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

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

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

17 Petitioner,

18 v.

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

20 Respondents.

22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.
27
28

Exempt From Filing Fees Pursuant to
Cal. Gov. Code § 6100
Superior Court of California
County of Los Angeles

FEB 20 2020

Sherri K. Carter, Executive Officer/Clerk of Court
By Steven Drew, Deputy

Case No. 19STCP01176

Judge: Honorable William F. Highberger

STATUS CONFERENCE STATEMENT

Date: February 27, 2020

Time: 1:45 p.m.

Dept: SS10

Action Filed: Sept. 19, 2014

Trial Date: Not Set

1 STATUS CONFERENCE REPORT

2
3 Pursuant to the Court’s Order on January 24, 2020, the Court trailed the Status Conference
4 until February 27, 2020, at 1:45 p.m. Accordingly, Defendant and Cross-Complainant City of
5 San Buenaventura (“City”) submits this Status Conference Report. Counsel for City sent a draft
6 of this Report to counsel via email on February 14, 2020 and February 19, 2020, and did not
7 receive any objections or requested edits. This Report will discuss a request for an extension of
8 time to respond to the Third Amended Cross-Complaint and related matters, service and notices
9 regarding the Third Amended Cross-Complaint, and the technical presentation to the Court that is
10 currently scheduled for February 27, 2020 .

11
12 1. EXTENSION OF TIME TO RESPOND AND RELATED MATTERS

13
14 Numerous parties who have been named as Cross-Defendants in the Third Amended
15 Cross-Complaint or persons who received the Notice of Commencement of Groundwater Basin
16 and Watershed Adjudication (“Notice of Commencement”) have asked for more time to
17 respond. They would like to evaluate the status of the settlement discussions and the case
18 generally to consider whether they will appear in the case. Since they may not appear, they
19 would like to avoid having to pay the \$435 first appearance fee and/or hiring an attorney. Their
20 time to respond will expire shortly (starting on or after March 8, 2020). City would like to
21 accommodate their concerns and requests that the Court grant a six month extension until
22 September 08, 2020 for filing responses to the Third Amended Cross-Complaint.

23
24 The extension of time will not slow the progress of the case. The consumptive users who
25 are currently in negotiations will continue to work diligently to try to settle the case. They have
26 had weekly calls among the consumptive user attorneys. They have also created a Technical
27 Advisory Committee of client representatives to address technical concerns. This Committee has
28 met four times since January 17, 2020. City hopes it will have a proposed physical

1 solution/stipulated judgment to present to Respondent and Intervenor State Water Resources
2 Control Board (“Water Board”), Intervenor California Department of Fish and Wildlife (“DFW”),
3 and Plaintiff Santa Barbara Channelkeeper (“Channelkeeper”) within the requested extension
4 period, and then will start negotiations with them.

5
6 The extension also should not prejudice any parties. In the event City and Channelkeeper
7 are involved in motion practice regarding interim flows at Foster Park, City will not assert that the
8 Court cannot grant relief on interim flows because all of the parties are not present in the lawsuit
9 because of the extension, but City reserves all other defenses to such claims.

10
11 In addition, City requests that the obligation of parties who have appeared to provide
12 initial disclosures be continued for six months although it will ask for informal disclosure of such
13 parties’ production for each of the past five years to assist the settlement discussions.

14
15 City asked all parties whether they had any opposition to the extension to answer on
16 February 13, 2020, and as the filing of this Report, parties said they supported or did not oppose
17 the request, and no parties stated opposition. Therefore, concurrently with this Statement, City
18 has filed an Ex Parte Application for Extension of Time to Serve Pleading, attached hereto as
19 Exhibit A.

20
21 City has also filed an Ex Parte Application for Extension of Time to File Proof of Service,
22 attached hereto as Exhibit B, in light of the numerous parties it has had to serve. City has been
23 diligently effecting service of the Third Amended Cross-Complaint on the named Cross-
24 Defendants since filing, has personally served approximately 1,000 Cross-Defendants, and will
25 file numerous proofs of service by March 2, 2020. However, despite exercising diligence, City
26 has been unable to serve approximately 300 Cross-Defendants for a variety of reasons, e.g.,
27 Cross-Defendants are refusing to answer the door to the process server; Cross-Defendants’
28 properties are gated/fenced, and the process server cannot access a residence; Cross-Defendants’

1 properties do not have a residence located on the land, and their alternative addresses are P.O.
2 Boxes, so City has not been able to locate them for personal service. City is making further
3 investigative efforts to locate and serve these Cross-Defendants and will attempt to serve them by
4 mail and notice and acknowledgement pursuant to Civil Procedure Code Section 415.30, if it
5 cannot personally serve them. City will ultimately ask the Court for permission to serve the
6 Cross-Defendants that it cannot serve personally and from whom it does not receive a notice and
7 acknowledgement within twenty (20) days via publication pursuant to Civil Procedure Code
8 Section 415.50.

9
10 In addition, City proposes that named Cross-Defendants who have not yet filed a
11 responsive pleading be allowed to file a Form Answer like the Court-approved Form Answer
12 available to parties receiving the Notice of Commencement. This should allow parties who desire
13 to appear in the action to do so more efficiently and generally make it easier for those Cross-
14 Defendants who wish to appear to do so. A copy of the Court-approved Form Answer is attached
15 as Exhibit C.

16
17 Furthermore, some named Cross-Defendants have said they do not want to participate in
18 the case and may be willing to sign a disclaimer. A copy of a proposed Stipulation for Disclaimer
19 and [Proposed] Order is attached as Exhibit D. City does not believe the disclaiming Cross-
20 Defendant should have to pay the \$435 first appearance fee because a disclaimer does not
21 constitute an “Answer or other first paper,” and City maintains that this fee is unnecessarily
22 burdensome for Cross-Defendants who are disclaiming interest in the case. See Civil Fee
23 Schedule for the Superior Court of California, County of Los Angeles, effective January 1, 2020
24 at item No. 7 (\$435 filing fee for Answer or other first paper in unlimited civil
25 cases). Alternatively, if a fee is required, City suggests it should be limited to the \$20 fee for a
26 “Stipulation and order.” See id. at item No. 63 (\$20 filing fee for stipulation and order).

