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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF VENTURA**

10
11 AERA ENERGY LLC, a California limited
liability company; and CHEVRON U.S.A.
12 INC., a Pennsylvania corporation,

13 Petitioners and Plaintiffs,

14 v.

15 CITY OF VENTURA; CITY COUNCIL OF
VENTURA; and the VENTURA LAND
16 TRUST; ROES 1 through 25, inclusive, and
DOES 26 through 50, inclusive,

17 Respondents and Defendants.
18
19

Case No. 2026CUWM061857

**Defendant Ventura Land Trust's
Opposition to Motion for Preliminary
Injunction**

Date: May 12, 2026
Time: 8:30 a.m.

Assigned for All Purposes to:
Hon. Ronda J. McKaig, Dept. 42

Action Filed: March 6, 2026
Trial Date: None set

Filed Concurrently with Declaration of
Daniel Hulst

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1 **INTRODUCTION**

2 Aera Energy LLC and Chevron U.S.A., Inc. (together “Aera”) misrepresent facts on the
3 ground and their own actions to ask this Court to close the Ventura Hills Nature Preserve
4 (“Preserve”) to the public. They claim that a nonexclusive easement over a private portion of
5 Hall Canyon Road gives them so much control over property owned by Ventura Land Trust
6 (“VLT”) and the City of Ventura that Aera can prevent the public from using the road. They are
7 wrong as a matter of law and they baldly misrepresent facts.

8 First, neither plaintiff has even proffered evidence that it holds or benefits from the 1968
9 access easement that Aera seeks to enforce. That alone precludes relief.

10 Second, Aera claims that the City’s mere grant of an easement over Lower Hall Canyon
11 Road conflicts with its rights. Tellingly, it never quotes the expressly nonexclusive easement it
12 seeks to enforce, likely because the California Supreme Court is clear that the mere grant of a
13 second easement does not interfere with a prior nonexclusive easement as a matter of law.

14 Third, Aera’s argument that opening the Preserve to the public has unreasonably
15 interfered with its access is misleading at best. VLT has worked toward opening the Preserve, as
16 required by the state grant that supported acquisition of the property, for six years, including
17 community outreach, planning with the City, and permitting of the parking area that Aera seeks
18 to close. Contrary to Aera’s account, VLT has implemented measures that allow VLT, the City,
19 Aera, visitors to the Preserve, and other easement holders to safely use Lower Hall Canyon
20 Road. Neither these measures nor the use of the road unreasonably interfere with Aera’s access.

21 Aera cannot carry its burden on this internally contradictory and simply inaccurate record
22 to clearly show that it is likely to prevail on the merits, and its speculative concerns outweigh the
23 immediate harm to the public of closing the Preserve. Accordingly, the Court should deny its
24 demand for extraordinary relief that would close this important community resource.

25 **BACKGROUND**

26 **I. The Ventura Hills Nature Preserve**

27 VLT acquired the 1,645-acre Preserve in 2020 with funding from the State of California
28 that requires that VLT open it for public recreation. Declaration of Daniel Hulst (“Hulst Dec.”) ¶

1 2, Ex. 1. The Preserve is largely undeveloped except for pipelines and utility lines serving oil
2 operations to the northeast of the Preserve. *Id.* ¶ 3. There is a long history of informal
3 recreational use of the Preserve by members of the public who walk dogs, hike, and ride
4 mountain bikes, frequently using Hall Canyon Road. *Id.*

5 Hall Canyon Road begins as a public street maintained by the City between Poli Street
6 and Sunset Drive. *Id.* ¶¶ 4-5, Ex. 2 (map). It passes Ventura High School and runs through a
7 residential neighborhood, where it is marked with signs prohibiting trucks over five tons. *Id.*

8 Lower Hall Canyon Road is about 970 linear feet—less than 0.2 miles—of private road
9 from the Preserve boundary near Sunset Drive to a gate just east of VLT’s parking area. *Id.* ¶ 6,
10 Ex. 2. It ranges from 16 to more than 30 feet in width, is paved and relatively flat, and is hard to
11 distinguish from the public portion of the road. *Id.* Approximately 225 feet of Lower Hall
12 Canyon Road crosses property owned by the City, adjacent to its water facilities. *Id.* Access to
13 the parking area Aera seeks to close is via the public portion and Lower Hall Canyon Road.

