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Superior Court of California,
County of Los Angeles
3/20/2024 12:00 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By E. Thomas, Deputy Clerk

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

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES, DISTRICT

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

Case No. 19STCP01176

11 Petitioner,

Judge: Hon. William F. Highberger
Dept: 10

12 vs.

**CASITAS MUNICIPAL WATER DISTRICT
MEMORANDUM IN SUPPORT OF CITY
OF VENTURA'S REQUEST FOR AN
ORDER TO CONTINUE THE STAY**

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

15 Respondents.

Date: March 27, 2024
Time: 10:00 A.M.
Dept.: 10

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

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

17 Cross-Complainant,

18 vs.

19 DUNCAN ABBOTT, an individual, et al.,

20 Cross-Defendants.
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1 Cross-Defendant Casitas Municipal Water District (“Casitas”) respectfully submits this
2 Memorandum, and supporting Declaration of Casitas’ General Manager Michael Flood, in support
3 of the City of Ventura (“Ventura”) and other mediation parties’ responses to the Order to Show
4 Cause issued by the Court on March 13, 2024. Casitas urges the Court to overrule any objections
5 that may be filed in opposition to the mediation parties’ request to continue the existing stay for
6 one year. If granted, the requested stay would stay proceedings in this matter to March 31,
7 2025—thereby allowing Casitas, Ventura, and other parties currently participating in mediation to
8 finish the development of a physical solution and stipulated judgment that will, ideally, allow the
9 settlement and resolution of this case without the significant expense and drain on judicial
10 resources associated with a multi-phase trial.

11 Through structured mediation, the Parties to the Cross-Complaint are making slow but
12 meaningful progress towards the development of a physical solution and stipulated judgment for
13 presentation to the Court. Mediation has been a slow and difficult process because of the complex
14 technical issues involved in development of future management structures and the balancing of
15 consumptive and non-consumptive uses in the Ventura River Watershed (“Watershed”). This
16 already difficult multi-party process has been delayed for Casitas by operational challenges
17 associated with significant atmospheric river events that caused major flooding in Ventura County
18 in and around Casitas’ diversion facilities for a second year in a row. (Flood Decl. ¶¶ 5-8) The
19 structured mediation currently underway between the mediation parties, which now includes
20 representatives of the State of California (“State”), who will be joining the active mediation
21 process for the first time at Mediation Session 11 on April 15 and 16, 2024, continue to represent
22 the best and most efficient way to resolve the complex technical issues presented in this litigation.

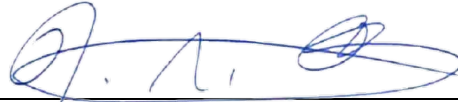
23 There is good cause, therefore, to continue the stay—as requested by the City of Ventura,
24 whose Memorandum of Points and Authorities Casitas hereby joins—to permit the structured
25 mediation to continue for a period of one additional year. Setting a trial date prematurely will only
26 have the effect of diverting the Parties’ resources and attention away from the mediation to
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1 prepare for a trial that nobody, except perhaps Santa Barbara Channelkeeper (“Channelkeeper”),¹
2 wants to take place. Casitas supports the Court’s potential imposition of interim milestones during
3 the requested stay in order to ensure that the one year period is put to good use and the mediation
4 parties remain diligent in their efforts to develop and submit a full and robust physical solution for
5 the Court’s consideration on or before March 31, 2025.

6 For the reasons stated herein, in the attached declaration of Michael Flood, attached hereto
7 and incorporated herein by reference, Casitas respectfully requests that the Court extend the stay
8 for all purposes to March 31, 2025 as requested for good cause by the City of Ventura, and that the
9 Court overrule any objections to the contrary submitted by Channelkeeper or other parties in the
10 litigation.

11 Dated: March 20, 2024

RUTAN & TUCKER, LLP
JEREMY N. JUNGREIS
DOUGLAS J. DENNINGTON

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14 By: 
15 _____
16 Jeremy N. Jungreis
17 Attorneys for Cross-Defendant
18 CASITAS MUNICIPAL WATER
19 DISTRICT, a California Special District
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27 _____
28 ¹ Casitas agrees with Ventura that Channelkeeper appears to have little to no legal basis for
objection to the continuation of the requested stay given the limited role Channelkeeper
voluntarily agreed to undertake in Channelkeeper’s 2019 settlement with the City of Ventura.

DECLARATION OF MICHAEL FLOOD

I, Michael Flood, declare:

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

2. I make this declaration in support of the City of Ventura’s request for a continuance of the current stay in this action, the Ventura River Adjudication Litigation (“Litigation”), for one additional year to March 31, 2025.

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

4. In this role, I have attended all mediation sessions held with the mediator, David Ceppos, and representatives of the cities of Ojai and Ventura and the East Ojai Group as well as representatives of the Ventura River Water District (VRWD), Meiners Oaks Water District (MOWD), the Wood-Clyaessens Foundation (Foundation), Rancho Matilija Mutual Water Company (Rancho Matilija) and the Ventura County Watershed Protection District (Watershed Protection District). I have also participated in meetings with other watershed stakeholders outside of formal mediation sessions regarding issues associated with a possible physical solution and settlement in the ongoing Litigation.