1 Finally, pro per parties are prohibited from signing up with File & ServeXpress, but File
2 & ServeXpress informed City that it will change this rule if requested by the Court. Therefore,
3 City requests the Court contact File & ServeXpress to authorize its use by pro per parties for this
4 case. In the meantime, City will serve answers or other responses for those parties via File &
5 ServeXpress, as a courtesy.

6
7 In sum, City requests the following:

- 8 • Six month extension until September 08, 2020 for all Cross-Defendants and all
9 who received the Notice of Commencement to file and serve answer;
- 10 • 60-day extension for City to file proofs of service of Third Amended Cross-
11 Complaint;
- 12 • Cross-Defendants who have not yet appeared be authorized to file and serve the
13 Court-approved Form Answer;
- 14 • Six month extension of time for all parties who have appeared to provide initial
15 disclosures;
- 16 • Appearance fees be waived for Cross-Defendants filing a Stipulation for
17 Disclaimer [OR] Cross-Defendants filing a Stipulation for Disclaimer must pay a
18 \$20 stipulation and order filing fee, but no other filing fee is required; and
- 19 • Court contact File & ServeXpress to authorize its use by pro per parties for this
20 case.

21 Attached hereto as Exhibit E is a [Proposed] Order regarding the foregoing. If the Court
22 grants the City's requested extension, the City will mail a postcard notice of the extension to all
23 Cross-Defendants named in the Third Amended Cross-Complaint who have not yet appeared and
24 to all those who received the Notice of Commencement who have not yet appeared. City will
25 send this postcard notice to these non-appearing parties, as a courtesy, to inform them of the six
26 month extension and direct them to the adjudication website:

27 <https://www.venturariverwatershedadjudication.com/>. City will post the Court's order on the
28 adjudication website, at the important documents link, available at

1 <https://www.venturariverwatershedadjudication.com/documents>. City will also update the “key
2 dates” section of the website, available at
3 <https://www.venturariverwatershedadjudication.com/dates>.

4
5 2. SERVICE AND NOTICES REGARDING THE THIRD AMENDED CROSS-
6 COMPLAINT

7
8 On January 2, 2020, City filed its Third Amended Cross-Complaint. The total number of
9 new Cross-Defendants is 1,327. As of February 18, 2020, City’s process server served
10 approximately 1,000 riparian or riparian/overlying cross-defendants. The process server
11 attempted but has been unable to serve approximately 300 Cross-Defendants. Also, as of
12 February 18, 2020, out of the 12,766 Notices of Commencement City mailed to owners of
13 approximately 10,000 parcels overlying the groundwater basins, 2,120 Notices of
14 Commencement went unclaimed and were returned.

15
16 Pursuant to Civil Procedure Code Section 836(d)(1)(D), City completed publication of the
17 Notice of Commencement of Groundwater Basin and Watershed Adjudication (“Notice of
18 Commencement”) by publishing it in the Ventura County Star on December 16, 2019, December
19 23, 2019, December 30, 2019, and January 6, 2020.

20
21 Pursuant to Civil Procedure Code Section 835, on January 14, 2020, City provided the
22 Notice of Commencement to the U.S. Bureau of Land Management, U.S. Bureau of Reclamation,
23 USDA Forest Service, U.S. Attorney General, California Department of Water Resources
24 (“DWR”), California Department of Fish and Wildlife (“Fish and Wildlife”), California State
25 Water Resources Control Board (“State Board”), California Attorney General, City of Ojai,
26 County of Santa Barbara, County of Ventura (“Ventura”), Ojai Basin Groundwater Management
27 Agency (“OBGMA”), and Upper Ventura River Groundwater Agency (“UVRGA”).
28

1 Pursuant to Civil Procedure Code Section 835(a)(5), City is required to provide the Notice
2 of Commencement to California Native American tribes on the contact list of the Native
3 American Heritage Commission (“Commission”). On January 17, 2020, City sent a letter via e-
4 mail to the Commission requesting a list of the Native American tribes, if any, with an interest
5 within the Ventura River watershed boundaries. City received a list from the Commission on
6 January 29, 2020 and will mail the requisite notice letters via First Class Mail to the entities on
7 the Commission’s list.

8
9 Pursuant to Civil Procedure Code Section 835(a)(9), City requested OBGMA and
10 UVRGA provide their lists of interested parties under the Sustainable Groundwater Management
11 Act. OBGMA responded it does not currently have a list, but expects to complete this list within
12 the next 45 days. UVRGA provided its list but did not provide any contact information for any
13 interested parties, so City will obtain contact information if possible and send any additional
14 required notices.

15
16 Pursuant to Civil Procedure Code Section 836(m), on December 10, 2019, City provided
17 the Notice of Commencement and Form Answer to the DWR, Ventura, OBGMA, and UVRGA.
18 Every entity has posted the Notice of Commencement and Form Answer on their respective
19 websites as required by Civil Procedure Code Section 836(m).

20
21 Pursuant to Civil Procedure Code Section 836.5, City provided the Notice of
22 Commencement and Form Answer by e-mail and U.S. Mail to OBGMA, UVRGA, and State
23 Board. OBGMA sent City a list of persons reporting extractions, and City will send them the
24 required notices. UVRGA stated it does not collect this information, but if it did, it has privacy
25 concerns about disclosure. The State Board responded on January 23, 2020. City is evaluating
26 the State Board’s response and will provide any additional required notices.

1 On January 2, 2020, City activated the neutral website, available at
2 <https://www.venturariverwatershedadjudication.com/>. As of February 18, 2020, it had 1,279
3 unique visitors, who viewed 3,866 pages. Also as of February 18, 2020, Best Best & Krieger
4 LLP received and responded to 160 telephone calls and e-mails regarding the Notice of
5 Commencement or related documents.