14 Upper Hall Canyon Road begins at the gate east of VLT’s parking area and extends
15 roughly 1.6 miles across the Preserve, connecting to property to the north on which Aera
16 operates oil-related facilities. *Id.* ¶ 7. It is largely unpaved, rolling, and varies much more in
17 width and in the steepness of adjacent slopes than Lower Hall Canyon Road. *Id.* Upper Hall
18 Canyon Road remains closed to the public. *Id.*

19 Several parties hold easements over Upper and Lower Hall Canyon Road. *Id.* ¶ 12. Aera
20 claims to hold an easement reserved in a 1968 Quitclaim Deed from Getty Oil Company to the
21 owners of record of the affected land. *See* Complaint, Ex. A at 7. That “1968 Easement,” which
22 Aera never once quotes in its Complaint or Motion, provides “A *non-exclusive easement and*
23 *right of way* over, along, across and through Hall Canyon, as Hall Canyon Road presently exists
24 or may hereafter be relocated by the OWNERS OF RECORD.” *Id.* (emphasis but not
25 capitalization added). Aera has never specified which plaintiff, if any, holds the 1968 Easement
26 or documented a chain of title as the successor to Getty Oil. Hulst Dec. ¶ 12.

27 VLT also grants temporary rights of entry on Hall Canyon Road to additional easement
28 holders who need access to maintain facilities located on the Preserve. *Id.*

1 **II. Improvements to Hall Canyon Road to welcome the public to the Preserve**

2 Based on topography and infrastructure on the Preserve, and input from the community
3 and City staff, VLT determined that the most feasible location for visitor parking and a main
4 trailhead is along Lower Hall Canyon Road, near the City’s water facilities. *Id.* ¶¶ 8-9. In July
5 2024 it submitted a Minor Design Review application to the City for a trailhead and 58-space
6 parking area. *Id.* ¶ 9. The application included site plans, photographs, and a Final Traffic and
7 Circulation Study that quantified existing use of the public portion and Lower Hall Canyon
8 Road and evaluated whether opening the parking area and Preserve would cause inappropriate
9 conflicts in use. *Id.*, Ex. 4; Dec. of Shanna Farley (filed April 29, 2026) (“Farley Dec.”) ¶ 3-4,
10 Ex. A. The traffic study anticipated that “[v]ehicles and pedestrians will share the existing road.
11 Vehicle, bicycle and pedestrian “Share the Road” signage will be installed along the roadway
12 segment and conditions will be monitored. Sharrows (shared bicycle traffic pavement markings)
13 will be installed on Hall Canyon Road between Poli Street and the entrance. Supplemental
14 measures such as striping to prioritize pedestrians and bicyclists and/or speed bumps could be
15 installed as conditions warrant such treatment.” *Id.*, Ex. 4 (Traffic Study at 10, 17).

16 The City notified owners of properties within a 300-foot radius of the project site and
17 posted a notice along Lower Hall Canyon Road in April 2025. *Id.*, Ex. 4 at 2. It then approved
18 the application, subject to conditions including VLT’s payment of \$25,000 toward
19 improvements to the public portion of Hall Canyon Road (Condition 28) and the City and VLT
20 granting reciprocal access rights across the portions of Lower Hall Canyon Road that cross their
21 respective properties (Condition 25). *Id.*, Ex. 4 at 3-11; Farley Dec. ¶¶ 3-9. VLT subsequently
22 spent approximately \$270,000 to develop the parking area and Lower Hall Canyon Road
23 consistent with the City’s April 17, 2025 approval. *Id.* ¶ 9; Declaration of Jeffrey Hereford (filed
24 April 29, 2026) (“Hereford Dec.”) ¶¶ 5-10, Exs. A-B (City Traffic Engineer describing and
25 documenting improvements).

