) 229-1529
Email: tom@adamsassoc.com

Attorneys for Cross-Defendant 235 La Luna
Owners, an unincorporated association

Salvatore Scarpato
106 Calhoun Lane
Georgetown, TX 78633
Tel: (805) 797-8767
Email: salscarpato@att.net

Robert Kyle
The Robert Kyle Living Trust
715 Sunset Place
Ojai, CA 93023
Tel: (626) 260-5509
Email: robertkyle61@gmail.com

William R. Thatcher
12195 Linda Flora Drive
Ojai, CA 93023-9723
Email: thelostplanetairmen@yahoo.com

Via US Mail

Warren W. Greene
Bonnie M. Green
958 E. Main Street
Ventura, CA 93001
Tel: (805) 652-1080
Fax: (805) 652-0400

Jeffrey E. Barnes
Chief Assistant County Counsel
Jason Canger
Assistant County Counsel
Office of Ventura County Counsel
800 South Victoria Ave., L/C #1830
Ventura, CA 93009
Tel: (805) 654-2879
Fax: (805) 654-2185
Email: jason.canger@ventura.org

Attorneys for Cross-Defendants Ventura County
Watershed Protection District and County of
Ventura