6
7 3. TECHNICAL PRESENTATIONS
8

9 Following the January 24, 2020 conference call with the Court, the consumptive users,
10 Water Board, DFW, and Channelkeeper have worked diligently in an effort to agree upon the
11 presentations. They have exchanged numerous drafts of the presentations and e-mails with
12 comments. They have also had two conference calls with experts to discuss the
13 presentations. They have made progress and hope to reach a consensus, but as of today, the
14 presentations are not ready for submittal to the Court. The parties will update the Court tomorrow
15 on whether they have reached a consensus or whether an adjustment to the current schedule may
16 be required. As of today, the parties will not be ready to present on February 27, 2020.
17 Regardless, City believes proceeding with the Status Conference is important to consider the
18 City's requests made in this Status Conference Statement.

19
20 Dated: February 20, 2020

BEST BEST & KRIEGER LLP

21
22 By: 

23 SHAWN HAGERTY
24 CHRISTOPHER M. PISANO
25 SARAH CHRISTOPHER FOLEY
26 Attorneys for Respondent and
27 Cross-Complainant
28 CITY OF SAN BUENAVENTURA

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): Shawn Hagerty, Bar No. 182435/Sarah Christopher Foley, Bar No. 277223 — Best Best & Krieger LLP 655 West Broadway, 15th Floor San Diego, California 92101 TELEPHONE NO.: (619) 525-1300 FAX NO. (<i>Optional</i>): (619) 233-6118 E-MAIL ADDRESS (<i>Optional</i>): shawn.hagerty@bbklaw.com ATTORNEY FOR (<i>Name</i>): City of San Buenaventura	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 312 North Spring Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Spring Street Courthouse	
PLAINTIFF/PETITIONER: Santa Barbara Channelkeeper DEFENDANT/RESPONDENT: State Water Resources Control Board	
EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND <input checked="" type="checkbox"/> ORDER EXTENDING TIME TO SERVE AND <input type="checkbox"/> ORDER CONTINUING CASE MANAGEMENT CONFERENCE	CASE NUMBER: 19STCP01176
Note: This ex parte application will be considered without a personal appearance. (See Cal. Rules of Court, rule 3.1207(2).)	HEARING DATE: February 27, 2020 DEPT.: SS10 TIME: 1:45 p.m.

1. Applicant (*name*): City of San Buenaventura
is

- a. plaintiff
- b. cross-complainant
- c. petitioner
- d. defendant
- e. cross-defendant
- f. respondent
- g. other (*describe*):

2. The complaint or other initial pleading in this action was filed on (*date*): January 2, 2020

3. Applicant requests that the court grant an order extending time for service of the following pleading:

- a. Complaint
- b. Cross-complaint
- c. Petition
- d. Answer or other responsive pleading
- e. Other (*describe*):

4. Service and filing of the pleading listed in item 3 is presently required to be completed by (*date*): 60 days from service

5. Previous applications, orders, or stipulations for an extension of time to serve and file in this action are:

- a. None
- b. The following (*describe all, including the length of any previous extensions*):

The Court previously extended the time to answer from 30 days to 60 days by Order dated November 27, 2019.

6. Applicant requests an extension of time to serve and file the pleading listed in item 3 on the following parties (*name each*):
 City requests that all Cross-Defendants have until September 08, 2020 to file and serve their answers or other responsive pleading.

CASE NAME: Santa Barbara Channelkeeper v. State Water Resources Control Board	CASE NUMBER: 19STCP01176
--	-----------------------------

7. The pleading has not yet been filed and served on the parties listed in item 6 for the following reasons (*describe the efforts that have been made to serve the pleading and why service has not been completed*):

Most Cross-Defendants are not represented by counsel and have requested additional time to determine whether they need to file an answer or other pleading.

Continued on Attachment 7.

8. An extension of time to serve and file the pleading should be granted for the following reasons:

The extension of time will not slow the progress of the case. The extension also should not prejudice any parties. Settlement negotiations will proceed during the extension period, hopefully concluding with a proposed physical solution and stipulated judgment that may ultimately resolve the case. Pro per Cross-Defendants need additional time to evaluate their need to participate in this case and whether they need to answer.

Continued on Attachment 8.

9. If an extension of time is granted, filing and service on the parties listed in item 6 will be completed by (*date*):

September 08, 2020

10. Notice of this application under rules 3.1200–3.1207 has been provided as required (*describe all parties or counsel to whom notice was given; the date, time, and manner of giving notice; what the parties or counsel were told and their responses; and whether opposition is expected*) or is not required (*state reasons*):

Applicant provided a draft copy of this application via email to all known counsel of record on Feb. 14, 2020 and requested notice of any opposition. Many parties support this application. No party has stated opposition as of the filing of this application.

Continued on Attachment 10.

11. Number of pages attached: _____

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

Date: February 20, 2020

Sarah Christopher Foley
 (TYPE OR PRINT NAME OF APPLICANT OR ATTORNEY FOR APPLICANT)


 (SIGNATURE OF APPLICANT OR ATTORNEY FOR APPLICANT)

Order on Application is below on a separate document.