26 The City placed a Reciprocal Easement Agreement (“Reciprocal Easement”) on the
27 Council’s August 26, 2025 agenda. *Id.* ¶ 11. Aera submitted a letter dated August 25, 2025
28 urging “no action.” *Id.* Apparently responding to that letter, the Council did not consider the

1 Reciprocal Easement until its December 9, 2025 meeting, at which it approved it. *Id.*

2 Following heavy rain in December 2025, part of School Canyon Road collapsed, cutting
3 off Aera’s primary access to oil operations near the Preserve. *Id.* ¶ 13, Ex. 7 at 14 (Larner email
4 describing damage to Aera’s “main access road”). Aera and others shifted vehicles to Hall
5 Canyon Road to reach their projects and facilities on or adjacent to the Preserve, until School
6 Canyon Road reopened in March 2026. *Id.* ¶ 13. This was the first failure of access via School
7 Canyon Road of which VLT is aware and first shift of that use onto Hall Canyon Road during
8 VLT’s ownership of the Preserve. *Id.* During this period of temporarily increased use, Aera
9 chose to staff the gate between Upper and Lower Hall Canyon Road, apparently after VLT
10 complained about Aera’s drivers leaving it open. *Id.* ¶ 14. Trucks also queued occasionally on
11 Lower Hall Canyon Road as Aera coordinated their transit along Upper Hall Canyon Road. *Id.*

12 On January 30, 2026, VLT staff informed Aera of new measures to manage shared use of
13 Lower Hall Canyon Road, including public access. *Id.* ¶¶ 16-21, Ex. 7 at 5-6. Contrary to Aera’s
14 account (Motion for a Preliminary Injunction (filed April 16, 2026) (“MPI”) at 1, 5-8), VLT
15 imposed a 10 mile per hour speed limit; installed speed bumps; cleared vegetation, flattened the
16 road shoulder, and installed vertical pylons to create a pedestrian walkway along the narrowest
17 stretch; designated specific areas where trucks could or could not queue and where no vehicles
18 could park; and placed signs both along and in the actual roadway warning pedestrians and
19 vehicles to carefully share this short stretch of road¹ (Hulst Dec. ¶¶ 16-19). VLT opened parking
20 and trails to the public on February 3, 2026. *Id.* ¶ 22. On March 5 and 7, 2026, it held formal
21 openings and announced that the Preserve is open to the public. *Id.*

22 VLT staff, contractors, and other partners use Hall Canyon Road as primary access to and
23 across the Preserve. *Id.* ¶ 12. Staff uses the full length of Hall Canyon Road most days, and
24 travels the public portion and Lower Hall Canyon Road repeatedly every day during the
25 Preserve’s open hours of dawn to dusk. *Id.* ¶ 26. During its six years of ownership, staff has
26

27 ¹ Aera’s own evidence documents these improvements. *See* Declaration of Erin Larner (“Larner
28 Dec.”; filed April 16, 2026), Ex. 1 (showing speed bumps, speed limit and other safety signage, cleared shoulder separated for pedestrian use), Ex. 2 (showing shoulder and pylons).

1 observed only one or two vehicles attributable to Aera most days, generally including pickup
2 and water trucks. *Id.* ¶ 15. Staff has observed larger vehicles occasionally, but not on a daily
3 basis. *Id.* Staff has also observed the public using both Lower and Upper Hall Canyon Road on
4 foot and bicycle consistently, from before it purchased the Preserve through the present. *Id.* ¶ 3.
5 VLT plans to open Upper Hall Canyon Road to pedestrians, depending on both levels of use
6 (e.g., potentially suspending access during periods of increased vehicular use) and further
7 evaluation of measures to manage joint use. *Id.* ¶ 27. Until then, VLT is working to prevent
8 informal use of Upper Hall Canyon Road, posting signs and fencing off access. *Id.* Nonetheless,
9 visitors frequently cut (and VLT replaces) parts of that fence to continue their historic use. *Id.*

10 On April 6, 2026, VLT learned that School Canyon Road washed out again. *Id.* ¶ 23. It
11 then reiterated its January 30 instructions to Aera for shared use of Lower Hall Canyon Road.
12 *Id.*, Ex. 7 at 1-2.

13 Through the varying use patterns described above, VLT staff has devoted close attention
14 to conditions, especially on Lower Hall Canyon Road, to ensure safe shared use for all. Staff has
15 neither observed nor received reports of dangerous conditions or conflicts between vehicles or
16 between vehicles and pedestrians, other than in the Motion. *Id.* ¶ 26. It has asked Aera to share
17 recommendations related to shared use but received no response except this litigation. *Id.* ¶ 23.
18 VLT will continue adaptive management as public use of the Preserve stabilizes, and as Aera’s
19 use of Lower Hall Canyon Road shifts back to historic levels. *Id.* ¶ 28.

