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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT 10 HON. WILLIAM F. HIGHBERGER, JUDGE

SANTA BARBARA CHANNELKEEPER, A)
CALIFORNIA NON-PROFIT CORPORATION,)
) CASE NO. 19STCP01176
PETITIONER,)
)
VS.)
)
STATE WATER RESOURCES CONTROL)
BOARD ETC., ET AL.,)
)
RESPONDENTS.)
-----)
AND RELATED CROSS-ACTIONS.)
-----)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
JUNE 30, 2021

IN-PERSON APPEARANCES OF COUNSEL:
FOR RESPONDENT AND CROSS-COMPLAINANT CITY OF BUENAVENTURA:
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(APPEARANCES CONTINUED NEXT PAGE)

REPORTED BY: DEBORAH MORIN, CSR NO. 11558
OFFICIAL REPORTER PRO TEMPORE

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REMOTE L.A. COURTCONNECT APPEARANCES:

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FOR CLAUDE R. BAGGERLY AND PATRICIA E. BAGGERLY:

IN PRO PER
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BY: NOAH GOLDEN-KRASNER, ESQ.

FOR RANCHO MATILIJA MUTUAL WATER COMPANY:

BY: NEIL MAGUIRE, ESQ.

1 CASE NAME: SANTA BARBARA CHANNELKEEPER VS.
2 STATE WATER RESOURCES BOARD
3 CASE NUMBER: 19STCP01176
4 LOS ANGELES, CALIFORNIA JUNE 30, 2021
5 DEPARTMENT 10 HON. WILLIAM F. HIGHBERGER
6 REPORTER: DEBORAH MORIN, CSR NO. 11558
7 APPEARANCES: (AS HERETOFORE MENTIONED.)
8 TIME: 10:53 A.M.
9

10 THE COURT: OKAY. WE'RE ON THE RECORD IN
11 19STCP0117, SANTA BARBARA CHANNELKEEPER VERSUS STATE
12 WEATHER RESOURCES CONTROL BOARD. GOOD MORNING.

13 MR. PAISANO, YOU MAY BE SEATED.

14 MR. PISANO: GOOD MORNING, YOUR HONOR.

15 THE COURT: I'VE GOT VARIOUS OTHER ATTORNEYS
16 VIRTUALLY. THERE'S A POINT OF REFERENCE, AN EX PARTE WAS
17 SUBMITTED BY CROSS-COMPLAINANT YESTERDAY. I REVIEWED IT
18 TODAY AND APPROVED IT EXTENDING YET AGAIN THEIR TIME TO
19 SERVE THE THIRD AMEND CROSS-COMPLAINT.

20 MR. PAISANO, YOU CAN GIVE NOTICE FOR
21 CROSS-COMPLAINANT OF THE GRANT OF THE EX PARTE.

22 MR. PISANO: YES, YOUR HONOR.

23 THE COURT: SO, MR. PAISANO, I KNOW THAT YOUR
24 COLLEAGUE PARALEGAL MARNIE PROCK HAS WORKED HARD TO GET
25 THINGS ORGANIZED. BY THE SAME TOKEN, YOU'RE ABOUT TO HEAR
26 A WHOLE BUNCH OF NITPICKS BY ME CONCERNED ABOUT DUE
27 PROCESS AND THE REQUIREMENT BASICALLY TO GET MORE
28 ORGANIZED DATA FROM YOUR OFFICE PRESUMABLY FROM MS. CROCK

1 IN A FASHION THAT WILL ALLOW ME TO DETERMINE AS TO THESE
2 49 DEFENDANTS WHO YOU SAY ARE EVADING AND ADDITIONAL
3 20-PLUS WHO ARE SECRETED IN GATED OR FENCED PROPERTIES
4 THAT ARE INACCESSIBLE AND AN ADDITIONAL HALF DOZEN NAMED
5 PARTIES WHO APPEAR TO BE DECEASED. I NEED MORE STUFF.

6 NOW, I STARTED LOOKING AT MS. CROCK'S
7 DECLARATION FOR TODAY'S EX PARTE SHOWING THE EFFORTS THAT
8 HAVE BEEN MADE BY YOUR OFFICE TO USE DELIVERY COMPANIES
9 SUCH AS FEDEX AND UNITED PARCEL SERVICE TO DELIVER ALL OF
10 THESE IMPORTANT PAPERS TO THE PEOPLE YOU HAD NOT BEEN
11 PREVIOUSLY BEEN ABLE TO REACH IN THE HOPES THAT PEOPLE WHO
12 HAPPILY WAIT FOR THEIR DELIVERIES FROM AMAZON AND OTHER
13 INTERNET PROVIDERS WOULD WILLINGLY ACCEPT WHATEVER COMES
14 VIA FEDEX OR UPS, AND IN THAT FASHION YOU WOULD BE ABLE TO
15 COMMUNICATE WITH THEM WITH SOME PROOF THAT YOU
16 COMMUNICATED, WHICH TO ME THEN WOULD PROVIDE DUE PROCESS
17 COMFORT THAT THESE PEOPLE WERE ON ACTUAL NOTICE OF THE
18 PENDENCY OF THE CROSS-COMPLAINT, WHETHER OR NOT THEY CHOSE
19 TO RESPOND TO YOU.

