

1 RUTAN & TUCKER, LLP
Jeremy N. Jungreis (State Bar No. 256417)
2 jjungreis@rutan.com
Douglas J. Dennington (State Bar No. 173447)
3 ddennington@rutan.com
Travis Van Ligten (State Bar No. 301715)
4 tvanligten@rutan.com
18575 Jamboree Road, 9th Floor
5 Irvine, CA 92612
Telephone: 714-641-5100
6 Facsimile: 714-546-9035

*Exempt From Filing Fees Pursuant
to Government Code §6103*

7 Attorneys for Cross-Defendant
CASITAS MUNICIPAL WATER DISTRICT a California
8 special district

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES, DISTRICT

11 SANTA BARBARA CHANNELKEEPER, a
California non-profit corporation,

Case No. 19STCP01176

12 Petitioner,

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

13 vs.

14 STATE WATER RESOURCES CONTROL
15 BOARD, et. al.,

**DECLARATION OF CASITAS
MUNICIPAL WATER DISTRICT
GENERAL MANAGER MICHAEL FLOOD
IN SUPPORT OF JOINT EX PARTE
APPLICATION FOR AN ORDER TO
CONTINUE THE STAY SIX MONTHS TO
MARCH 30, 2023**

16 Respondents.

17 CITY OF SAN BUENA VENTURA, et. al.,

*[Filed concurrently with Ex Parte Application;
Declarations of Christopher M. Pisano, City
Councilmember Jim Friedman, James Vega, and
Gregory Patterson; [Proposed] Order]*

18 Cross-Complainant,

19 vs.

20 DUNCAN ABBOTT, an individual, et al.,

Date: September 28, 2022
Time: 9:00 a.m.
Dept.: 10

21 Cross-Defendants.

Date Action Filed: September 19, 2014
Trial Date: Not Set

1 DECLARATION OF MIKE FLOOD

2 I, Michael Flood, declare:

3 1. I am the General Manager of Casitas Municipal Water District. I have personal
4 knowledge of the facts set forth in this declaration, and if called as a witness, could competently
5 testify to all matters set forth herein.

6 2. I make this declaration in support of Cross Complainant City of Ventura (Ventura)
7 and Cross-Defendants Casitas Municipal Water District (Casitas), the City of Ojai (Ojai) and the
8 East Ojai Group’s (East Ojai Group) (collectively, Moving Parties) ex parte application for an
9 order from the Court continuing the stay in this action for six (6) months to March 30, 2023.

10 3. I have been appointed by the Casitas Board to serve on the Casitas Negotiating
11 Team in connection with the mediation in this matter.

12 4. In this role, I have attended four full-day mediation sessions with the mediator,
13 David Ceppos, and representatives of Ojai, Ventura and the East Ojai Group. Specifically, on May
14 17 and 18, 2022, I attended an initial two-day mediation session with the principals of Ventura,
15 Casitas, Ojai, and the East Ojai Group (also referred to as the Initial Mediation Parties). Mr.
16 Ceppos developed a plan for additional mediation sessions to occur in a structured fashion
17 throughout the stay period. Thereafter, on June 28 and 29, 2022, I attended an additional two-day
18 mediation session with the mediator and the Initial Mediation Parties.

19 5. In my role on the Casitas Negotiating Team, I have also participated in other
20 meetings with the mediator as requested.

21 6. I believe that the parties in the mediation are making good progress towards a
22 resolution of the issues presented in the litigation. The parties worked with the mediator and
23 prepared an Exempt Class Proposal that defines the basis to be classified as an Exempt Party,
24 while still ensuring that said parties remain under the Court’s jurisdiction and able to address
25 changed circumstances that may arise. While much additional work is required, the progress that is
26 being made suggests to me that additional mediation should be pursued.

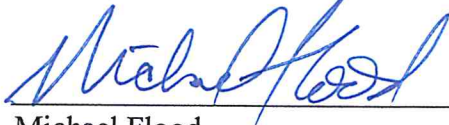
27 7. While significant progress has been made towards settlement, it will not be feasible

1 to complete the mediation by September 30, 2022.

2 8. Obtaining an additional six months from September 30, 2022 to March 30, 2023
3 should provide the parties with needed additional time to continue to make progress toward a
4 settlement.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct.

7 Executed this 14th day of September, 2022, at Oak View, California.

8 

9
10 Michael Flood
11 General Manager, Casitas MWD
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28