20 STANDARD OF REVIEW

21 A preliminary injunction is an “extraordinary and drastic remedy, one that should not be
22 granted unless the movant, *by a clear showing*, carries the burden of persuasion.” *Mazurek v.*
23 *Armstrong* (1997) 520 U.S. 968, 972 (citations omitted). The moving party bears the burden of
24 demonstrating, with competent evidence, both a likelihood of prevailing on the merits and that
25 the balance of interim harms—i.e., the comparative harm to the parties from granting or denying
26 the injunction—favors it. *Butt v. State of California* (1992) 4 Cal.4th 668, 677-78; *IT Corp. v.*
27 *County of Imperial* (1983) 35 Cal.3d 63, 69-70. These factors are interrelated: the greater the
28 showing on one, the less required on the other, but the moving party must make some showing

1 on both. *King v. Meese* (1987) 43 Cal.3d 1217, 1227. The “relative balance of harms
2 encompasses harms to public interests that are likely to result from the issuance or nonissuance
3 of a preliminary injunction.” *Tulare Lake Canal Co. v. Stratford Public Utility Dist.* (2023) 92
4 Cal.App.5th 380. And an injunction against a public agency will only issue on a “significant
5 showing of irreparable injury,” given the “general rule against enjoining public officers or
6 agencies from performing their duties.” *Tahoe Keys Property Owners’ Assn. v. State Water
7 Resources Control Bd.* (1994) 23 Cal.App.4th 1459, 1471.

8 Parties that seek a mandatory preliminary injunction “compel[ling] performance of an
9 affirmative act that changes the position of the parties” face a higher burden than for an
10 injunction that simply “requires a person to refrain from a particular act.” *Davenport v. Blue
11 Cross of California* (1997) 52 Cal.App.4th 435, 446. They must show “that the right” to the
12 mandatory injunction is “clearly established and that irreparable injury will flow from its
13 refusal.” *Id.* at 448. Courts “rarely grant[]” preliminary mandatory injunctions except in
14 “extreme cases.” *Shoemaker v. County of Los Angeles* (1995) 37 Cal.App.4th 618, 625
15 (quotation marks omitted). It is the “substance of the injunction, not the form,” that “determines
16 whether it is mandatory or prohibitory.” *Davenport*, 52 Cal.App.4th at 447.

17 Aera seeks to change the status quo with an order that would end public use of Lower
18 Hall Canyon Road that dates back long before the Preserve opened in February. *See, e.g.*, MPI at
19 15. This would reverse both the recent opening and decades of informal recreational use and
20 force VLT to prevent access by longstanding visitors, many of whom ignore limits imposed on
21 locations like Upper Hall Canyon Road. Hulst Dec. ¶ 27; *Integrated Dynamic Solutions, Inc. v.
22 VitaVet Labs, Inc.* (2016) 6 Cal.App.5th 1178, 1184. Accordingly, Aera must meet the
23 heightened standard to show extreme circumstances that warrant such exceptional relief.

24 ARGUMENT

25 I. Aera cannot show a likelihood of success on the merits.

26 A. Neither plaintiff has shown that it is the current holder or beneficiary of the 27 1968 Easement that both seek to enforce (all causes of action).

28 The entire Complaint rests on the unsupported allegation that the 1968 Easement

1 “establishe[s]” both plaintiffs’ access rights over Hall Canyon Road. Complaint ¶ 20; MPI at 2.
2 But Getty Oil Company reserved the 1968 Easement. Neither plaintiff has alleged, much less
3 established through competent evidence, that it is the successor in interest to Getty. Nor has
4 either described or documented an assignment of rights or explained how both plaintiffs might
5 benefit from the reservation. Complaint ¶¶ 18-24; MPI at 2-3, 10-11. This omission is
6 particularly damning since it fails the basic pleading standard that CCP section 761.020(b)
7 requires for a quiet title action and because VLT raised this issue in its opposition to Aera’
8 request for a temporary restraining order and, repeatedly, in its Answer. The failure to make this
9 foundational showing compels denying the injunction. *IT Corp.*, 35 Cal.3d at 69-70.