20 SO I'M LOOKING AT MS. CROCK'S MOST RECENT
21 DECLARATION FILED UNDER YESTERDAY'S DATE WHICH IN
22 EXHIBIT B, AS IN BOY, COMMENCES TO GIVE ME PROOFS OF
23 DELIVERY. FOR BETINA LA PLANTE THERE IS PROOF THAT
24 SOMETHING GOT DELIVERED TO 1435 NORTH SPAULDING IN L.A.
25 SO FAR SO GOOD.

26 AS TO THE NEXT NAMED PERSON ALLEGEDLY EVADING
27 JOHN TAFT, WE'VE GOT PROOF THAT FEDEX MADE A DELIVERY TO
28 AN ADDRESS IN LIMA, MONTANA THAT YOU ATTRIBUTE TO

1 MR. TAFT.

2 WHEN I GO TO THE THIRD LISTED ENTITY, WHICH IS A
3 FICTITIOUS ENTITY WITH AN AGENT FOR SERVICE, THE
4 CROSS-DEFENDANT IS 1970 RANCH ROAD, LLC. THE AGENT, WHO
5 YOU'RE TRYING TO REACH IS FRED F. MASHIAN, M-A-S-H-I-A-N.
6 YOU'VE GOT AN ADDRESS ON SUNSET BOULEVARD HERE IN
7 LOS ANGELES WITH A UNIT OR APARTMENT NUMBER, BUT WHAT UPS
8 HAS TOLD YOU, ACCORDING TO WHAT MS. PROCK HAS PROFFERED,
9 IS THAT THE INTENDED RECIPIENT HAS MOVED AND UPS IS
10 ATTEMPTING TO FIND A NEW DELIVERY ADDRESS FOR YOU, BUT
11 THAT DOES NOT SHOW DELIVERY TO MR. MASHIAN.

12 SO NOW THAT GIVES ME PAUSE BECAUSE WITHOUT ANY
13 FURTHER EFFORT TO TAKE ADVANTAGE OF WHAT OTHER SKIP
14 TRACING MIGHT FIND A NEW ADDRESS FOR MR. MASHIAN, YOU WANT
15 TO GO RIGHT TO THE VENTURA STAR, AND PRESUMABLY THE FIRST
16 CLASS MAIL NOTICE OF THE ORDER PUBLICATION WOULD GO TO THE
17 SAME ADDRESS ON SUNSET WHERE UPS TELLS YOU THAT
18 MR. MASHIAN HAS MOVED. SO THAT WOULD BE A TOTALLY
19 FICTITIOUS ATTEMPT TO CONTACT MR. MASHIAN.

20 SO THAT GIVES ME PAUSE, AND I DON'T IN
21 MS. PROCK'S DECLARATION GET ANY RECAP OF THE HITS AND
22 MISSES. SHE JUST SAYS, "WE DID ALL THIS, GIVE ME MY
23 ORDER." AND YOU, IN ESSENCE, ARE ASKING FOR THE SAME
24 THING.

25 I NEED SOMETHING MORE. I'VE GOT TO GET A BOX
26 SCORE OF THE NAMES IN THE ORDER IN WHICH YOU HAD THEM ON
27 EXHIBIT A. AND IF YOU PULLED SOME NAMES FROM EXHIBIT A --
28 YOU CAN SAY YOU PULLED THEM BECAUSE YOU GOT A NOTICE AND

1 ACKNOWLEDGMENT, BUT YOU PUT THEM IN THE SAME ORDER AS
2 THEY'VE BEEN PRESENTED SINCE THIS WAS FIRST PRESENTED AS
3 THE ORIGINAL EX PARTE ON JUNE 21 OR THEREABOUTS, AND THEN
4 GIVE ME A BOX SCORE ABOUT WHETHER YOU THINK YOU PROVED
5 DELIVERY OR NOT.