ORDER

1. The application for an order extending time to serve and file the pleading is granted denied.

2. The pleading must be served and filed no later than (*date*):

3. The case management conference is rescheduled to:

a. Date:

b. Time:

c. Place:

4. Other orders:

5. A copy of this application and order must be served on all parties or their counsel that have appeared in the case.

Date:

 JUDICIAL OFFICER

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): Shawn Hagerty, Bar No. 182435/Sarah Christopher Foley, Bar No. 277223 — Best Best & Krieger LLP 655 West Broadway, 15th Floor San Diego, California 92101 TELEPHONE NO.: (619) 525-1300 FAX NO. (<i>Optional</i>): (619) 233-6118 E-MAIL ADDRESS (<i>Optional</i>): shawn.hagerty@bbklaw.com ATTORNEY FOR (<i>Name</i>): City of San Buenaventura	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 312 North Spring Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Spring Street Courthouse	
PLAINTIFF/PETITIONER: Santa Barbara Channelkeeper DEFENDANT/RESPONDENT: State Water Resources Control Board	
EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND <input checked="" type="checkbox"/> ORDER EXTENDING TIME TO SERVE AND <input type="checkbox"/> ORDER CONTINUING CASE MANAGEMENT CONFERENCE	CASE NUMBER: 19STCP01176
Note: This ex parte application will be considered without a personal appearance. (See Cal. Rules of Court, rule 3.1207(2).)	HEARING DATE: February 27, 2020 DEPT.: SS10 TIME: 1:45 p.m.

1. Applicant (*name*): City of San Buenaventura
is

- a. plaintiff
- b. cross-complainant
- c. petitioner
- d. defendant
- e. cross-defendant
- f. respondent
- g. other (*describe*):

2. The complaint or other initial pleading in this action was filed on (*date*): January 2, 2020

3. Applicant requests that the court grant an order extending time for service of the following pleading:

- a. Complaint
- b. Cross-complaint
- c. Petition
- d. Answer or other responsive pleading
- e. Other (*describe*):
Proof of Service of Third Amended Cross-Complaint

4. Service and filing of the pleading listed in item 3 is presently required to be completed by (*date*): March 2, 2020

5. Previous applications, orders, or stipulations for an extension of time to serve and file in this action are:

- a. None
- b. The following (*describe all, including the length of any previous extensions*):
The Court previously extended the time to file proofs of service from 30 days to 60 days by Order dated November 27, 2019.

6. Applicant requests an extension of time to serve and file the pleading listed in item 3 on the following parties (*name each*):
See attachment.

CASE NAME: Santa Barbara Channelkeeper v. State Water Resources Control Board	CASE NUMBER: 19STCP01176
--	-----------------------------

7. The pleading has not yet been filed and served on the parties listed in item 6 for the following reasons *(describe the efforts that have been made to serve the pleading and why service has not been completed)*:

There are over 1,300 named Cross-Defendants. Diligent attempts have been made to serve them. Some are avoiding service. Further research is required to locate new service addresses and to mail serve them.

Continued on Attachment 7.

8. An extension of time to serve and file the pleading should be granted for the following reasons:

Good cause exists to grant this application. Applicant has served the majority of the Cross-Defendants, but has been unable to serve approximately 200 Cross-Defendants, despite diligent efforts. Applicant will continue to diligently attempt to locate and serve the unserved parties. Should Applicant continue to be unsuccessful, it will file an application with the Court for an order for publication of summons pursuant to Code of Civil Procedure section 415.50.

Continued on Attachment 8.

9. If an extension of time is granted, filing and service on the parties listed in item 6 will be completed by *(date)*:

May 1, 2020

10. Notice of this application under rules 3.1200–3.1207 has been provided as required *(describe all parties or counsel to whom notice was given; the date, time, and manner of giving notice; what the parties or counsel were told and their responses; and whether opposition is expected)* or is not required *(state reasons)*:

Applicant provided a draft copy of this application via email to all known counsel of record on Feb. 14, 2020 and requested notice of any opposition. No party has stated opposition as of the filing of this application.

Continued on Attachment 10.

11. Number of pages attached: 2

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

Date: February 20, 2020

Sarah Christopher Foley
(TYPE OR PRINT NAME OF APPLICANT OR ATTORNEY FOR APPLICANT)



(SIGNATURE OF APPLICANT OR ATTORNEY FOR APPLICANT)

Order on Application is below on a separate document.

ORDER

1. The application for an order extending time to serve and file the pleading is granted denied.

2. The pleading must be served and filed no later than *(date)*:

3. The case management conference is rescheduled to:

a. Date:

b. Time:

c. Place:

4. Other orders:

5. A copy of this application and order must be served on all parties or their counsel that have appeared in the case.

Date:

JUDICIAL OFFICER

1 Short Title:

2 Santa Barbara Channelkeeper v. SWRCB, et al.

Case No.