10 **B. Neither the City nor VLT has unreasonably interfered with access rights to**
11 **Hall Canyon Road (First Cause of Action).**

12 **1. The mere grant of junior easements does not interfere with the**
13 **nonexclusive 1968 Easement as a matter of law.**

14 Aera claims, ad nauseum, that the mere grant of the Reciprocal Easement interferes with
15 its purported access rights and thus exceeds the City’s legal authority. *E.g.*, Complaint ¶¶ 46, 50,
16 68, 70-71; MPI at 1 (“[t]he instant dispute centers around the City’s purported grant of a
17 reciprocal easement”), 11 (“[t]he City’s approval of the VLT Easement violates the easement
18 rights that were granted to Plaintiffs”), 13 (“[t]he controversy here is simply whether the
19 reciprocal easement granted to VLT is incompatible with Plaintiffs’ existing easement rights”).

20 But “the mere granting of the second easement . . . d[oes] not interfere with [the] prior
21 easement as a matter of law.” *City of Pasadena v. California-Michigan Land & Water Co.*
22 (1941) 17 Cal.2d 576, 581. Rather, “[w]hether the particular *use* under a second easement
23 amounts to an unreasonable interference is . . . a question of fact.” *Id.* (emphasis added); *see also*
24 *Red Mountain, LLC v. Fallbrook Public Dist.* (2006) 143 Cal.App.4th 333, 353-54 (same);
25 *Friends of the Trails v. Blasius* (2000) 78 Cal.App.4th 810, 826-27 (junior public access
26 easement does not “necessarily impinge[]” on senior utility easement). The 1968 Easement
27 provides “[a] non-exclusive easement and right of way over, along, across and through Hall
28 Canyon.” Complaint, Ex. A at 7. Thus, the mere grant of the Reciprocal Easement does not
interfere with the 1968 Easement, as a matter of law.

1 The only material allegations against the City are that (1) it owns a small strip of property
2 over which Lower Hall Canyon Road passes and which associated access easements burden and
3 (2) it entered into the Reciprocal Easement with VLT.² Complaint ¶¶ 3, 11, 31-37, 45-47, 75-80.
4 Because the mere approval of the Reciprocal Easement did not interfere with the 1968
5 Easement, the First Cause of Action against it fails as a matter of law. Nor does VLT’s approval
6 of the Reciprocal Easement support the First Cause of Action against it.

7 **2. Neither VLT nor the public has unreasonably interfered with access.**

8 Aera misstates both the terms of the 1968 Easement and the governing law to claim that
9 visitors to the Preserve have violated its purported rights. It claims that the 1968 Easement
10 establishes “Hall Canyon Road’s primary and dominant purpose as industrial access” that serves
11 a “primary industrial function” (MPI at 2-3) without once quoting the actual language that
12 reserves a standard “non-exclusive easement and right of way over, along, across and through
13 Hall Canyon” (Complaint, Ex. A at 7). And Aera omits a key element when paraphrasing
14 caselaw, that “[a]ctions that make it more difficult to use an easement, that interfere with the
15 ability to maintain and repair improvements built for its enjoyment, or that increase the risks
16 attendant on exercise of rights created by the easement are prohibited . . . *unless justified by*
17 *needs of the servient estate.*” *Dolnikov v. Ekizian* (2013) 222 Cal.App.4th 419, 429–430
18 (emphasis added; citation omitted); *compare* MPI at 9 (omitting italicized consideration).

19 In fact, caselaw is clear that Aera must exercise its “easements and rights in such a way
20 as to impose as slight a burden as possible on the servient tenement.” *Scrubby v. Vintage*
21 *Grapevine, Inc.* (1995) 37 Cal.App.4th 697, 702. Because the 1968 Easement is expressly non-
22 exclusive, VLT and Aera “have to accommodate each other.” *Id.* at 702-03. VLT and its
23 invitees—including the local community—can make “continued use of” Hall Canyon Road “so
24 long as the use does not ‘interfere unreasonably’ with the [senior] easement’s purpose.” *Id.*

25 _____
26 ² Any challenge to the April 17, 2025 approval of the parking lot by the City’s Community
27 Director is barred by the 90-day limitations period governing actions to “attack, review, set side,
28 void or annul any decision on the matters listed in Sections 65901.” *See Stockton Citizens for*
Sensible Planning v. City of Stockton (2012) 210 Cal.App.4th 1484, 1491-94 (Section 65901
encompasses approvals by city community development department that was delegated
authority to review development projects for municipal code compliance) (citations omitted).

