

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Shawn Hagerty, Bar No. 1824435/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. (Optional): (619) 233-6118 E-MAIL ADDRESS (Optional): shawn.hagerty@bbklaw.com ATTORNEY FOR (Name): City of San Buenaventura	FOR COURT USE ONLY <div style="text-align: center;"> FILED Superior Court of California County of Los Angeles OCT 21 2020 Sherri R. Carter, Executive Officer/Clerk of Court By <u>Alwin Lim</u> Deputy </div>
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: DEPT.: TIME:

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

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): October 30, 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 answer from 30 days to 60 days by Order dated 11/27/19 and further extended time to answer to 09/08/20 by Order dated 02/27/20. A third extension for time to answer to 10/30/20 was granted by Order dated 8/17/20.

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 January 29, 2021 to file and serve their answers or other responsive pleading to the City's Third Amended Cross-Complaint.

RECEIVED
 OCT 16 2020
 FILING WINDOW

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)*:

Many cross-defendants are not represented by counsel and have requested additional time to review the now publicly available proposed physical solution and judgment; determine whether they need to retain counsel and participate in the lawsuit; and/or file an answer or other pleading, such as a stipulation.

☐ Continued on Attachment 7.

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

Settlement negotiations have continued to be productive during the extension periods. Good cause exists to further extend the time to respond to the Third Amended Cross-Complaint (1) to allow for continued meet and confer regarding the proposed physical solution and judgment; (2) for cross-defendants and those who received notice packets to evaluate the proposed physical solution and judgment and determine whether to participate in the lawsuit, to stipulate to the proposed physical solution and judgment, or be defaulted; and (3) to finalize the proposed physical solution and stipulated judgment based on continued meet and confer efforts.

☐ 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)*:
January 29, 2021

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)*:

City provided a draft copy of this application via email to all known counsel of record and all parties who have appeared on October 13, 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: October 16, 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)*: January 29, 2021

3. ☐ The case management conference is rescheduled to:

a. Date:

b. Time:

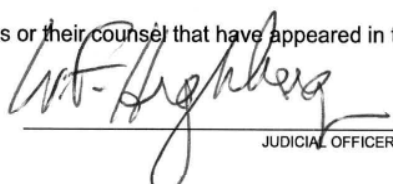
c. Place:

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:

10/21/20



JUDICIAL OFFICER

1 SHAWN HAGERTY, Bar No. 182435
shawn.hagerty@bbklaw.com
2 BEST BEST & KRIEGER LLP
655 West Broadway, 15th Floor
3 San Diego, California 92101
Telephone: (619) 525-1300
4 Facsimile: (619) 233-6118

5 CHRISTOPHER M. PISANO, Bar No. 192831
christopher.pisano@bbklaw.com
6 SARAH CHRISTOPHER FOLEY, Bar No. 277223
sarah.foley@bbklaw.com
7 Best Best & Krieger LLP
300 South Grand Avenue, 25th Floor
8 Los Angeles, California 90071
Telephone: (213) 617-8100
9 Facsimile: (213) 617-7480

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 SPRING STREET COURTHOUSE
15

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

17 Petitioner,

18 v.

19 STATE WATER RESOURCES
20 CONTROL BOARD, a California State
Agency;
21 CITY OF SAN BUENAVENTURA, a
California municipal corporation, etc.,

22 Respondents.
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Case No. 19STCP01176

Exempt From Filing Fees Pursuant to Cal.
Gov't Code § 6103

PROOF OF SERVICE

Action Filed: September 19, 2014
Trial Date: Not Set
FAC Filed: September 7, 2018

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CITY OF SAN BUENAVENTURA, a
California municipal corporation,

Cross-Complainant

v.

DUNCAN ABBOTT, an individual, et al.

Cross-Defendants.

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 St. Suite 390, Walnut Creek, CA 94596. On October 16, 2020, I served the following document(s):

EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND
ORDER EXTENDING TIME TO SERVE

- ☐ 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.