5. Specifically, since the last extension of the stay in September of 2023, I have attended Mediation Session 9 on December 5, 2023, and Mediation Session 10 on March 4, 2024. I also attended a half-day virtual mediation session with the mediation parties on March 18, 2024. In my role on the Casitas Negotiating Team, and in my capacity as General Manager of Casitas, I also participated in other meetings with the mediator as requested, initiated and oversaw numerous meetings with technical experts related to the components of a possible physical solution, and participated with other Ventura Watershed stakeholders to discuss a possible governance structure for future implementation of a physical solution, and the development of a management plan envisioned to benefit Steelhead and their habitat in the Ventura River Watershed (“Watershed”).

1 6. I believe that the parties in the mediation are making diligent and steady progress
2 towards a resolution of the issues presented in the stayed Litigation. The Court should be aware
3 that recent major precipitation events (e.g. atmospheric rivers) caused significant flooding in and
4 around Casitas facilities during the most recent extension of the stay, and operational concerns and
5 tasks associated with responding to these significant atmospheric river events (for the second year
6 in a row), have at times delayed Casitas' ability to fully participate in matters related to
7 development and negotiation of proposed physical solution in the Watershed. Nevertheless,
8 Casitas remains fully committed to the mediation process and development of a physical solution
9 in the Watershed. Casitas is actively preparing for Mediation Session 11 on April 15/16 with
10 representatives of the State Water Resources Control Board (State Board) and the California
11 Department of Fish & Wildlife (CDFW) after reviewing technical information on recommended
12 flow criteria provided by CDFW and the State Board to the mediation parties last week.

13 7. While significant progress has been made towards settlement, it will not be feasible
14 to complete the mediation by March 30, 2024. More work—particularly work of a scientific and
15 technical nature with watershed and fisheries experts retained by the mediation parties—is
16 required by the mediation parties, and other parties, including the State Board and CDFW, before
17 a proposal will be ready for the Court's consideration.

18 8. Obtaining an additional one-year extension, rather than a six month stay as the
19 parties have requested in the past, should provide the mediation parties with sufficient time to
20 finalize a proposed physical solution and settlement for the Court's consideration. Casitas
21 acknowledges that this mediation process is moving slower than some parties in the watershed
22 desire. This is a complex case, and there are many competing demands on the water resources of
23 the Watershed. However, with regard to difficult scientific issues like those presented in this case,
24 Casitas believes it is best to develop the best science and consensus management and governance
25 approaches before coming to the Court with a proposed stipulated judgment for approval.

26 9. Delays aside, mediation, in Casitas' view, continues to be the best way to
27 potentially resolve the complex issues in this case. I therefore request that the Court grant this
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1 additional extension to allow the mediation to continue. If the Court deems a one year extension
2 of the stay to be excessive, then Casitas respectfully requests that the Court grant an additional six
3 month stay, though six months is—in Casitas’ view—unlikely to be sufficient for the Parties to
4 complete all required work remaining, particularly with CDFW and the State Board formally
5 joining the mediation for the first time on April 15. Much work remains, but I am optimistic that
6 the extensive mediation process, and the relationships developed and strengthened by the
7 mediating parties through same, will benefit the Watershed in the long run.

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

10 Executed this 20th day of March, 2024 at Oak View, California.

11 **Michael Flood** Digitally signed by Michael Flood
DN: cn=Michael Flood, o=Casitas MWD,
ou, email=mflood@casitaswater.com,
c=US
Date: 2024.03.20 09:33:07 -07'00'

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13 **Michael Flood**
14 General Manager, Casitas MWD
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PROOF OF SERVICE

***Santa Barbara Channelkeeper v. State Water Resources Control Board, et al.
and related cross-action***
Los Angeles County Superior Court
Case No. 19STCP01176

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed by the law office of Rutan & Tucker, LLP in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18575 Jamboree Road, 9th Floor, Irvine, California 92612. My electronic notification address is mmartinez@rutan.com.

On March 20, 2024, I served on the interested parties in said action the within:

**CASITAS MUNICIPAL WATER DISTRICT MEMORANDUM IN SUPPORT OF
CITY OF VENTURA’S REQUEST FOR AN ORDER TO CONTINUE THE STAY**

as stated below:

(Via E-Service to **File & ServeXpress**) I affected electronic service by submitting an electronic version of the document(s) to **File & ServeXpress, LLC**, through the user interface at <https://secure.fileandservexpress.com>, which caused the document(s) to be sent by electronic transmission to the person(s) at the electronic service address(es) listed.

Executed on March 20, 2024, at Irvine, California.

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

Marisol Martinez

(Type or print name)

/s/ Marisol Martinez

(Signature)