1 In *Scruby*, 37 Cal.App.4th at 706, the servient owner used a portion of a road burdened
2 by an access easement for “agricultural equipment, planting of grapevines, and other winery-
3 related” uses. The court acknowledged that, as here, the terms of the easement provided for non-
4 exclusive access, meaning the fee owner could “make continued use of the easement area,” even
5 when that use occupied or blocked significant portions of the corridor over which the easement
6 provided access. *Id.* Even the fee owner’s significant use of the easement area did not constitute
7 unreasonable interference because the easement holder had not “been blocked or prevented from
8 using the easement for ingress and egress to and from” its property. *Id.*

9 This is consistent with a long line of cases recognizing that fee owners can impede use of
10 access easements and inconvenience easement holders by installing gates as long as easement
11 holders can still use the route for access. *See, e.g., McCoy v. Matich* (1954) 128 Cal.App.2d 50,
12 54 (“slight inconvenience of opening gates at nights and on holidays” to access easement area
13 “does not compel a finding” of unreasonable interference); *Van Klompenburg v. Berghold*
14 (2005) 126 Cal.App.4th 345, 350; *Dolske v. Gormley* (1962) 58 Cal.2d 513, 516-19.

15 By contrast, an easement holder typically must demonstrate that a defendant fee owner
16 has prevented or wholly obstructed access to establish unreasonable interference. In *Dolkinov*,
17 the sole case Aera cites, the owner’s actions “constituted a complete and total obstruction of
18 plaintiff’s easement” and thus unreasonable interference. 222 Cal.App.4th at 429-31. *See also,*
19 *e.g., Hartsif v. Wann* (1956) 139 Cal.App.2d 119, 120-21 (preliminary injunction where
20 defendant installed fence that prevented easement holder from accessing road); *Danielson v.*
21 *Sykes* (1910) 157 Cal. 686, 689, 691-92 (injunction where defendant erected fence on alley,
22 thereby “completely preventing the use of the alley by plaintiff”).

23 Aera contends that “vehicles have encountered numerous VLT guests in vehicles and on
24 foot that confusedly navigate the VLT Easement” to support its argument that opening the
25 Preserve and Lower Hall Canyon Road to the public has unreasonably interfered with its access.
26 MPI at 9. But Aera also expressly admits that it “do[es] not allege complete physical blockage
27 or total denial of access.” Complaint ¶ 48. Thus, even Aera’s own account falls squarely within
28 the type of permissible—even if occasionally inconvenient—use that has not “blocked or

1 prevented [the easement holder] from using the easement for ingress and egress to and from” its
2 property. *Scruby*, 37 Cal.App.4th at 706. At most, Aera shows that its employees and
3 contractors may occasionally encounter brief congestion along the 0.2 miles of Lower Hall
4 Canyon Road. This inconvenience falls far short of unreasonable interference.

5 Aera also complains both that VLT has implemented “none” of the safety measures that
6 its traffic consultant suggested for Lower Hall Canyon Road (MPI at 1, 10) and that VLT’s
7 implementation of the same safety measures impedes its access (*id.* at 7). *But see* Hereford Dec.,
8 Exs. 1-2 (plans for and photographs of improvements to public part of Hall Canyon Road);
9 Hulst Dec., Ex. 2 (photos including improvements to Lower Hall Canyon Road). The only
10 interference Aera identifies is the congestion described above, pickup trucks queuing to allow a
11 minivan to pass (Larner Dec. Ex. 1), and a jogger using the pedestrian path on the shoulder of
12 Lower Hall Canyon Road near trucks (*id.*, Ex. 2). Declarations also describe vehicles on Upper
13 Hall Canyon Road pulling over and navigating around each other in August 2025, months
14 before defendants entered into the Reciprocal Easement or VLT opened the Preserve to the
15 public. Declaration of Chris Wilson (filed April 16, 2026) (“Wilson Dec.”) ¶ 8. None of Aera’s
16 allegations describe VLT or public interference with access that rises to a level that courts
17 recognize as unreasonable, much less that carry its burden to show a likelihood of success that
18 warrants closure of the Preserve.³ *Butt*, 4 Cal.4th at 677-78.