Daniel Cooper
Sycamore Law
1004 O'Reilly Ave.
San Francisco CA 94129
Tel: (415) 360-2962
daniel@sycamore.law

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

Attorneys for Petitioner and Plaintiff
Santa Barbara Channelkeeper

Attorneys for Respondent and Defendant State
Water Resources Control Board

1 Marc N. Melnick
2 Deputy Attorney General
3 Attorney General's Office
4 1515 Clay Street, 20th Floor
5 P.O. Box 70550
6 Oakland, CA 94612-0550
7 Tel: 510-879-0750
8 Marc.melnick@doj.ca.gov

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for Respondent and Defendant
State Water Resources Control Board

Edward J. Casey
Clynton Namuo
Alston & Bird LLP
333 South Hope Street, 16th Floor
Los Angeles, CA 90071
Tel: 213.576.1000
ed.casey@alston.com
clynton.namuo@alston.com

Attorneys for Cross-Defendants Bentley
Family Limited Partnership and AGR
Breeding, Inc.

William G. Short, Esq.
Law Offices of William G. Short
Post Office Box 1313
Ojai, California 93024-1313
Tel: (805) 490-6399
Fax: (805) 640-1940
billshortesq@me.com

Attorney for Cross-Defendant Robin
Bernhoft

Eric M. Katz
Supervising Deputy Attorney General
Noah Golden – Krasner
Deputy Attorney General
Carol Boyd
Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Tel. (213) 269-6343
Fax (213) 897-2802
Eric.Katz@doj.ca.gov
Noah.goldenrasner@doj.ca.gov
Carol.boyd@doj.ca.gov

Attorneys for Proposed Intervenor California
Department of Fish & Wildlife

Paul Blatz
Ryan Blatz
Blatz Law Firm
206 N. Signal St. Suite G
Ojai, CA 93023
Tel: (805) 646-3110
blatzlawfirm@gmail.com
ryan@ryanblatzlaw.com

Attorneys for Cross-Defendants Troy Becker;
Janet Boulten; Michael Boulten; Michael
Caldwell; Joe Clark; Michael Cromer; Linda
Epstein; Etchart Ranch; Lawrence Hartmann;
Ole Konig; Krotona Institute of Theosophy;
Stephen Mitchell; North Fork Springs Mutual
Water Company; Rudd Ranch, LLC; Shlomo
Raz; Sylvia Raz; Senior Canyon Mutual Water
Company; Siete Robles Mutual Water
Company; Soule Park Golf Course, Ltd.; Telos,
LLC; Victor Timar; John Town; and Trudie
Town

Anthony Lee Francois
Jeremy Talcott
David Deerson
Pacific Legal Foundation
930 G Street
Sacramento, CA 95814-1802
Tel: (916) 419-7111
Fax: (916) 419-7111
alf@pacificlegal.org
TFrancois@pacificlegal.org
jtalcott@pacificlegal.org
ddeerson@pacificlegal.org

Attorney for Cross-Defendant Robin Bernhoft

- | | | |
|----|--|--|
| 1 | Robert N. Kwong
Dennis O. La Rochelle | Patrick Loughman
Cristian Arrieta |
| 2 | Arnold Larochelle Mathews Vanconas &
Zirbel, LLP | Lowthorp, Richards, McMillan, Miller &
Templeman |
| 3 | 300 Esplanade Dr Ste 2100
Oxnard, CA 93036 | 300 Esplande Drive, Suite 850
Oxnard, CA 93036 |
| 4 | Tel: (805) 988-9886
rkwong@atozlaw.com | Tel: 805.804.3848
Ploughman@lrmmmt.com |
| 5 | | Carrieta@lrmmmt.com |
| 6 | Attorneys for Cross-Defendant Casitas
Municipal Water District | Attorneys for Cross-Defendants Ernest Ford
and Tico Mutual Water Company |
| 7 | | |
| 8 | Gregory J. Patterson
Musick, Peeler & Garrett LLP | Lindsay F. Nielson
Law Office of Lindsay F. Nielson |
| 9 | 2801 Townsgate Road, Suite 200
Westlake Village, CA 91361 | 845 E Santa Clara Street
Ventura, CA 93001 |
| 10 | Tel: (805) 418-3103
Fax: (805) 418-3101 | Tel: 805-658-0977
nielsonlaw@aol.com |
| 11 | g.patterson@musickpeeler.com | |
| 12 | Attorneys for Cross-Defendants Robert C.
Davis, Jr.; James Finch; Friend's Ranches,
Inc.; Topa Topa Ranch Company, LLC; The
Thacher School; Thacher Creek Citrus, LLC | Attorneys for Cross-Defendant Meiners Oaks
Water District and Ventura River Water
District |
| 13 | | |
| 14 | Jeanne Zolezzi
Herum Crabtree Suntag | Neal P. Maguire
Ferguson Case Orr Patterson LLP |
| 15 | 5757 Pacific Avenue, Suite 222
Stockton, CA 95207 | 1050 South Kimball Road
Ventura, CA 93004 |
| 16 | Tel: (209) 472-7700
Fax: (209) 472.7986 | Tel: (805) 659-6800
nmaguire@fcoplaw.com |
| 17 | jzolezzi@herumcrabtree.com | |
| 18 | Attorneys for Cross-Defendant Meiners
Oaks Water District and Ventura River
Water District | Attorneys for Cross-Defendants Rancho
Matilija Mutual Water Company; Bettina
Chandler, Trustee of the Bettina Chandler Trust |
| 19 | | |
| 20 | | |
| 21 | Thomas S. Bunn III
Elsa Sham | Michael J. Van Zandt
Nathan A. Metcalf |
| 22 | Lagerlof Senecal Gosney & Kruse LLP
301 N. Lake Avenue, 10th Floor | Sean G. Herman
Hanson Bridgett LLP |
| 23 | Pasadena, CA 91101-5123
Tel.: (626) 793-9400 | 425 Market Street, 26 Floor
San Francisco, CA 94105 |
| 24 | Fax: (626) 793-5900
tombunn@lagerlof.com | Tel: 415-777-3200
Fax: 415-541-9366 |
| 25 | esham@lagerlof.com | mvanzandt@hansonbridgett.com
nmetcalf@hansonbridgett.com |
| 26 | | sherman@hansonbridgett.com |
| 27 | Attorneys for Cross-Defendant St. Joseph's
Associates of Ojai, California, Inc. | Attorneys for Cross-Defendant Ventura County
Watershed Protection District and County of
Ventura |
| 28 | | |