6 AND I NEED MS. PROCK'S DECLARATION TABBED WITH
7 THE NAMES. YOU CAN JUST USE SURNAMES LIKE LA PLANTE,
8 TAFT, CENICEROS BUT TABS ON THE BOTTOM OF EACH ONE. AND
9 FOR THESE PURPOSES, IF IT'S HER ORIGINAL DECLARATION JUST
10 WITH TABS ADDED, FINE. BUT I DO WANT A DECLARATION FROM
11 MS. PROCK IN THE FORM OF A SUPPLEMENTAL DECLARATION WITH A
12 BOX SCORE OF THE DELIVERED VERSUS NOT DELIVERED. AND TO
13 BE QUITE FRANK, YOU HAVE THE OBVIOUS QUESTION THEN OF SO
14 WHAT SKIP TRACING ARE YOU OR UPS OR FEDEX OR SOMEBODY
15 DOING IF YOU HAVE REASON TO THINK THAT YOU'RE NOT CHASING
16 SOMEBODY'S GOOD ADDRESS?

17 NOW, THAT'S HALF THE BAD NEWS. THE WORST BAD
18 NEWS IS I WENT BACK AND LOOKED AT MS. PROCK'S DECLARATION
19 THAT WAS DATED, I THINK, JUNE 18 IN SUPPORT OF THE FIRST
20 EX PARTE TO GET THE ORDER TO SHOW CAUSE THAT'S RETURNABLE
21 TODAY TO SEE WHAT, IF ANYTHING, PROVED UP THE ASSERTIONS
22 MADE IN GENRAL TERMS THAT WE HAD PEOPLE EVADING SERVICE
23 AND PEOPLE BEHIND LOCKED GATES, AND THAT DECLARATION OF
24 MS. PROCK IS A MESS.

25 I WENT DEEPER INTO IT THAN I DID WITH THE ONE
26 FOR TODAY. SO MAYBE TODAY IS A MESS IN THAT IT MAY NOT
27 LINE UP SEQUENTIALLY BY THE NAMES ON EXHIBIT A. CERTAINLY
28 WHEN I LOOKED AT HER FIRST DECLARATION -- I'M GOING TO

1 OPEN IT UP HERE ON THE COMPUTER. I KNOW SHE'S TRIED VERY
2 HARD. NONE OF THIS IS MEANT AS A PERSONAL CRITICISM OF
3 MS. PROCK, WHO IS, I'M SURE, IS DOING DILIGENT WORK TO
4 ORGANIZE A VERY COMPLICATED SET OF INFORMATION AND TRYING
5 TO DO IT QUITE EXPEDITIOUSLY, WHICH IS UNDERSTANDABLE
6 GIVEN YOUR DESIRE TO TRY TO GET THIS THING TO A PLACE
7 WHERE YOU'VE GOT THE CASE AT ISSUE. BUT LET ME GET IF
8 HERE IN FRONT OF ME.

9 MR. PISANO: AND, YOUR HONOR, WHILE YOU'RE
10 PULLING IT UP, I NOTICED THE 1970 RANCH ROAD LLC ON THE
11 LIST THIS MORNING, AND THAT RAISED A RED FLAG TO ME
12 BECAUSE THEY'RE AN ENTITY. WHY ARE THEY EVADING? WHY
13 AREN'T WE DOING THIS WITH THE SECRETARY OF STATE?

14 THE COURT: THAT'S A DIFFERENT POINT. YOU CAN
15 DO THAT ALSO.

16 MR. PISANO: I WAS PREPARED TO COME IN THIS
17 MORNING AND RAISE THAT ISSUE WITH THE COURT AND LET THE
18 COURT KNOW --

19 THE COURT: WELL, THAT MIGHT BE THE RIGHT WAY TO
20 HANDLE IT.

21 MR. PISANO: WE WERE GOING TO WITHDRAW THAT ONE
22 AND DO THAT. APPARENTLY THEY WERE ON THERE BECAUSE WE
23 WERE TALKING WITH AN ATTORNEY WHO PURPORTED TO REPRESENT
24 THEM BUT THEN WITHIN THE LAST FEW DAYS TOLD US HE'S NOT
25 AUTHORIZED TO ACCEPT SERVICE. THEY'RE NOT GOING TO ACCEPT
26 SERVICE. THEY'RE NOT HELPING US.

27 THE COURT: THAT HAPPENS.

28 MR. PISANO: SO I WAS PLANNING TO WITHDRAW THEM.

1 THE COURT: AND I SUSPECT I'VE GOT AT LEAST ONE
2 NONDELIVERED. YOU'VE PROBABLY GOT SOME MORE IN THE STACK,
3 BUT I HAVEN'T TAKEN THE TIME, AND I WANT TO MAKE DARN SURE
4 WHEN IT COMES BACK THAT THEY'RE EXACTLY IN THE SEQUENTIAL
5 ORDER AS YOUR EXHIBIT A.