19 Aera’ purported exposure to “public safety risks” also does not constitute unreasonable
20 interference. MPI at 9. Aera has not shown that any incremental increase in recreational use of
21 Lower Hall Canyon Road has greatly increased risk to Aera. Nor has it—or could it—shown any
22 increase in unpermitted use of Upper Hall Canyon Road. Hulst Dec. ¶¶ 3-7, 14, 27. In fact, the
23 photographs submitted with Aera’s own declarations contradict its argument and show
24 cautionary signage, “sharrows”, speed bumps, speed limits, and improvements to the road
25 shoulder to provide a pedestrian route. *Compare* Larner Dec., Ex. 1 (signage, sharrow, speed
26 limits, speed bumps, pedestrian path); *id.*, Ex. 2 (pedestrian path) with MPI at 10 (“none of these

27 _____
28 ³ Aera never addresses use or conditions on Lower Hall Canyon Road before it was open to the
public and thus fails to attribute the interference it describes to VLT’s opening of the Preserve.

1 safety measures were implemented by the City or VLT”); *see also* Hulst Dec. ¶¶ 16-21
2 (describing improvements); Hereford Dec., Ex. 1-2. VLT staff uses Lower Hall Canyon Road
3 daily. Hulst Dec. ¶ 26. They confirm that pedestrians and vehicles are safely sharing Lower Hall
4 Canyon Road, even during the current period of increased use due to Aera routing traffic that
5 usually uses School Canyon onto Hall Canyon Road. *Id.* ¶ 23-24, 26-27.

6 Even if Aera could show an increase in risk to its personnel, that would not constitute
7 unreasonable interference. Aera deceptively cites *Dolnikov* to argue that a servient owner
8 unreasonably interferes with an easement by taking actions that “increase the risks attendant on
9 exercise of rights created by the easement.” 222 Cal.App.4th at 429; MPI at 9. The rest of the
10 quoted sentence qualifies the court’s consideration of risk: those “justified by needs of the
11 servient estate” may be reasonable and must be balanced against the needs of the easement
12 holder. 222 Cal.App.4th at 429; *see also Scruby*, 37 Cal.App.4th at 702 (easement holders must
13 exercise “rights in such a way as to impose as slight a burden as possible on the servient
14 tenement”); *cf. City of Pasadena*, 17 Cal.2d at 583 (holders of overlapping easements can both
15 exercise the associated rights “[u]ntil a point of unreconcilable conflict is reached”).

16 Here, Aera’s demands would force VLT to close the Preserve to the public at least until it
17 is able to plan, permit, pay for, and construct replacement parking. Hulst Dec. ¶ 25. Providing
18 access to popular trails without parking displaces visitors and their vehicles onto residential
19 streets near trailheads that are less equipped to accommodate them than Lower Hall Canyon
20 Road, creating new inconveniences and potentially safety risks. *Id.* ¶¶ 8, 25. Other potential
21 access points to the Preserve are narrow, steep, and less able to accommodate vehicles and
22 pedestrians than Hall Canyon Road. *Id.* VLT spent years and hundreds of thousands of public
23 grant dollars planning a trail network and supporting facilities including parking to address these
24 conditions and accommodate the demand for recreation on the Preserve. *Id.* ¶ 9. Thus, the Court
25 must weigh any inconvenience that public use of Lower Hall Canyon Road imposes on Aera
26 against the importance of keeping the Preserve open both to the community and to VLT’s own
27 mission and legal obligations associated with this property. *Id.* ¶ 2.

28 Aera complains repeatedly that the City did not impose—or even consider—the

1 conditions that it demanded in the Reciprocal Easement, including a full prohibition on public
2 vehicular use of Lower Hall Canyon Road, infeasible conditions on pedestrian access, limits on
3 use of parts of the Preserve, and indemnification of Aera.⁴ MPI at 5-7, 12; Complaint, Ex. E
4 (proposed changes). Aera does not cite a single authority to support its demands for this degree
5 of control over Hall Canyon Road. *Id.* And the City’s decision not to disclose its reasoning
6 reflects its quasi-legislative approval, not a refusal to consider Aera’s proposed changes. *See Bd.*
7 *of Supervisors v. California Highway Com.* (1976) 57 Cal.App.3d 952, 960-62. Moreover, the
8 almost four-month delay between the City agendizing the Reciprocal Easement and receiving
9 Aera’s demand for these modifications in August 2025, and then considering and approving it in
10 December 2025, suggests that the City seriously considered Aera’s proposal. Hulst Dec. ¶ 11.