1	Alberto Boada	Scott Slater
2	Karen V. Marble	Bradley Herrema
3	Ventura County Counsel's Office	Christopher Guillen
4	800 South Victoria Avenue	Brownstein Hyatt Farber Schreck LLP
5	Ventura, CA 93009-1830	1021 Anacapa Street, 2nd Floor
6	Tel.: (805) 654-2590	Santa Barbara, CA 93101
7	Fax: (805) 654-2185	Tel: (805) 963-7000
8	alberto.boada@ventura.org	Fax: (805) 965-4333
9	karen.marble@ventura.org	sslater@bhfs.com
10		bherrema@bhfs.com
11		cguillen@bhfs.com
12	Attorneys for Cross-Defendant Ventura	Attorneys for Cross-Defendant Wood-
13	County Watershed Protection District and	Claeyssens Foundation
14	County of Ventura	
15	Joseph C. Chrisman	David B. Cosgrove
16	Hathaway, Perrett, Webster, Powers,	Jeffrey M. Oderman
17	Chrisman & Gutierrez	Douglas J. Dennington
18	5450 Telegraph Road	Jeremy N. Jungreis
19	Ventura, CA 93003	Rutan & Tucker, LLP
20	(805) 644-7111	611 Anton Boulevard, Suite 1400
21	jchrisman@hathawaylawfirm.com	Costa Mesa, CA 92626-1931
22		Tel: 714-641-5100
23		Fax: 714-546-9035
24		dcosgrove@rutan.com
25		joderman@rutan.com
26		ddennington@rutan.com
27		jjungreis@rutan.com
28	Attorneys for Cross-Defendant Wood-	Attorneys for Cross-Defendant Casitas
	Claeyssens Foundation	Municipal Water District
	Thomas E. Jeffry	Andrew Brady
	Debra J. Albin-Riley	DLA Piper LLP (US)
	Stefan Bogdanovich	550 South Hope Street, Suite 2400
	Arent Fox LLP	Los Angeles, CA 90071-2618
	555 West Fifth Avenue, 48th Floor	Tel. (213) 330-7700
	Los Angeles, CA 90013-1065	Fax: (213) 330-7701
	(213) 629-7400	andrew.brady@us.dlapiper.com
	(213) 629-7401	
	Thomas.jeffry@arentfox.com	
	Stefan.bogdanovich@arentfox.com	
	Attorneys for Cross-Defendant Community	Attorneys for Cross-Defendant Integritas Ojai,
	Memorial Health System	LLC

1 Jennifer T. Buckman
2 Andrew J. Ramos
3 Holly Jacobson
4 Bartkiewicz Kronick & Shanahan, PC
5 1011 Twenty-Second Street
6 Sacramento, CA 95816-4907
7 Tel. (916) 446-4254
8 Fax (916) 446-4018
9 jtb@bkslawfirm.com
10 hjj@bkslawfirm.com