6 MR. PISANO: I COULDN'T AGREE MORE.

7 THE COURT: BECAUSE NOW WHEN I GO LOOK AT
8 MS. PROCK'S FIRST DECLARATION, WHICH I'M ABOUT TO GET IT.
9 THIS IS HER DECLARATION SERVED ON JUNE 18 IN SUPPORT OF
10 THE ORIGINAL EX PARTE.

11 SO THEORETICALLY WE'RE STARTING WITH ABOUT
12 40-SOME EXAMPLES OF PEOPLE ALLEGEDLY EVADING SERVICE, AND
13 THE FIRST NAME IS MS. LA PLANTE SUPPOSEDLY AT 1435 NORTH
14 SPAULDING, AND IT IS THE FIRST DECLARATION OF DILIGENCE
15 PROVIDED IN EXHIBIT B. SO IT'S WHERE IT OUGHT TO BE FROM
16 A SEQUENCE POINT OF VIEW, SIGNED BY PROCESS SERVER
17 RAFIQUZZAMAN, R-A-F-I-Q-U-Z-Z-A-M-A-N.

18 AND HE'LL TELL ME THAT HE GOES TO 1435 NORTH
19 SPAULDING ON MAY 28, MAY 29, MAY 30, JUNE 2, AND JUNE 6.
20 ON THE SECOND OCCASION THERE'S A JEEP IN THE DRIVEWAY.
21 THE VEHICLE NEVER MOVES THEREAFTER, AND AT ALL TIMES THE
22 PROPERTY APPEARS EMPTY OR NOT OCCUPIED AT THAT MOMENT. NO
23 ACTIVITY IS HIS WORDS. HE USES A DOOR MARK AND ON HIS
24 LAST VISIT NOTES THAT THE DOOR MARK REMAINS.

25 MAYBE THAT'S ENOUGH. TELL ME WHY THAT'S ENOUGH.
26 AT LEAST HE GOES THERE ON FIVE SEPARATE OCCASIONS, AND THE
27 JEEP SHOWS UP ON OCCASION TOO AND STAYS UNTIL OCCASION
28 FIVE AND WASN'T THERE ON OCCASION ONE. SO ARGUABLY

1 SOMEBODY DECIDED TO TAKE THE CAR OUT OF THE DRIVEWAY. AND
2 FROM A MORE RECENT DECLARATION WE KNOW THAT UPS
3 SUCCESSFULLY MADE A DELIVERY.

4 MR. PISANO: RIGHT.

5 THE COURT: SHOULD THAT BE ENOUGH? MAYBE IT IS.
6 I'M ASKING YOU. I'M NOT REALLY TRYING TO ANSWER MY
7 QUESTION. I'M ASKING YOU WHETHER YOU THINK THAT SEEMS
8 ENOUGH.

9 MR. PISANO: PERSONALLY, I BELIEVE IT IS, YOUR
10 HONOR. UNDER THE STATUTE, THEY MADE SEVERAL ATTEMPTS.
11 THIS WOMAN IS NOT OPENING THE DOOR.

12 THE COURT: I'M NOT QUARRELING WITH YOU. FOR
13 THAT ONE, THIS PROBABLY IS GOOD ENOUGH.

14 SO THE NEXT DECLARATION OF DILIGENCE RELATES NOT
15 TO THE SECOND NAMED PERSON JOHN TAFT BUT JUMPS TO THE
16 THIRD LISTED ENTITY OF 1970 RANCH ROAD. YOU'VE MADE THE
17 POINT THAT YOU CAN USE THE SECRETARY OF STATE, BUT ON
18 HERE, HOWEVER, THEY'RE CHASING AFTER A CERTAIN FRED
19 MASHIAN AT AN ADDRESS ON SUNSET BOULEVARD WITH A UNIT
20 NUMBER, AND THE DECLARATION OF DILIGENCE SAYS, "ATTEMPTED
21 SERVICE. SUITE IS EMPTY. SPOKE TO SECURITY GUARDS. SAID
22 THEY MOVED OUT SIX MONTHS AGO."

23 SO HERE THE WHOLE EXTENT OF THE DILIGENCE THAT
24 SUPPORTS TRYING TO MOVE TO PUBLICATION IS YOU SERVED --
25 TRIED TO SERVE. LET'S ASSUME YOU'RE TRYING TO SERVE
26 MASHIAN PERSONALLY RATHER THAN THE FICTITIOUS ENTITY.
27 THEY MOVED OUT. THERE'S NO DUE DILIGENCE TRYING TO FIND A
28 NEW HOME FOR MASHIAN. IF THIS WAS AN ATTEMPT TO SERVE

1 MASHIAN, THAT TO ME IS NOT ENOUGH. IT WOULD HAVE TO BE
2 SOME FOLLOW-UP TO A REPORT THAT SOMEBODY MOVED IN.

3 NOW, IF YOU CAN SERVE THIS ENTITY BY THE
4 SECRETARY OF STATE, THAT'S A DIFFERENT ISSUE. BUT IF YOU
5 UNDERSTAND MY POINT ABOUT WHY THIS OTHERWISE IS NOT ENOUGH
6 DILIGENCE, THAT'S MY CONCLUSION.