19STCP01176

3 3584 Calle Moreno, LLC; Adaya Walsh; Alvin Cunningham; Ana Cross, Trustee of the Ana
4 Cross Family Trust; Anamaria Schmid; Andrea Leigh Jensen, Trustee of the Jensen Trust;
5 Andrew D. Viles, Trustee of the William L. and Laura B. Peck Trust - Marital Trust; Andrew
6 Engel; Andrew Jarvis; Angie Marie Ganasei, Trustee Of The Ganasei-Danch Family Trust; Anna
7 J. Auric, Trustee of the Auric Anna J. Family Trust; Anne Boydston; Barbara McCarthy; Bernard
8 Martin; Betsy Caland, Trustee of the Philippe M. and Betsy C. Trust; Blaze Buonpane; Brandon
9 Schneider; Brandon Schneider, Trustee of the Brandon Schneider and Kelsie Simms-Schneider
10 Family Trust; Breal Rowe; Brenda M. Hill, Trustee of the Trust dated November 1, 2002; Brian
11 Harrison; Brian Skaggs, Trustee Of The Skaggs Trust; Bruce Abbott; Cal B. Land Co., LLC;
12 Carine Fisher; Carla Brooks, Individually And As Trustee of The Escoda Brooks Family Trust;
13 Caroline Turner, Trustee of The Turner Survivors Trust; Charles P. Watling, Trustee of the First
14 Charles P. Watling Family Trust; Charles G. Barnett, Successor Trustee of the "Barnett Family
15 Exemption Equivalent Trust"; Christopher Borgeson; Christopher Moore, Trustee of The
16 Christopher Moore And Mary Moore Trust; Christopher Paul Danch, Trustee Of The Ganasei-
17 Danch Family Trust; Claudia Wunderlich, Trustee of the Claudia A. Wunderlich Trust; Connie
18 Cline, Trustee of the Mark Terry Cline Family Trust; Connie S. Morgan, Trustee of the Connie S
19 Morgan Trust; Craig Young; Culbert Family Partnership; Cynthia Ellis; Cynthia Garber, Trustee
20 of the The Garber Trust; Damian Bourguet; Daniel Hultgen, Trustee of The Hultgen Living Trust;
21 Daniel Kelly; Daniel Poling; Daniel Walsh; Darrell Ralston, Trustee of the Darrell Anthony
22 Ralston 2009 Revocable Trust; Darylyn Long; Dave Tarrats; David Johnson; David L. Garber,
23 Trustee of the The Garber Trust ; David Richard; David Sandoval; David Silva; Deborah Finley-
24 Delamore, Trustee of the Delamore Finley Family Trust; Delmy Garcia; Derek Meek; Diana
25 Engle, Trustee of the Diana L Engle Revocable Trust; Diana Peron, Trustee of the Diana C Peron
26 Living Trust; Diane Ruth White, Trustee of the Diane Ruth White Living Trust; Dianne
27 Mccourtney, Trustee of The Dianne Louise Mccourtney Trust; Donald G., Trustee of the Donald
28 G. and Susan B. Davis Revocable Family Trust of 1997; Donna Deitch, Trustee of the Donna E.
Deitch Trust; Donna Epstein, Trustee of the Epstein Survivors' Trust, Trustee of the Epstein
Marital Trust, and Trustee of the Epstein Bypass Trust; Doreen Freeland, Trustee or successor in
interest of the Freeland Trust and any amendment; Dorothy Holmes, Trustee of the Holmes Trust;
Earl G Holder, Trustee of The Holder Survivors Trust; Ed Colby; Edson Taft, Trustee of the
Edson B Taft Revocable Trust; Eilam Byle, Trustee of the Eilam Byle Living Trust; Elizabeth
Silva; Eric Bush; Eric Rosenberg; Eugenijus Valiulis, Trustee of the Eugenijus Valiulis
Revocable Living Trust; Eva Kettles; Evangeline Bonsall Smith, a married woman; Felix Garcia;
Forest Home, Inc; Francis Longstaff; Frank Edward Sheltnen, Jr., aka Frank E. Sheltnen, Trustee
of the Sheltnen Family Trust; Fred Fisher; Fred Kramer; Frederick Sloman; Gary Hirschcron,
Trustee of the Gary Hirschcron Revocable Trust; Gregory Gilbert; Inge Christiansen; J
Investments; James W. Coultas, Trustees of the James A. and Margaret H. Coultas Intervivos
Trust; James Harvey; James Sandefer; James Selman, Trustee of the James C. Selman Revocable
Inter Vivos Trust; Jan Komura; Jan M Hiester, Trustee of the Jan M. Hiester 2014 Living Trust;
Jane E Hanchett, Trustee of The Hanchett Family Trust; Jane Kelly; Jane Mccord, Trustee of the
Jane Ann Mccord Living Trust; Jane Spiller, Trustee of the Jane Spiller Trust; Janet McGinnis,
Trustee of the Janet Karen McGinnis Trust; Janice Hillestad; Janice Priebe-Tate, Trustee of the
Tate Trust, as community property; Janis Long Nicholas, Co-Trustee of the Long Family Trust;
Jason Headley; Jean Harrison; Jefferie Skaggs; Jeffrey E Frank, Trustee of The Frank Trust;
Jeffrey Luttrull; Jesse E. Long, Co-Trustee of the Long Family Trust; Jesse Hillestad; Jessie
Stricchiola, Trustee of the Phoenix Revocable Trust; Joann Benson, Trustee of the Joann Alva
Benson Revocable Living Trust; Johanna Collins; John Johnston; John Kertis; John Pace, Trustee
of the John Brice Pace Family Trust; Jonathan Wong; Joseph Lam; Joseph Lasalle; Karen L.
Hanson, Trustee of the Hanson L.S. Revocable Living Trust;

