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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER, a  
California non-profit corporation,

Petitioner,

v.

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

Respondents.

CITY OF SAN BUENAVENTURA, etc.,

Cross-Complainant,

v.

DUNCAN ABBOTT, an individual, et al.,

Cross-Defendants.

Case No. 19STCP01176

Judge: Hon. William F. Highberger

STATUS CONFERENCE REPORT

Date: June 21, 2021

Time: 1:30 p.m.

Dept: SS10

Action Filed: Sept. 19, 2014

Trial Date: Not Set

STATUS CONFERENCE REPORT

Defendant and Cross-Complainant City of San Buenaventura (City) submits this Status Conference Report (Report) in advance of the Status Conference scheduled for June 21, 2021 at 1:30 p.m. In accordance with the Court's discussion at the May 10, 2021 Status Conference, the City has made a good faith effort to solicit input from interested parties prior to submission of this Report. Specifically, counsel for the City sent a draft of this Report via email to all counsel of record and to all appearing parties for which the City has an email address on June 4, 2021 and invited input. The City received comments from the State Water Resources Control Board, Department of Fish and Wildlife, and the Department of Parks and Recreation (State Agencies) regarding Section 4, Initial Disclosures, below. The City understands that some parties may submit their own Status Conference Reports.

1. ORDER TO SHOW CAUSE REGARDING SERVICE BY PUBLICATION

The Court set an Order to Show Cause (OSC) hearing regarding service by publication of the summons for the June 21, 2021 Status Conference. In advance of the June 21, 2021 Status Conference, and consistent with the discussion with the Court at the May Status Conference, on May 19, 2021, City sent Notice and Acknowledgment of Receipt forms with complete service packets of the Third Amended Cross-Complaint (Cross-Complaint) to 77 unserved Roe Cross-Defendants. Twenty signed Acknowledgments of Receipt have been received. On June 2, 2021 the City sent an additional 15 Notices and Acknowledgment of Receipt with complete service packets for newly discovered gated/fenced Roe Cross-Defendants. The total request for publication of this group is 92. The City will file the Notice of OSC, a declaration in support of the OSC, and a [Proposed] Order for Publication on or before June 16, 2021.

The City is preparing a third *ex parte* request regarding service by publication and will be asking the Court to schedule an OSC for June 30, 2021 to allow the City to serve any remaining unserved Cross-Defendants and Roe Cross-Defendants. This application will be made *ex parte* prior to the June 21, 2021 Status Conference and will include Cross-Defendants evading service,

1 Cross-Defendants located behind gates upon whom service was recently attempted at new  
2 addresses, and/or Cross-Defendants that, despite diligent efforts, remain unserved at the tax  
3 assessor mailing or physical addresses. As explained below, at this time, the City anticipates that  
4 this final group will consist of approximately 100 Cross-Defendants. This final action would  
5 complete the service of process on all Cross-Defendants in early July.

6  
7 2. UPDATE RE SERVICE OF THE THIRD AMENDED CROSS-COMPLAINT

8 The City diligently continues to work to complete service of the Cross-Complaint on all  
9 named Cross-Defendants, including newly added Roes. The City continues to make substantial  
10 progress on these efforts and expects to complete service by early July.

11 Cross-Defendants that do not timely return the acknowledgment of receipt will be served  
12 via publication, if the Court so orders. The City successfully served 12 additional Cross-  
13 Defendants in May and early June and continues its efforts to serve the remaining 42 that are not  
14 located behind gates and fences. Summary tables are provided below. The City will continue to  
15 attempt to locate and serve these un-served Cross-Defendants, including by conducting targeted  
16 outreach and phone calls to and additional researching and tracking of un-served Cross-  
17 Defendants.

18

Total Cross-Defendants	2,596
Served Cross-Defendants	2,510
NAK and Publication	45
Unserved Cross-Defendants	41

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23  
24 Known details regarding categories of un-served Cross-Defendants are summarized in the  
25 table below.