7 MR. PISANO: I COMPLETELY UNDERSTAND YOUR POINT,
8 YOUR HONOR.

9 THE COURT: MS. PROCK ALSO CONFOUNDS ME BECAUSE
10 SHE DOESN'T HAVE THE DECLARATION OF DILIGENCE IN SEQUENCE
11 ORDER FOR THE SECOND PERSON LISTED, TAFT, THE FELLOW WHO'S
12 GOT THE MONTANA ADDRESS.

13 MR. PISANO: CORRECT.

14 THE COURT: SO NOW I HAVE WHAT'S -- MAYBE IT'S
15 IN THIS STACK. IS IT 15TH OR THE 28TH OR 49TH ENTRY, BUT
16 IT'S NOT WHERE I WOULD EXPECT IT. SO I'M GOING TO NEED
17 YOU TO GIVE ME A REORDERED DECLARATION OF MS. PROCK THAT
18 DOES HAVE TABS LISTED. YOU'RE GOING TO HAVE TO JUST GET A
19 LOT OF LITTLE STICKIES, AND NOT EVEN THE KIND OF STICKIES
20 THAT FALL OFF BUT THE KIND OF STICKIES THAT ARE PERMANENT
21 ENOUGH AND THAT WILL HOLD A GAZILLION EXHIBIT TABS OLD
22 SCHOOL. I'M AN OLD SCHOOL KIND OF GUY -- AND BRING THAT
23 BACK IN THE ORDER IN WHICH THEY'RE LISTED ON EXHIBIT A.

24 AND IF THINGS ARE MISSING, THEN YOU'VE GOT AN
25 OBVIOUS PROBLEM BECAUSE YOU'RE TRYING TO HAVE ME FIND THAT
26 YOU DID DILIGENCE, AND YOU HAVEN'T GIVEN ME ANYTHING TO
27 SHOW IT. I WAS TOO QUICK, TO BE BLUNT, ON JUNE 21 IN
28 GIVING YOU THIS ORDER THAT'S RETURNABLE TODAY, BUT NOW

1 YOU'RE GETTING THE QUALITY CONTROL AFTER THE FACT.

2 MR. PISANO: I UNDERSTAND, YOUR HONOR.

3 THE COURT: SO WE'VE GOT TO FIGURE OUT WHAT'S
4 GOING ON WITH TAFT.

5 OKAY. THEN ON THE FOURTH ENTRY DAWN CENICEROS.
6 THAT'S NOT THE NEXT ENTRY. WE'RE GOING TO GO FROM THE
7 ATTEMPT TO SERVE MASHIAN AS AN AGENT FOR 1970 RANCH ROAD
8 AND JUMP TO THE FIFTH LISTED PARTY, A CERTAIN JAN HEISTER.
9 H-E-I-S-T-E-R, AS TRUSTEE OF A CERTAIN FAMILY LIVING
10 TRUST.

11 HERE APPARENTLY YOU'VE GOT TWO DIFFERENT SERVICE
12 ADDRESSES, WHICH IS NICE. THE FIRST DILIGENCE ATTEMPT AT
13 THE SECOND OF THE TWO ADDRESSES IS 74 VALLEY RIDGE STREET
14 IN OJAI COMES BACK ON THE SECOND VISIT WITH A REPORT THAT
15 THE SUBJECT NO LONGER LIVES THERE. CURRENT TENANT RENTS
16 FROM A PROPERTY MANAGEMENT COMPANY WHICH IS PRESUMABLY NOT
17 JAN HEISTER.

18 OKAY. THAT DOESN'T DO ANYTHING. ARGUABLY
19 BECAUSE WE HAVE A SECOND ADDRESS TO TRY TO FIND JAN
20 HEISTER IN THE SAME BOX AS 309 ORIOLE IN OJAI, IT IS
21 INTERESTING THAT A PROCESS SERVER GOES OUT AND MAKES SEVEN
22 VISITS TO THAT ADDRESS ON ORIOLE, SIMILAR PERHAPS TO THE
23 FIRST CIRCUMSTANCE WITH MS. LA PLANTE ON 1435 SPAULDING.
24 IT'S NO ACTIVITY ON SIX OUT OF SEVEN ATTEMPTS, BUT ON THE
25 SIXTH OF SEVEN ATTEMPTS, THE PROCESS SERVER WILL INDICATE
26 THAT THERE DOES APPEAR TO BE SOMEBODY AT HOME.

