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Attorneys for Bob Andren; Loa E. Bliss and David A. Gilbert, Trustees of The Loa E. Bliss 2006 Revocable Trust; DeWayne Boccali; Emily V. Brown; Carty Ojai LLC; Steven Norman Feig and Maria Olympia Feig, Trustees of the Steve and Maria Feig Living Trust; Rosanna Garrison; Gregg Garrison; Richard Gilleland; Alex Glasscock; Brandon Hansen; C.B. Heller and Miranda Heller, Trustees of the Heller Family Trust; Michael L. Rockhold, Trustee of The Michael Rockhold Trust; Linn Thompson; Bre Thompson; SISAR Mutual Water Company; and Denise Wizman, Trustee of the Denise Wizman Revocable Trust.

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

DECLARATION OF GREGG SCOTT  
GARRISON RE EX PARTE TO CONTINUE  
TRIAL DATE

Action Filed: Sept. 19, 2014  
Trial Date: Feb. 14, 2022  
Hearing: January 18, 2022  
Time: 1:30 PM  
Dept.: 10

DECLARATION OF GREGG SCOTT GARRISON RE EX PARTE TO CONTINUE  
TRIAL DATE

1 DECLARATION OF GREGG SCOTT GARRISON RE EX PARTE TO CONTINUE  
2 TRIAL DATE

3 I, GREGG SCOTT GARRISON, declare as follows:  
4

5 1. I am an attorney duly admitted to practice law before the courts of the State  
6 of California and the attorney of record for the Cross-Defendants in the above-captioned  
7 action entitled SANTA BARBARA CHANNELKEEPER v. STATE WATER  
8 RESOURCES CONTROL BOARD now pending before the County of Los Angeles  
9 County Superior Court, as case number 19STCP01176.

10 2. I have personal firsthand knowledge of the facts set forth herein and if called  
11 as a witness I could and would testify competently to the truth of the facts set forth in this  
12 declaration.  
13

14 3. I make this declaration regarding BBK's discovery delays, withholding and  
15 discovery, and not producing Court-ordered documents following Court Hearings and  
16 December 9 and 13, 2021. On December 13, 2021, BBK promised the Judge that BBK will  
17 provide to the counsel and parties two sets of three maps.

18 4. BBK has failed as of January 13, 2022, two sets of three maps reflecting the  
19 Ventura Rover Watershed Basins: (1) Appearing Cross Defendants and (2) Defaulted  
20 Parties.  
21

22 5. The Court ordered BBK to produce the updated maps (three) — based on  
23 proximity to the basins in the two Watersheds (VRW and SCRW) — of all *Appearing*  
24 *Parties* from the outdated August 13, 2021, maps.

25 6. The Court ordered BBK to produce the updated maps (three) — based on  
26 proximity to the five basins in the two Watersheds (VRW and SCRW) — of all the  
27 *Defaulted Parties*.  
28

1           6.     I met and conferred via GLC email dated December 9, 2021, to Chris Pisano,  
2 Shawn Haggerty and Sarah Foley of BBK and the Court Hearing on December 9, 2021.

3           7.     I met and conferred via Zoom conference with Chris Pisano, Shawn  
4 Haggerty and Sarah Foley of BBK on December 13, 2021, and Court Hearing on December  
5 13, 2021.

6           8.     I met and conferred via email dated December 17, 2021, to Chris Pisano,  
7 Shawn Haggerty and Sarah Foley of BBK and voice mail to Shawn Haggerty on December  
8 17, 2021.

9           9.     All discovery and motion dates should be calculated from the new trial date  
10 as if it were the original trial date. This is standard.

11           10.    BBK has unclean hands in this cascade of discovery disputes. BBK *withheld*  
12 *the state model and related data that is relied upon by their experts from Cross-Defendants.*

13           11.    This is the cause and reason that compels the need for a trial continuance.  
14 Cross-defendants are not the cause of this need to delay trial.

15           12.    Because of BBK's unclean hands, it has forfeited its right to dictate  
16 discovery conditions or demand specific trial dates. It is BBK's unreasonable refusal to  
17 produce the state model and the two sets of three maps that led to the need to continue the  
18 trial. BBK's conduct is arguably sanctionable and they are liable for any increased costs  
19 incurred by Cross-Defendants because of their misdeeds. BBK forfeits their right to control  
20 dates because the trial continuance is compelled by their malfeasance.

21           13.    BBK's withholding of discovery was and remains their litigation tactic. This  
22 conduct falls below the standard for an officer of the court. Now BBK must face the  
23 consequences of first withholding then producing the discovery late and continuing to  
24 withhold two sets of three maps.

1           14.     The withholding of the model by COV and its counsel is a calculated  
2 litigation strategy to shorten experts for the cross-defendants review and preparation time  
3 and thereby gain an unfair litigation and trial advantage.  
4

5           15. BBK's strategy has backfired resulting in the COV losing its right to control the  
6 trial date due to its unclean hands and arguably sanctionable discovery tactics and abuse of  
7 process. I support the ex-parte compelled by COV's misconduct.

8           I declare under penalty of perjury under the laws of the State of California that the  
9 foregoing is true and correct, and that this declaration is executed on December 19, 2021, at  
10 Ojai, California.  
11

12  
13 Dated: January 13, 2022

  
Gregg Scott Garrison