1	Short Title: Santa Barbara Channelkeeper v. SWRCB, et al.	Case No. 19STCP01176
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2 Karin L. James, Trustee of the James Family Trust; Kathleen Lasalle; Kathleen Quinlan; Kathleen
3 Tarrats; Kathryn Headley; Kelsie Schneider; Kelsie Schneider, Trustee of the Brandon Schneider
4 and Kelsie Simms-Schneider Family Trust; Kenneth S Collins, Trustee of the Frank R. Walker,
5 Jr. Trust; Kim Hanna, Trustee of the Hanna Family Trust; Laura B. Peck, Trustee of the William
6 L. and Laura B. Peck Trust - Marital Trust ; Laura Green, Trustee of the Green Survivors Trust;
7 Lawrence I. Hartmann, Trustee of the Larry and Pat Hartmann Family Trust; Lee Rosenbaum,
8 Trustee of the Chief Cornerstone Trust; Linda Colby; Linda Haque; Linda L. Lewis, Trustee of
9 the Novak Family Trust; Linda Turner; Lisa Skyheart Marshall, Trustee of the Marshall Living
10 Trust; Lois Stone Erburu, as Trustee of the Surviving Spouse's Trust created in the Robert and
11 Lois Erburu Living Trust; Louise Konstanzer, Trustee of the Ron and Louise Konstanzer Family
12 Trust; Lupe Milner, Trustee of the Lupe Milner Family Trust; Lynn Pike, Trustee of the Lynn
13 2016 Trust; Lynn Wilson ; Marcus Kettles; Margaret Coultas, Trustees of the James A. and
14 Margaret H. Coultas Intervivos Trust; Margo Kelly, Trusstee of the Kelly Trust; Marilyn
15 Wallace, Trustee of the Marilyn Wallace Separate Property Trust; Mark Cline, Trustee of the
16 Mark Terry Cline Family Trust; Martha Moran; Mary Moore, Trustee of The Christopher Moore
17 And Mary Moore Trust; Matilija Canyon Alliance; Maximiano Ortiz; McNell Properties, LLC;
18 Meghan Sandoval; Melesio Ramirez; Michael Krumpschmidt; Michael L Rockhold, Trustee Of
19 The Michael Rockhold Trust; Michael L. Delamore, Trustee of the Delamore Finley Family
20 Trust; Michael Marietta; Michael Marietta, Trustee of the Marietta Separate Property Trust;
21 Michael Saleh, Trustee of the Saleh and Lea Saleh 1984 Family Trust; Michaela Watkins; Myrna
22 R. Mesrobian, Trustee of the Mesrobian Family Trust; Nancy Krumpschmidt; Neil Kreitman,
23 Trustee of the Neil Kreitman Living Trust; Nordi Hintze; Norma Dworkis; Norma Ortiz; Oilfield
24 Service and Truck Co; Ojai Assembly of God, Inc. dba Ojai's Church of the Living Christ, Inc.;;
25 Orville Hernvall, Trustee of Hervnall Orville and Marion Orville Trust; OST Trucks and Cranes;
26 Pamela Thomas; Patricia Unruhe; Per Christiansen; Perry Family, LLC; Peter Dworkis; Peter
27 Passell; Philip Long; Philippe Caland, Trustee of the Philippe M. and Betsy C. Trust; Quint
28 Morris.; Raffi J. Mesrobian, Trustee of the Mesrobian Family Trust; Rainer Buschmann; Rancho
Arnaz, LLC; Randal R. O'Connor, Successor Trustee of the Red Clay Trust, and Successor
Trustee of the Le Cedre Trust; Richard Magana; Richard Mcgrath, Trustee of the Richard K
McGrath Living Trust; Robert Auric, Trustee of the Auric Revocable Trust of 1999; Robert
Calder Davis, Jr., Trustee of the Robert Davis Surviving Spouse's Trust, Trustee of the Davis
Family Bypass Trust and Trustee of the Davis Family Trust; Robert Erickson; Robert Petrin;
Robert Schmid; Roger Burke; Ronald K. Freeland, Trustee or their successors in interest of the
Freeland Trust and any amendment; Ronald L.R. Hill and Debi R. Hill, Trustees of the R&D Hill
Family Trust; Rosemarie Singer; Rosemary Garrison, Trustee of the Phoenix Revocable Trust;
Rowland A. Hill II, Trustee of the Trust dated November 1, 2002; Sabrina Venskus, Trustee of
the Sabrina Venskus Living Trust; Sandra Murillo; Santa Ana Ranch. Inc.; Scottie Monical;
Shannon Richard; Sharon Engel; Sharon Williams; Shauna Longstaff; Shawn Reed; Stephanie
Washburn; Steven Elliot Edelson, Trustee of the Los Angeles Entertainment Trust; Susan Bee the
Trustee of The John and Susan Bee Family Trust; Susan Conley, Trustee of the William and
Susan Conley Family Trust; Susan Webster; Tane Charles Arnold; Tane Charles Arnold, Trustee
of the Tane C. Arnold 2006 Living Trust; Terri Imwalle; Terry Hanusek; Terry Wilson, Trustee
of the Terry Coultas Wilson Living Trust; Robert Calder Davis, Jr., Trustee of the Robert Davis
Surviving Spouse's Trust, Trustee of the Davis Family Bypass Trust and Trustee of the Davis
Family Trust; Theresa Stark; Toni Johnson; Tropicco, LLC ; Virginia Siegfried, Trustee of the
Virginia A. Siegfried Revocable Trust; Wayne Tate, as Trustee of the Tate Trust, as community
property; William Hawksworth; William White, Trustee of the William C. White Trust;

EXHIBIT C

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Name of Owner/Cross-Defendant/Attorney

Address

Address

Phone Number

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.

Case No. 19STCP01176

Judge: Honorable William F. Highberger

FORM ANSWER

Action Filed: Sept. 19, 2014

Trial Date: Not Set

ANSWER TO ADJUDICATION
CROSS-COMPLAINT

The undersigned denies all material allegations in the cross-complaint in this action that seeks to adjudicate rights in the Ventura River Watershed, including its groundwater basins, which are the (1) Upper Ventura River Groundwater Basin (Department of Water Resources' ("DWR") Bulletin 118, Groundwater Basin Number 4-3.01); (2) Ojai Valley Groundwater Basin (DWR's Bulletin 118, Groundwater Basin Number 4-2); (3) Lower Ventura River Groundwater Basin (DWR's Bulletin 118, Groundwater Basin Number 4-3.02); and (4) Upper Ojai Valley Groundwater Basin (DWR's Bulletin 118 Groundwater Basin Number 4-1) and asserts all applicable affirmative defenses to that cross-complaint.

Date: _____ Signature _____

Name – Printed

Cross-Defendant Name

Mailing Address:

Street

City

State, Zip Code

Phone Number

Email Address

LAW OFFICES OF
 BEST BEST & KRIEGER LLP
 2001 N. MAIN STREET, SUITE 390
 WALNUT CREEK, CALIFORNIA 94596

1 Property Address :
2 Parcel No.(s): _____
3 _____
4 Street
5 _____
6 Street
7 _____
8 City
9 _____
10 State, Zip Code
11 Attorney Information (if applicable):
12 _____
13 Company/Firm Name
14 _____
15 Attorney Name
16 _____
17 Street Address
18 _____
19 City
20 _____
21 State, Zip Code
22 _____
23 Phone Number
24 _____
25 Fax Number
26 _____
27 Email Address
28 _____

EXHIBIT D

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Exempt From Filing Fees Pursuant to
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10 Attorneys for Respondent and Cross-Complainant
11 CITY OF SAN BUENAVENTURA

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

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

16 Petitioner,

17 v.