27 SO THAT'S PROBABLY GOOD ENOUGH FOR HEISTER
28 BECAUSE HE GOT LUCKY ON SIX OF SEVEN ATTEMPTS BY BEING

1 ABLE TO IDENTIFY SOMEBODY AT HOME WHO WOULDN'T COME TO THE
2 DOOR. BUT AGAIN, WE'VE MISSED CENICEROS. SO IT'S OUT OF
3 ORDER, AND IT TAKES A LITTLE BIT OF A HUNT TO FIGURE OUT
4 WHY THAT'S ENOUGH DILIGENCE. SO THE BOTTOM LINE IS I
5 THINK IT WOULD BE DILIGENCE.

6 THEN THE NEXT DILIGENCE AFFIDAVIT I GET ISN'T AN
7 EVADING ONE BASED ON THE STREET ADDRESS. IT IS YOUR FIRST
8 LISTED ENTITY FOR PEOPLE WHO LIVE BEHIND A LOCKED GATE
9 BECAUSE YOU'RE TRYING AT THIS POINT TO SERVE A CERTAIN
10 JAMES PENDLETON, WHO IS ACTUALLY THE SECOND OF TWO ENTRIES
11 FOLLOWING HIS SPOUSE PRESUMABLY, ADREA PENDLETON, WHO IS
12 THE FIRST OF ENTRIES OF LOCKED GATE PEOPLE.

13 AND WITHOUT ANY SUGGESTION OF EVADING PROCESS,
14 HE TELLS US ON THREE DIFFERENT VISITS, NO ACCESS TO THIS
15 PROPERTY. THEREFORE NO ABILITY TO SERVE JAMES PENDLETON.
16 THAT'S ALL PROBABLY ENOUGH TO DEMONSTRATE THAT JAMES
17 PENDLETON DOES LIVE IN SUCH A CIRCUMSTANCE. IT PROBABLY
18 EVEN SPEAKS TO THE CIRCUMSTANCES OF ANDREA PENDLETON AT
19 THE SAME ADDRESS, BUT HERE IT IS TOTALLY OUT OF ORDER.

20 THEN THE NEXT ENTRY THAT WE GET IN MS. CROCK'S
21 DECLARATION REFERS TO A JOHANNA COLLINS, WHICH TAKES ME
22 BACK TO THE NEXT ENTRY IN THE EVADING LIST WITH AN ADDRESS
23 ON WHITTIER STREET IN VENTURA, CALIFORNIA. AND HERE WE'LL
24 HAVE SIX VISITS, NO ACTIVITY MOST OF THE TIME. BUT ON THE
25 SECOND OF SIX VISITS THERE IS A HONDA IN THE DRIVEWAY. SO
26 IS THAT ENOUGH?

27 MR. PISANO: IT IS A LOT OF TRIPS OUT THERE,
28 YOUR HONOR. I MEAN --

1 THE COURT: BUT YOU HAVEN'T HAD TO SUBSERVE HER.
2 SO I GUESS FOR SUBSERVICE YOU'VE GOT TO FIND SOMEBODY WHO
3 ISN'T NAMED JOHANNA COLLINS AND LEAVE IT WITH THE
4 ALTERNATIVE. AND IF YOU FIND NOBODY, YOU CAN'T SUBSERVE.

5 MR. PISANO: RIGHT. SOMEONE HAS GOT TO COME TO
6 THE DOOR.

7 THE COURT: IN ORDER TO SUBSERVE.

8 MR. PISANO: RIGHT.

9 THE COURT: IT IS A LOT OF TRIPS. I CAN
10 PROBABLY LIVE WITH THAT TO BE HONEST GIVEN THE
11 CIRCUMSTANCES, BUT I THINK SOMEBODY IN YOUR OFFICE HAS GOT
12 TO LOOK AT THIS MORE CAREFULLY THAN YOU DID BEFORE YOU
13 BROUGHT IT IN JUNE 19 BECAUSE YOU'VE GOT THE BAD MIXED IN
14 WITH THE GOOD, AND THAT DILUTES THE GOOD.

15 MR. PISANO: AND I AGREE, YOUR HONOR. AND I
16 TAKE RESPONSIBILITY FOR THAT, AND I APOLOGIZE TO THE
17 COURT.

18 THE COURT: SO BASICALLY I READ A FEW MORE OF
19 THEM. THEY JUMP AROUND. MATIA. SEE, WE DON'T GET
20 ANYTHING FOR LAWRENCE CLEVINSON NEXT. INSTEAD WE'RE GOING
21 TO -- AFTER WE'VE DEALT WITH MS. COLLINS, WE JUMP TO
22 ATTEMPTS AT SERVING LYNN T. ANDREW. THAT'S NO. 19 ON YOUR
23 EVADING LIST. SO IT'S WAY OUT OF ORDER.