11 Attorneys for Cross-Defendant City of Ojai

12 Eric J. Schindler
13 Michelle J. Berner
14 Kroesche Schindler LLP
15 2603 Main Street, Suite 200
16 Irvine, CA 92614
17 Tel. (949) 387-0495
18 Fax (888) 588-0034 Fax
19 eschindler@kslaw.legal
20 mberner@kslaw.legal

21 Attorneys for Cross-Defendant Oak Haven,
22 LLC

23 Adam D. Wieder
24 Barry C. Groveman
25 Groveman Hiete LLP
26 35 East Union Street, Suite B
27 Pasadena, CA 91103
28 Tel (626) 747-9383
Fax (626) 747-9370
awieder@grovemanhiete.com
bgroveman@grovemanhiete.com

Attorneys for Cross-Defendant Michael
Bradbury; Heidi Bradbury; and The Heidi
Gramkow Trust

Ernest J. Guadiana
Elkins Kalt Weintraub Reuben Gartside LLP
10345 W. Olympic Boulevard
Los Angeles, CA 90064
Tel. (310) 746-4425
eguadiana@elkinskalt.com

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

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

Attorneys for Cross-Defendant RDK Land,
LLC

Brian A. Osborne
Osborne Law Firm
674 County Square Drive, Suite 308
Ventura, CA 93003
Tel. (805) 642-9283
Fax (805) 642-7054
osbornelawyer@gmail.com

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

Peter A. Goldenring
Mark R. Pachowicz
Pachowicz | Goldenring A Professional Law
Corporation
6050 Seahawk Street
Ventura, CA 93003-6622
Tel. (805) 642-6702
Fax (805) 642-3145
attorneys@gopro-law.com

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

Hermitage Mutual Water Company, and Santa
Ana Ranch, Inc.

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

1	Julie A. Baker	The Joseph Fedele 1995 Living Trust,
2	2193 Maricopa Hwy	Oriana Marie Fedele, Trustee
3	Ojai, CA 93023	Attn. Oriana Fedele
4	(805) 646-8700	P.O. Box 298
5	Jandjbaker2@gmail.com	Lahaina, HI 96767
6		Tel. (818) 601-3161
7		orianafedele@gmail.com
8		
9	T&D Nevada Trust	Michaela Boehm
10	Dennis and Antoinette Mitchell	12293 topa Lane
11	Mitchell Homes Inc.	Santa Paula, CA 93060
12	P.O. Box 360	Tel. (323) 493-3737
13	Ojai, CA 93024	micboehm@me.com
14	(805) 340-2890	
15	amitc74383@aol.com	
16		
17	Anthonie M. Voogd	Lawrence S. Mihalas
18	918 Palomar Road	Trustees of the Mihalas Family Trust
19	Ojai, CA93023	419 21 st Place
20	Tel. (805) 646-1512	Santa Monica, CA 90402
21	avoogd@stanfordalumni.org	Tel. (310) 739-0700
22		lmihalas@gmail.com
23		lmihalas@ucla.edu
24		
25	Heather Blair	Martin Hartmann
26	556 So. Fair Oaks Ave., Ste 101	Whitney Hartmann
27	Box 356	430 S. Carrillo Road
28	Pasadena, CA 91105	Ojai, CA 93023
29	Tel. (626) 755-6566	Tel. (805) 798-2253
30	Hblair1946@gmail.com	earthbuilding@gmail.com
31		
32	Robert K. Cartin	Joyce A Syme
33	Cartin Family LLC	1760 Ocean Avenue
34	505 Estremoz Ct.	Santa Monica, CA 90401
35	Oceanside, CA 92057	Tel. (310) 403-1760
36	Tel. (760) 429-4738	seaviewhotel@hotmail.com
37	bob.cartin@dvm.com	
38		
39	<u>Via First Class Mail</u>	<u>Via First Class Mail</u>
40		
41	Del Cielo LLC	Salvatore Scarpato
42	Attn. Tim Carey, Managing Member	106 Calhoun Lane
43	22410 Hawthorne # 5	Georgetown, TX 78633
44	Torrance, CA 90505	(805) 797-8767
45	Tel. (310) 787-6569	
46		
47		
48		
49		
50		

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

Executed on October 16, 2020 at Walnut Creek, California.

Iron Vase

Irene Islas

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

(continued)