

1 SHAWN HAGERTY, Bar No. 182435
shawn.hagerty@bbklaw.com
2 BEST BEST & KRIEGER LLP
655 West Broadway, 15th Floor
3 San Diego, California 92101
Telephone: (619) 525-1300
4 Facsimile: (619) 233-6118

Exempt From Filing Fees Pursuant to
Cal. Gov't Code § 6103

5 CHRISTOPHER M. PISANO, Bar No. 192831
christopher.pisano@bbklaw.com
6 SARAH CHRISTOPHER FOLEY, Bar No. 277223
sarah.foley@bbklaw.com
7 PATRICK D. SKAHAN, Bar No. 286140
patrick.skahan@bbklaw.com
8 BEST BEST & KRIEGER LLP
300 South Grand Avenue, 25th Floor
9 Los Angeles, California 90071
Telephone: (213) 617-8100
10 Facsimile: (213) 617-7480

11 Attorneys for Respondent and Cross-Complainant
12 CITY OF SAN BUENAVENTURA

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

15 SANTA BARBARA CHANNELKEEPER, a
16 California non-profit corporation,

Case No. 19STCP01176

17 Petitioner,

Judge: Honorable William F. Highberger

18 v.

AMENDED NOTICE OF RULING

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

Date: October 18, 2021

Time: 10:30 a.m.

Dept: SS10

21 Respondents.

Action Filed: September 19, 2014

Trial Date: February 14, 2022

22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.
27
28

1 AMENDED NOTICE OF RULING

2 On October 18, 2021, the parties appeared at a further status conference, the Honorable
3 William F. Highberger, Judge presiding. The parties stated their appearances on the record,
4 and/or they are reflected on LA Court Connect records. The Court ordered the City of Ventura
5 (City) to provide notice of the following orders and determinations:
6

- 7 1. The Court denied Cross-Defendant Claude Baggerly's motion for a court-
8 appointed scientific advisor, without prejudice.
9
- 10 2. The Court ordered the City of Ventura to meet and confer with the City of Ojai
11 and Casitas Municipal Water District to try to reach an agreement regarding the
12 phrasing of the five phase 1 trial issues, to reduce those issues to writing, and to
13 provide notice to all parties so they have the opportunity to object.
14
- 15 3. The Court set a status conference for November 2, 2021 at 2:00 p.m. for the
16 limited purpose of addressing any further adjustments to the deadline for expert
17 disclosures. The Judge ordered that the City and East Ojai Group file and serve a
18 joint status conference report on October 28, 2021 discussing this limited issue.
19
- 20 4. The Court ordered each party that has a position on the structure of phase 1 trial to
21 file and serve a brief no later than November 8, 2021 with suggested issues of fact
22 and law to be tried, in what sequence they should be tried, and whether any issues
23 can be addressed earlier than February 14, 2021.
24
- 25 5. The Court ordered that the date for exchange of supplemental expert disclosures,
26 including expert witness reports, be advanced from December 10, 2021 to
27 December 3, 2021. A revised discovery and pre-trial schedule for phase 1 trial is
28 attached hereto as Exhibit A.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. The Court set a status conference for November 15, 2021 from 1:30 p.m. until 4:30 p.m. The City shall file and serve a joint status report by November 8, 2021. Any unilateral status reports shall be filed and served by November 8, 2021.

Dated: November 4, 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

EXHIBIT A

**SANTA BARBARA CHANNELKEEPER V. SWRCB, CASE NO. 19STCP01176 -
REVISED DISCOVERY AND PRE-TRIAL SCHEDULE FOR PHASE 1 TRIAL**

DATE	
June 21, 2021	Discovery Stay is lifted for the issues to be tried in Phase 1 of Trial
August 31, 2021	City of Ventura's Expert Witness Disclosures, including Expert Witness Reports, pursuant to CCP § 843, due
September 24, 2021	Expert Witness Disclosures, including Expert Witness Reports, pursuant to CCP § 843, for State Water Resources Control Board, California Department of Fish and Wildlife, California State Parks, Casitas Municipal Water District, East Ojai Group, City of Ojai, and Proposing Parties (Ventura River Water District, Meiners Oaks Water District, Wood-Claeysens Foundation (Taylor Ranch), and Rancho Matilija Mutual Water Company) due Depositions of City experts cannot commence before this disclosure
October 15, 2021	Percipient Discovery Cut-Off Date All percipient discovery must be completed by this date
October 22, 2021	All Other Expert Witness Disclosures, including Expert Witness Reports, pursuant to CCP § 843, due
November 3, 2021	Deadline for any party to file a Motion for Summary Judgment or Summary Adjudication for phase 1 issues only
December 3, 2021	Date for exchange of Supplemental Expert Disclosures, including Expert Witness Reports, pursuant to CCP § 843 (advanced from original deadline of December 10, 2021)
January 14, 2022	Expert Deposition Cut-Off. All expert discovery must be completed by this date.
January 21, 2022	Pre-Trial Statements, Exhibit Lists, Witness Lists, Motions in Limine, and Trial Briefs are Due.
January 21, 2022 at 10:00 a.m.	Hearing date for all phase 1 Motions including Motions for Summary Judgment or Summary Adjudication (excludes Motions in Limine)
January 28, 2022	Responses to Motions in Limine are Due. Parties must exchange all exhibits.
February 2, 2022 at 10:00 a.m.	Final Status Conference, at 10:00 a.m. in Dept. SS10 Motions in Limine will be heard at the Final Status Conference.
February 14, 2022	Phase 1 Trial (First Day), at 10:00 a.m. in Dept. SS10 (10-15 day trial)