24 AND WE'LL FIND SOME MORE ENTRIES, BUT BASICALLY
25 SPEAKING YOU'VE GOT TO GIVE IT TO ME NOW IN THE ORDER THAT
26 IT MATCHES EXHIBIT A. I THINK IF YOU PICK UP A FEW EXTRA
27 DECLARATIONS OF DILIGENCE BEFORE YOU RESUBMIT IT, FEEL
28 FREE TO ADD THEM.

1 BUT AGAIN, I NEED A BOX SCORE OF THE ONES YOU
2 THINK ARE BONA FIDE -- OF COURSE, IT TAKES SOMETHING ELSE
3 TO PROVE A LOCKED HOUSE RATHER THAN EVADING. BUT IF YOU
4 THINK IT'S GOOD ENOUGH FOR EVADING, YOU DON'T NEED TO SKIP
5 TRACE FOR A NEW ADDRESS, SO BE IT. BUT I WANT A BOX SCORE
6 AGAIN WHERE SHE RECAPTURES THIS SWORN STATEMENT OR YOU AS
7 AN ADVOCATE RECAP SOME KIND OF SUPPLEMENTAL MEMO ON
8 PLEADING PAPER THE ONES YOU THINK WORK AND THE ONES THAT
9 DON'T. AND OBVIOUSLY IF YOU CONCEDE SOME DON'T WORK, THEN
10 YOU'RE GOING TO HAVE TO FIGURE OUT WHAT SKIP TRACING
11 YOU'RE GOING TO DO BEFORE YOU TELL ME IT'S GOOD ENOUGH.

12 SO WITH THAT, I AM BASICALLY GOING TO JUST TRAIL
13 TODAY'S ORDER TO SHOW CAUSE WITHOUT RESCINDING THE EARLIER
14 ORDER THAT'S SET US FOR TODAY, BUT I'M NOT GOING TO ISSUE
15 ANYTHING ON THE ORDER TO SHOW CAUSE UNTIL I GET THIS
16 CORRECTED STUFF FROM YOU.

17 I'M BACK FROM BEING GONE FOR A WEEK. THIS IS
18 GOING TO BE QUITE A BIT OF WORK FOR YOU AND MS. PROCK. I
19 STAND READY TO ENTERTAIN YOUR REQUEST AS SOON AS YOU WANT
20 TO PRESENT IT. THE ONLY DAY I'M DARK IN THE NEXT SEVERAL
21 WEEKS IS FRIDAY, JULY 9. OTHERWISE YOU CAN COME BACK AND
22 WE CAN RESET THIS. I WOULD LIKE TO SEE YOUR CORRECTED
23 PAPERWORK TWO COURT DAYS BEFORE WE TALK AGAIN SO I CAN
24 PLAY PROOFREADER.

25 AND I CAN BE A REAL NITPICKY PROOFREADER IF YOU
26 DIDN'T CATCH THE POINT ALREADY. YOU DON'T GET THROUGH
27 BOARDING SCHOOL, IVY LEAGUE AND COLUMBIA LAW ON THE LAW
28 REVIEW AND EQUITY PARTNER OF A BIG FIRM WITHOUT HAVING THE

1 ABILITY TO BE QUITE PICKY, AND I CAN BE QUITE PICKY, AND I
2 AM GOING TO BE PICKY ON THIS.

3 MR. PISANO: I APPRECIATE THAT, YOUR HONOR, AND
4 WE'RE GOING TO GET THE CORRECTED PAPERWORK IN IMMEDIATELY.

5 THE COURT: BUT START WITH THE DILIGENCE AND
6 THINK ABOUT THAT. FRANKLY, IF THE DILIGENCE ISN'T RIGHT
7 FOR SOME OF THESE PEOPLE, YOU'RE GOING TO HAVE TO FALL
8 BACK, REGROUP, FIGURE OUT WHAT FIELD WORK YOU'VE GOT TO
9 DO.