26 ///

27 ///

Located behind locked gates/fences (will publish in the <i>Ventura County Star</i> on June 5, 12, 19, and 26, 2021)	43
Evading service or re-attempts to be made by process servers; to be published in late June if further attempts are unsuccessful	22
Deceased with no known successors/Vacant properties to be attempted at mailing address from tax assessor records one more time and then request to publish	14
To be dismissed	2

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

Total Roe Cross-Defendants – Amendment Nos. 2-5 (Roes 2-417)	415
Served Roe Cross-Defendants	270
Unserved Roe Cross-Defendants	139

Known details regarding categories of the 139 un-served Roe Cross-Defendants are summarized in the table below. After exhausting service efforts, City will seek permission to serve via publication the Roe Cross-Defendants that are located behind gates and fences, as well as those who are evading service, through the process described in section 1, or as otherwise ordered by the Court.

Located behind locked gates/fences	72
Evading service attempts or reattempts to be made by process servers	64
Deceased	2
Sold property; new owner to be added as Roe	1

1 To allow the City to complete service on these few remaining Cross-Defendants and to  
2 file proofs of service, the City will also be submitting an *ex parte* request to extend through  
3 August 5, 2021 the deadline to file remaining proofs of service, including the proof of publication  
4 on the three proposed requested publications of summons.

5  
6 3. CHANNELKEEPER NOTICE OF DISMISSAL

7 Per the Court's request, the City is working with Santa Barbara Channelkeeper  
8 (Channelkeeper) to prepare a stipulation and order regarding the dismissal of Channelkeeper's  
9 action against the City. The City anticipates that the parties will be able to finalize terms and file  
10 the stipulation and proposed order with the Court soon.

11  
12 4. INITIAL DISCLOSURES

13 Certain Cross-Defendants who have signed stipulations to the physical solution have  
14 inquired whether they are obligated to provide Initial Disclosures. The City has advised the  
15 parties of the Court's June 1, 2021 deadline to provide Initial Disclosures for all those who have  
16 answered by March 1, 2021. The City contends that parties who have stipulated to the proposed  
17 physical solution or who have stipulated to the proposed physical solution in lieu of filing an  
18 answer should be excused from preparing and providing Initial Disclosures at this time. These  
19 parties have stipulated to the proposed physical solution in order to minimize their participation in  
20 the case and will ultimately be required to provide their pumping information, if any, to the  
21 Management Committee, an arm of the Court, appointed by the Court, to be established by the  
22 proposed physical solution. The State Agencies are concerned that excusing stipulating parties  
23 from providing Initial Disclosures is inconsistent with the Court's previous discussion on this  
24 issue. The City requests Court guidance on this issue, including, if deemed necessary, an order  
25 excusing stipulating parties from providing Initial Disclosures at this time.

26 In addition, the City has received several requests for additional time to serve Initial  
27 Disclosures. The City does not object to requests for reasonable extensions, but because the  
28 Court has established the date for Initial Disclosures, the City has encouraged interested parties to

1 file a stipulation and proposed order with the Court regarding their request for additional time,  
2 and several parties have submitted such stipulations to the Court.

3  
4 5. CONCLUSION AND SUMMARY OF REQUESTS

5 This Report focuses on issues that are not otherwise addressed in the two pending motions  
6 scheduled to be heard on June 21, 2021 concurrently with the Status Conference. The City will  
7 address the discovery and trial setting issues raised in response to the motion to bifurcate in its  
8 reply brief and will be prepared to discuss those issues with the Court and the parties on June 21.  
9 With respect to the issues raised in this Report, the City respectfully requests that the Court  
10 consider taking the following actions at the June 21, 2021 Status Conference:

- 11 • Grant the City's application for an order to serve via publication the 92 unserved  
12 Roe Cross-Defendants located behind locked gates.
- 13 • If deemed necessary, order that stipulating parties be excused from providing  
14 Initial Disclosures at this time.

15 Dated: June 14, 2021

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17  
18 By: 

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25 CITY OF SAN BUENAVENTURA

26 Dated: June 14, 2021

HERUM CRABTREE SUNTAG

27 By: /s/ Jeanne Zolezzi

28 JEANNE ZOLEZZI  
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I am a resident of the State of California and over the age of eighteen years, and not a party to the action herein; my business address is Best Best & Krieger LLP, 2001 N. Main Street, Suite 390, Walnut Creek, CA 94596. On June 14, 2021, I served the following document(s):

**STATUS CONFERENCE REPORT**

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

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Executed on June 14, 2021 at Walnut Creek, California

  
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