|  |  |
| --- | --- |
| SHAWN HAGERTY, Bar No. 182435  shawn.hagerty@bbklaw.com  BEST BEST & KRIEGER LLP  655 West Broadway, 15th Floor  San Diego, California 92101  Telephone: (619) 525-1300  Facsimile: (619) 233-6118  CHRISTOPHER M. PISANO, Bar No. 192831  christopher.pisano@bbklaw.com SARAH CHRISTOPHER FOLEY, Bar No. 277223  sarah.foley@bbklaw.com  PATRICK D. SKAHAN, Bar No. 286140  patrick.skahan@bbklaw.com  Best Best & Krieger LLP  300 South Grand Avenue, 25th Floor  Los Angeles, California 90071  Telephone: (213) 617-8100  Facsimile: (213) 617-7480  Attorneys for Respondent and Cross-Complainant  CITY OF SAN BUENAVENTURA |  |

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. | Case No. 19STCP01176  Judge: Honorable William F. Highberger  **Filing Fee: $20.00 Pursuant to Notice of Ruling filed November 24, 2020**  STIPULATION FOR ENTRY OF PHYSICAL SOLUTION AND JUDGMENT; [PROPOSED] ORDER  Action Filed: Sept. 19, 2014  Trial Date: Not Set  APN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  CROSS-DEFENDANTS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| CITY OF SAN BUENAVENTURA, etc.,  Cross-Complainant  v.  DUNCAN ABBOTT, an individual, et al.  Cross-Defendants. |

Cross-Complainant City of San Buenaventura (“City”) and Cross-Defendants, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Cross-Defendants”) (City and Cross-Defendants are collectively referred to herein as the “Parties”), hereby stipulate as follows:

1. RECITALS
2. On September 19, 2014, Plaintiff Santa Barbara Channelkeeper (“Channelkeeper”) filed a Complaint and Petition for Declaratory Relief and a Writ of Mandate (“Complaint”) pursuant to Code of Civil Procedure section 1085 in the County of San Francisco Superior Court (Case No. CPF-14-513875) against the City and Respondent State Water Resources Control Board. The action is now pending in the Superior Court for Los Angeles County before the Honorable William F. Highberger.
3. On January 2, 2020, the City filed its operative Third Amended Cross-Complaint in this action (“Amended Cross-Complaint”) commencing a comprehensive adjudication of the Ventura River Watershed, including its four groundwater basins, the Lower Ventura River Basin, the Upper Ventura River Basin, the Ojai Valley Basin and the Upper Ojai Valley Basin (“Basins”), (the “Ventura River Watershed Adjudication”).
4. On or about November 21, 2019, the Court granted the City’s motion to approve a notice of adjudication and form answer pursuant to Code of Civil Procedure section 836. Pursuant to the Court’s November 21, 2019 order, the City has served or will serve a summons on all named cross-defendants owning approximately 1,750 riparian parcels and has provided or will provide notices to the owners of approximately 10,000 parcels overlying the Basins. The City has provided or will provide notice of this action to all property owners who were not otherwise named parties to this action and who own property overlying the Basins in accordance with Code of Civil Procedure section 836.
5. On September 15, 2020, the City and Cross-Defendants Ventura River Water District, Meiners Oaks Water District, Rancho Matilija Mutual Water Company, and the Wood-Claeyssens Foundation (the “Proposing Parties”) filed a Notice of Dissemination of Proposed Physical Solution and Judgment for the Ventura River Watershed.
6. On May 17, 2021, the City and other parties filed a Notice of Dissemination of Proposed Physical Solution and Judgment for the Ventura River watershed. The Proposed Stipulated Physical Solution and Judgment (the “Physical Solution”) is conditioned on further proceedings that will result in the Physical Solution becoming binding in this action. The Physical Solution is incorporated by reference herein.
7. In lieu of filing an answer or other responsive pleading to the Amended Cross-Complaint, Cross-Defendants intend to stipulate to, support, and be bound by the Physical Solution, subject to Court approval of the Physical Solution, or any modified version thereof, and entry of a final judgment. Cross-Defendants have the right to withdraw their support for the Physical Solution, if Cross-Defendants object to any modifications thereto, up until the time that the City submits the final proposed Physical Solution to the Court for approval, by delivering a notice of withdrawing support to the City.
8. The Parties expect and intend that this Stipulation and attached order shall be incorporated into the final judgment entered in this matter and that the Court will retain jurisdiction in the action.
9. TERMS

IT IS HEREBY STIPULATED that:

1. Cross-Defendants are named in the Amended Cross-Complaint as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Cross-Defendants acknowledge receipt of process of the City’s Amended Cross-Complaint. Cross-Defendants agree to, and hereby does, submit themselves to the jurisdiction of this Court in all matters involving the Ventura River Watershed Adjudication.
2. Cross-Defendants own one or more parcels of real property located in Ventura County with the assessor parcel number(s) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the “Property”). Cross-Defendants’ Property is adjoining or abutting the waters of the Ventura River and/or its tributaries, whether flowing on the surface or underground in a known and defined channel, and/or is overlying one or more of the Basins.
3. In lieu of filing an answer or other responsive pleading to the Amended Cross-Complaint, Cross-Defendants agree to be, and is, bound by the Physical Solution, and support the Physical Solution, subject to Court approval of the Physical Solution, or any modified version thereof, and entry of a final judgment. Cross-Defendants have the right to withdraw their support for the Physical Solution, if Cross-Defendants object to any modifications thereto, up until the time that the City submits the final proposed Physical Solution to the Court for approval, by delivering a notice of withdrawing support to the City.
4. Judgment may be entered against Cross-Defendants in lieu of Cross-Defendants filing an answer or other responsive pleading.
5. Cross-Defendants acknowledge that in signing this Stipulation, Cross-Defendants are responsible for the accuracy of its content. Consequently, Cross-Defendants acknowledge that in lieu of filing an answer or other responsive pleading to the Amended Cross-Complaint, Cross-Defendants shall nevertheless be bound by the results of this litigation, including the entry of a judgment and physical solution and shall be subject to the continuing jurisdiction of this Court to oversee the implementation of the judgment and physical solution entered herein and to resolve subsequent conflicts that may arise.
6. This Stipulation and attached order shall be incorporated into the final judgment entered in this matter.
7. This Stipulation shall bind and benefit the City and Cross-Defendants and shall be binding upon and benefit all their respective heirs, executors, administrators, successors, parent, subsidiary entities, and assigns.
8. This Stipulation constitutes the entire, complete and integrated agreement among the Parties, and supersedes all prior or contemporaneous undertakings of the Parties in connection herewith. This Stipulation may not be modified or amended except in writing executed by the Parties and approved by the Court. It shall be construed and interpreted to effectuate the intent of the Parties which is to provide, through this Stipulation, for a complete resolution of the relevant claims between the Parties on the terms provided in this Stipulation. Notwithstanding the foregoing, the Parties intend and agree that this Stipulation will later be incorporated into a Physical Solution, which is consistent with the terms of this Stipulation.
9. This Stipulation may be executed in counterpart originals, by facsimile, or by electronic signature, each of which shall be deemed to be an original, and all of which shall constitute one and the same document.
10. No fees and/or costs shall be awarded against Cross-Defendants in this action, and Cross-Defendants shall not seek an award of fees or costs from the City.

IT IS SO STIPULATED.

|  |  |
| --- | --- |
| Dated: June \_\_\_, 2021 | best Best & Krieger LLP  By:  SHAWN HAGERTY  CHRISTOPHER M. PISANO  SARAH CHRISTOPHER FOLEY  patrick d. skahan  Attorneys for Respondent and  Cross-Complainant  CITY OF SAN BUENAVENTURA |

|  |  |
| --- | --- |
| Dated: June \_\_, 2021 | By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Its:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

[Proposed] Order

Having read and considered the pleadings and the preceding Stipulation for entry of Physical Solution and Judgment (the “Stipulation”), by and between Cross-Complainant City of San Buenaventura (“City”) and Cross-Defendants \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Cross-Defendants”), and good cause appearing,

IT IS ORDERED:

1. Cross-Defendants are named in the Third Amended Cross-Complaint (“Amended Cross-Complaint”), filed by the City on January 2, 2020, as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Cross-Defendants have acknowledged receipt of the process of the City’s Amended Cross-Complaint. Cross-Defendants are subject to the jurisdiction of this Court in all matters involving the Ventura River Watershed Adjudication.
2. Cross-Defendants own one or more parcels of real property located in Ventura County with the assessor parcel number(s) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the “Property”). Cross-Defendants’ Property is adjoining or abutting the waters of the Ventura River and/or its tributaries, whether flowing on the surface or underground in a known and defined channel, and/or is overlying one or more of the Basins.
3. On September 15, 2020, the City and Cross-Defendants Ventura River Water District, Meiners Oaks Water District, Rancho Matilija Mutual Water Company, and the Wood-Claeyssens Foundation filed a Notice of Dissemination of Proposed Physical Solution and Judgment for the Ventura River watershed.
4. On May 17, 2021, the City and other parties filed a Notice of Dissemination of Proposed Physical Solution and Judgment for the Ventura River watershed. The Proposed Stipulated Physical Solution and Judgment (the “Physical Solution”) is conditioned on further proceedings that will result in the Physical Solution becoming binding in this action.
5. In lieu of filing an answer or other responsive pleading to the Amended Cross-Complaint, Cross-Defendants agree to be, and are, bound by the Physical Solution, and supports the Physical Solution, subject to Court approval of the Physical Solution, or any modified version thereof, and entry of a final judgment. Cross-Defendants have the right to withdraw their support for the Physical Solution, if Cross-Defendants object to any modifications thereto, up until the time that the City submits the final proposed Physical Solution to the Court for approval, by delivering a notice of withdrawing support to the City.
6. Judgment may be entered against Cross-Defendants in lieu of Cross-Defendants filing an answer or other responsive pleading.
7. This order and preceding Stipulation shall be incorporated into the final entered judgment in this matter.
8. The City and Cross-Defendants are bound and benefitted by the preceding Stipulation, which shall also bind and benefit all their respective heirs, executors, administrators, successors, parent, subsidiary entities, and assigns.
9. The Court shall retain jurisdiction over the City and Cross-Defendants to enforce the preceding Stipulation until there is full performance thereof.
10. No fees and/or costs shall be awarded against Cross-Defendants in this action, and Cross-Defendants shall not recover fees or costs from the City.

|  |  |
| --- | --- |
| Dated: | By:  The Honorable William F. Highberger  Judge of the Superior Court  County of Los Angeles |