10 FOR THE ONES THAT ARE CLEAN, OKAY, MARCH FORWARD
11 AND THEN FIGURE OUT WHETHER OR NOT UPS OR FEDEX ALLEGEDLY
12 REACHED THESE PEOPLE, BECAUSE MY WHOLE POINT IS WHEN YOU
13 PROVE WHY THERE'S A BONA FIDES TO DO THE WORK AROUND THE
14 PUBLICATION, THE ONE THING I WANT TO HAVE SOME CONFIDENCE
15 IN IS AFTER YOU COULDN'T COMMUNICATE WHATEVER THEIR
16 ATTRIBUTES WERE OF EVADING OR LOCKED GATE OR BEING DEAD,
17 THAT THROUGH A THIRD-PARTY DELIVERY SERVICE WOULD CONFIRM
18 DELIVERY THAT WE HAVE SOME CONFIDENCE THAT THE MESSAGE GOT
19 THROUGH, EVEN THOUGH THEY DIDN'T WANT TO ACKNOWLEDGE THAT
20 YOU SENT YOUR MESSAGE SUCCESSFULLY.

21 ONCE THAT OCCURS, I'M QUITE COMFORTABLE ORDERING
22 PUBLICATION FROM A DUE PROCESS POINT OF VIEW AS TO THAT
23 SPECIFIC CROSS-DEFENDANT.

24 MR. PISANO: I APPRECIATE THAT, YOUR HONOR.

25 THE COURT: OKAY?

26 MR. PISANO: WE WILL GET THIS CLEANED UP.

27 THE COURT: SO DO YOU HAVE A SENSE OF HOW SOON
28 YOU WANT TO COME BACK? DO YOU WANT ME TO LEAVE IT IN

1 ABEYANCE UNTIL YOU TALK TO MS. PROCK AND OTHERS?

2 MR. PISANO: WHY DON'T WE LEAVE IT IN ABEYANCE.
3 WE ARE GOING TO BE BACK HERE ON THE 6TH.

4 THE COURT: OF JULY?

5 MR. PISANO: OF JULY.

6 THE COURT: WHY DON'T I JUST TRAIL IT TO THE 6TH
7 OF JULY FOR TRACKING PURPOSES, AND IF YOU'RE READY TO
8 PRESENT PAPER IN ADVANCE OF THAT, WONDERFUL. IF IT TAKES
9 MORE TIME, SO BE IT.

10 MR. PISANO: IT SHOULDN'T TAKE MORE THAN THE
11 6TH, ALTHOUGH WE WILL GO THROUGH EACH ONE WITH A
12 FINE-TOOTH COMB, AND IF IT APPEARS AS THOUGH MORE
13 DILIGENCE IS NEEDED FOR CROSS-DEFENDANT X, Y, AND Z, WE'LL
14 TAKE THEM OUT AND PRESENT EVERYONE BUT THEM AND THEN COME
15 BACK ON X, Y, AND Z.

16 THE COURT: SO, MR. SANCHEZ, WE NEED TO ADD IN
17 OUTLOOK THIS EVENT FOR NEXT TUESDAY AT 2:00 P.M., WHICH IS
18 NOT IN OUTLOOK FOR FURTHER STATUS CONFERENCE, BUT WE WILL
19 OTHERWISE TRAIL TODAY'S OSC TO JULY 6 AT 2:00 P.M.
20 CONCURRENT WITH THE FURTHER STATUS CONFERENCE WITH THE
21 CROSS-COMPLAINT TO GIVE NOTICE.

22 ANYTHING ELSE I CAN HELP YOU WITH TODAY,
23 MR. PAISANO?

24 MR. PISANO: NOTHING, YOUR HONOR.

25 THE COURT: ANYONE ELSE JOINING US VIA
26 LACOURTCONNECT WISH TO BE HEARD TODAY IN REGARD TO
27 ANYTHING IN REGARD TO THE CHANNELKEEPERS CASE?

28 HEARING NOTHING, COURT IS IN RECESS. YOU'RE

1 FREE TO GO. BYE.

2 MR. PISANO: THANK YOU, YOUR HONOR.

3
4 (AT 11:17 A.M. THE PROCEEDINGS WERE
5 ADJOURNED.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT 10 HON. WILLIAM F. HIGHBERGER, JUDGE

SANTA BARBARA CHANNELKEEPER, A)
CALIFORNIA NON-PROFIT CORPORATION,)
) CASE NO. 19STCP01176
)
) PETITIONER,)
)
) REPORTER'S
) VS.) CERTIFICATE
)
) STATE WATER RESOURCES CONTROL)
) BOARD ETC., ET AL.,)
)
) RESPONDENTS.)
)
)
)
) AND RELATED CROSS-ACTIONS.)
)
)

I, DEBORAH MORIN, CSR NO. 11558, OFFICIAL
REPORTER PRO TEMPORE OF THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY
CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 15, COMPRISE A
FULL, TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS AND
TESTIMONY TAKEN IN THE ABOVE-ENTITLED CAUSE ON JUNE 30,
2021.

DATED THIS 2ND DAY OF JULY, 2021.



, CSR NO. 11558

DEBORAH MORIN, OFFICIAL REPORTER

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