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

20 Respondents.

21
22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.
27
28

Case No. 19STCP01176

Judge: Honorable William F. Highberger

STIPULATION FOR DISCLAIMER;
[PROPOSED] ORDER

Action Filed: Sept. 19, 2014

Trial Date: Not Set

1 STIPULATION FOR DISCLAIMER

2
3 Cross-Complainant City of San Buenaventura (“City”) and Cross-Defendant [INSERT
4 NAME] (“Cross-Defendant”), hereby stipulate and agree as follows:
5

6 1. On January 2, 2020, the City filed a Third Amended Cross-Complaint
7 commencing a comprehensive adjudication of the Ventura River Watershed, including its four
8 groundwater basins, the Lower Ventura River Basin, the Upper Ventura River Basin, the Ojai
9 Valley Basin and the Upper Ojai Valley Basin (“Basins”), (the “Ventura River Watershed
10 Adjudication”).
11

12 2. In the Third Amended Cross-Complaint, the City named approximately one
13 thousand seven hundred and fifty cross-defendants who beneficially use or who have potential
14 rights to waters of the Ventura River flowing in a known and defined channel or groundwater in
15 the Ventura River Watershed, including surface water from the Ventura River and its tributaries
16 and groundwater from the Basins. The Third Amended Cross-Complaint alleges nine separate
17 causes of action asserting the City’s relative priority rights to water, including, without limitation,
18 a request for a comprehensive adjudication of the Ventura River Watershed and the entry of a
19 judgment and physical solution.
20

21 3. Cross-Defendant is named in the Third Amended Cross-Complaint. Cross-
22 Defendant acknowledges receipt of process of the City’s Third Amended Cross-Complaint.
23 Cross-Defendant agrees to submit itself to the jurisdiction of this Court in all matters involving
24 the Ventura River Watershed Adjudication.
25

26 4. Cross-Defendant owns one or more parcels of real property located in Ventura
27 County with the assessor parcel number(s) of [INSERT APN] (the “Property”). Cross-
28 Defendant’s Property is adjoining or abutting the waters of the Ventura River and/or its

1 tributaries, whether flowing on the surface or underground in a known and defined channel,
2 and/or is overlying one or more of the Basins.

3
4 5. Cross-Defendant is not presently exercising any water rights in the Ventura River
5 Watershed, including but not limited to, water rights in the Ventura River and/or its tributaries
6 and/or its Basins. Cross-Defendant receives water service from [INSERT WATER SERVICE
7 PROVIDER] sufficient to meet Cross-Defendant's domestic needs and in compliance with Cross-
8 Defendant's human right to water as set forth in Water Code section 106.3. Accordingly, Cross-
9 Defendant has no interest in any water rights in the Ventura River Watershed, including but not
10 limited to water rights in the Ventura River and/or its tributaries and/or its Basins, and therefore,
11 **Cross-Defendant disclaims all interest in this action.**

12
13 6. Cross-Defendant acknowledges that in signing this stipulation for disclaimer,
14 Cross-Defendant is responsible for the accuracy of its content. Consequently, Cross-Defendant
15 acknowledges that if it in fact has any interest in water rights in the Ventura River and/or its
16 tributaries and/or its Basins, it shall nevertheless be bound by the results of this litigation,
17 including the entry of a judgment and physical solution and shall be subject to the continuing
18 jurisdiction of this Court to oversee the implementation of the judgment and physical solution
19 entered herein and to resolve subsequent conflicts that may arise.

20
21 7. This stipulation for disclaimer and attached order shall be incorporated into the
22 final judgment entered in this matter, and the judgment entered in this matter shall be recorded
23 within the records of Ventura County, through the County Recorder's office, as to Cross-
24 Defendant's Property.

25
26 8. This stipulation for disclaimer shall bind and benefit the City and Cross-Defendant
27 and shall be binding upon and benefit all their respective heirs, executors, administrators,
28 successors, parent, subsidiary entities, and assigns.

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9. No fees and/or costs shall be awarded against Cross-Defendant in this action, and Cross-Defendant shall not seek an award of fees or costs from the City.

Dated: _____, 2020 BEST BEST & KRIEGER LLP

By: _____
SHAWN HAGERTY
CHRISTOPHER M. PISANO
SARAH CHRISTOPHER FOLEY
Attorneys for Respondent and
Cross-Complainant
CITY OF SAN BUENAVENTURA

Dated: _____, 2020

By: _____
Cross-Defendant [INSERT NAME]

1 [PROPOSED] ORDER

2
3 Having read and considered the pleadings and the preceding stipulation for disclaimer by
4 and between Cross-Complainant City of San Buenaventura (“City”) and Cross-Defendant
5 [INSERT NAME] (“Cross-Defendant”), and good cause appearing,
6

7 IT IS ORDERED:
8

9 1. Cross-Defendant is named in the Third Amended Cross-Complaint filed by the
10 City. Cross-Defendant has acknowledged receipt of the process of the City’s Third Amended
11 Cross-Complaint. Cross-Defendant is subject to the jurisdiction of this Court in all matters
12 involving the Ventura River Watershed Adjudication.
13

14 2. Cross-Defendant owns one or more parcels of real property located in Ventura
15 County with the assessor parcel number(s) of [INSERT APN] (the “Property”). Cross-
16 Defendant’s Property is adjoining or abutting the waters of the Ventura River and/or its
17 tributaries, whether flowing on the surface or underground in a known and defined channel,
18 and/or is overlying one or more of the Basins.
19

20 3. Cross-Defendant is not presently exercising any water rights in the Ventura River
21 Watershed, including but not limited to water rights in the Ventura River and/or its tributaries
22 and/or its Basins. Cross-Defendant receives water service from [INSERT WATER SERVICE
23 PROVIDER] sufficient to meet Cross-Defendant’s domestic needs and in compliance with Cross-
24 Defendant’s human right to water as set forth in Water Code section 106.3. Accordingly, Cross-
25 Defendant has no interest in any water rights in the Ventura River Watershed, including but not
26 limited to water rights in the Ventura River and/or its tributaries and/or its Basins, and therefore,
27 **Cross-Defendant has disclaimed all interest in this action.**
28

1 4. Cross-Defendant is responsible for the accuracy of the contents of the preceding
2 stipulation for disclaimer. If Cross-Defendant does in fact have any interest in water rights in the
3 Ventura River and/or its tributaries and/or its Basins, it shall nevertheless be bound by the results
4 of this litigation, including the entry of a judgment and physical solution and shall be subject to
5 the continuing jurisdiction of this Court to oversee the implementation of the judgment and
6 physical solution entered herein and to resolve subsequent conflicts that may arise.

