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15 AERA ENERGY LLC

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 COUNTY OF LOS ANGELES

18 SANTA BARBARA CHANNELKEEPER,  
19 a California non-profit corporation,

20 Petitioner,

21 v.

22 STATE WATER RESOURCES CONTROL  
23 BOARD, et al.,

24 Respondents.

25 CITY OF SAN BUENAVENTURA, et al.,

26 Cross-Complainant,

27 v.

28 DUNCAN ABBOTT, an individual, et al.,

Cross-Defendants.

Case No. 19STCP01176

**CROSS-DEFENDANT AERA ENERGY  
LLC'S NOTICE REGARDING  
PARTICIPATION IN PHASE 1 TRIAL**

Judge: Hon. William F. Highberger  
Dept.: 10

Action filed: Sept. 19, 2014  
Trial Date (Phase 1): Feb. 14, 2022

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Cross-Defendant Aera Energy LLC (“Aera”) does not  
3 anticipate participating in the Phase 1 trial in the above-captioned case. On November 23, 2021,  
4 the Court directed Cross-Complainant City of San Buenaventura (“City”) to file and serve notice  
5 of an order to show cause hearing for December 9, 2021, as to why the Court should not issue an  
6 order establishing (1) the boundaries of the Ventura River Watershed, as defined by the U.S.  
7 Geological Survey National Hydrography Dataset and Watershed Boundary Dataset; and (2) the  
8 boundaries of the Watershed’s four groundwater basins, as defined by the California’s  
9 Department of Water Resources (DWR) in Bulletin 118, in advance of the Phase 1 Trial (the  
10 “Notice”). On November 23, 2021, the City filed and served the Notice with a proposed Order  
11 Establishing Watershed and Basin Boundaries (the “Proposed Order”). The Notice and the  
12 Proposed Order provide, in part, that “[t]he Court is expressly reserving issues raised by Cross-  
13 Defendant Aera Energy LLC regarding the connectivity of the Lower Ventura Basin with  
14 geologic formations employed for oil and gas-related operations and the ‘exempt aquifer’ below  
15 the Lower Ventura Basin as defined by the California Department of Conservation Geologic  
16 Energy Management Division and the U.S. Environmental Protection Agency under the federal  
17 Safe Drinking Water Act. Such questions shall be reserved for future phases of the trial, if not  
18 otherwise addressed by stipulation of the parties.”<sup>1</sup> Notice, fn 5; Proposed Order, fn 1.

19 Accordingly, if the Proposed Order is entered by the Court, Aera does not anticipate participating  
20 in the Phase 1 Trial. However, in the event that the Proposed Order is not entered, Aera intends  
21 to participate in the Phase 1 trial if a similar stipulation is not otherwise reached.

22 Dated: December 2, 2021

MANATT, PHELPS & PHILLIPS, LLP

23 By: \_\_\_\_\_

24 Peter Duchesneau  
25 Sigrid R. Waggener  
26 Attorneys for Cross-Defendant  
27 AERA ENERGY LLC

28 <sup>1</sup> The Proposed Order further provides that “[t]he Court is only making a determination as to the lateral boundaries of the groundwater basins as defined in Bulletin 118 and is not making any specific determination as to the definition in Bulletin 118 regarding the depth or definable bottom, if any, of the Lower Ventura Basin.” *Id.*