7
8 5. This order and preceding stipulation for disclaimer shall be incorporated into the
9 final entered judgment in this matter, and the judgment entered in this matter shall be recorded
10 within the records of Ventura County, through the County Recorder's office, as to Cross-
11 Defendant's Property.

12
13 6. The City and Cross-Defendant are bound and benefitted by the preceding
14 stipulation for disclaimer, which shall also bind and benefit all their respective heirs, executors,
15 administrators, successors, parent, subsidiary entities, and assigns.

16
17 7. The Court shall retain jurisdiction over the City and Cross-Defendant to enforce
18 the preceding stipulation for disclaimer until there is full performance thereof.

19
20 8. No fees and/or costs shall be awarded against Cross-Defendant in this action, and
21 Cross-Defendant shall not recover fees or costs from the City.

22
23 Dated: _____

By: _____
The Honorable William F. Highberger
Judge of the Superior Court
County of Los Angeles

24
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28

EXHIBIT E

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

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

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

17 Petitioner,

18 v.

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

20 Respondents.

22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.
27

Case No. 19STCP01176

Judge: Honorable William F. Highberger

[PROPOSED] ORDER AFTER STATUS
CONFERENCE

Date: February 27, 2020

Time: 1:45 p.m.

Dept: SS10

Action Filed: Sept. 19, 2014

Trial Date: Not Set

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[PROPOSED] ORDER

The Court held a Status Conference on February 27, 2020, at 1:45 p.m. The parties stated their appearances on the record. After consideration of the papers filed in connection with the Status Conference and discussions with counsel,

IT IS HEREBY ORDERED that:

1. All Cross-Defendants named in the Third Amended Cross-Complaint (“Complaint”) and served with a summons shall have an extension until September 08, 2020 to respond to the Complaint.
2. All persons or entities who received the Complaint, Notice of Commencement of Groundwater Basin and Watershed Adjudication, and Form Answer via mail service shall have an extension until September 08, 2020 to file and serve a Form Answer, if they choose to appear;
3. City of Ventura has a 60-day extension of time to file proofs of service of the Complaint;
4. Cross-Defendants who have not yet filed a responsive pleading may elect to file and serve the Court-approved Form Answer;
5. All parties who have appeared shall have a six month extension of time to provide initial disclosures; and
6. Appearance fees are waived for Cross-Defendants filing a Stipulation for Disclaimer [OR] Cross-Defendants filing a Stipulation for Disclaimer must pay a \$20 stipulation and order filing fee, but no other filing fee is required.

IT IS SO ORDERED.

Dated: _____, 2020

Hon. William F. Highberger
Judge of the Superior Court

1 PROOF OF SERVICE

2 I am a resident of the State of California and over the age of eighteen years, and
3 not a party to the action herein; my business address is Best Best & Krieger LLP, 2001 N. Main
4 St. Suite 390, Walnut Creek, CA 94596. On February 20, 2020, I served the following
5 document(s):

6 STATUS CONFERENCE STATEMENT

- 7 by placing the document(s) listed above in a sealed envelope with postage thereon
8 fully prepaid, in the United States mail at Walnut Creek, California addressed as
9 set forth below. I am readily familiar with the firm's practice of collection and
10 processing correspondence for mailing. Under that practice it would be deposited
11 with the U.S. Postal Service on that same day with postage thereon fully prepaid in
12 the ordinary course of business.
- 13 I caused such envelope to be delivered via overnight delivery. Such envelope was
14 deposited for delivery by United Parcel Service following the firm's ordinary
15 business practices.
- 16 by transmission via **E-Service to File & ServeXpress** to the person(s) set forth
17 below. Local Rules of Court 2.10 (P).
- 18 **By e-mail or electronic transmission.** I caused the documents to be sent to the
19 persons at the e-mail addresses listed below. I did not receive, within a reasonable
20 time after the transmission, any electronic message or other indication that the
21 transmission was unsuccessful.

22 Daniel Cooper
23 Cooper & Lewand-Martin, Inc.
24 1004B O'Reilly Avenue
25 San Francisco, CA 94129
26 Tel: (415) 360-2962
27 daniel@cooperlewand-martin.com

28 Matthew Bullock
Deputy Attorney General
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Santa Barbara Channelkeeper

Attorneys for Respondent and Defendant State
Water Resources Control Board

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Deputy Attorney General
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Family Limited Partnership and AGR
Breeding, Inc.

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Bernhoft

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Water Company, Rudd Ranch, LLC; Shlomo
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21 Water District

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4 Tel.: (626) 793-9400
5 Fax: (626) 793-5900
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Associates of Ojai, California, Inc.

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Bradley Herrema
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13 Fax: (805) 965-4333
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14 cguillen@bhfs.com

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Claeysens Foundation

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20 Costa Mesa, CA 92626-1931
21 Tel: 714-641-5100
22 Fax: 714-546-9035
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25 Municipal Water District

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nmetcalf@hansonbridgett.com
sherman@hansonbridgett.com

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Watershed Protection District

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Claeysens Foundation

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(213) 629-7401
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2 Matthew L. Venezia
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6 Tel. (310) 274-7100
7 Fax (310) 275-5697
8 gnicholson@bgrfirm.com
9 mvenezia@bgrfirm.com

6 Attorneys for Petrochem Development I,
7 LLC

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

10 Executed on February 20, 2020 at Walnut Creek, California.

11 

12 _____
13 Irene Islas
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