11
12 **C. There are no grounds for declaratory relief in the absence of unreasonable
interference with Aera’s access or easement rights (Third Cause of Action)**

13 Aera seek declaratory relief to resolve “simply whether the reciprocal easement granted
14 to VLT is incompatible with Aera’ existing easement rights.” MPI at 13. But granting the
15 Reciprocal Easement did not interfere with the 1968 Easement as a matter of law and Aera has
16 not established other unreasonable interference with its access. *See* Section I.B, *supra*. Thus, no
17 grounds exist for this Court to declare that VLT must cease allowing public use of Lower Hall
18 Canyon Road. *Essick v. City of Los Angeles* (1950) 34 Cal.2d 614, 624-25.

19
20 **D. The City operated well within its authority in approving the Reciprocal
Easement (Fourth Cause of Action).**

21 Aera contends that the City exceeded its authority by entering into the Reciprocal
22

23 ⁴ Aera alleges that it “consistently made clear” that it did not oppose public access to the
24 Preserve and merely tried to ensure safe public access, including by “propos[ing] specific safety
25 and avoidance measures.” MPI at 5. Not so. In fact, Aera announced in June 2025 that it holds
26 “blanket” access and extractive rights over the Preserve that would wholly preclude public
27 access to the Preserve. *See* Hulst Dec., Ex. 6 at 1 (June 17, 2025 email: “public access to the
28 Property via Hall Canyon Road is improper” and Aera’s rights to extract hydrocarbons “are
blanket in nature and allow any use on any part of the [Preserve] for purposes of accessing oil.
Thus, public access to, or use of, the [Preserve] would interfere with Aera’s exclusive reserved
rights.”). Aera never proposed a single safety measure or accommodation for public use to VLT,
despite VLT’s outreach informing it of plans to open the property and repeated invitation to
work with VLT on such measures. *Id.* ¶¶ 21, 23.

1 Easement. MPI at 13; Complaint ¶¶ 76-79. But the mere grant of the Reciprocal Easement does
2 not violate or interfere with the nonexclusive 1968 Easement. *See* Section I.B.1, *supra*. And the
3 City acted well within its authority to grant junior interests in and generally dispose of its fee
4 owned property. Gov. Code § 37350 (city may dispose of real property “for the common
5 benefit”); *see also Scruby*, 37 Cal.App.4th at 702 (“Every incident of ownership not inconsistent
6 with the easement and the enjoyment of the same is reserved to” the fee owner.).

7
8 **E. Aera omits numerous prerequisites to its quiet title claim (Second Cause of Action).**

9 Aera’s quiet title claim demands that this Court “confirm” its easement rights and that the
10 Reciprocal Easement is incompatible with such rights. MPI at 10-11. CCP section 761.020(b)
11 requires that a plaintiff seeking to quiet title plead both the “title of the plaintiff as to which a
12 determination under this chapter is sought and the basis of the title.” “The plaintiff may recover
13 only upon the strength of his or her own title and not upon the weakness of the defendant's title.”
14 *Thompson v. Ioane* (2017) 11 Cal.App.5th 1180, 1195 (quotation marks omitted). “Where the
15 plaintiff relies on a paper title alone he must trace his title (1) to the government; or (2) to
16 grantor in possession at the time of the conveyance to the plaintiff; or (3) to a source common to
17 the chains of title of plaintiff and defendant.” *Id.* As discussed in Section I.A., Aera has not pled
18 which plaintiff, if any, holds the 1968 Easement, the chain of title or basis for such right, or the
19 basis on which the other plaintiff has any rights under the 1968 Easement. Its Second Cause of
20 Action fails on that basis alone.

21 Aera’s quiet title claim fails for the additional reason that it neither names other holders
22 of potentially adverse interests in Hall Canyon Road nor specifies the date as of which it seeks
23 to quiet title. Code Civ. Proc. § 762.060(c), (d). In this context, an “adverse claim[]” refers
24 simply to any overlapping interest in the property at issue; an overt conflict is not necessary. *Id.*
25 § 760.010(a). Thus, Aera must name other easement holders such as Southern California Gas
26 Company, Southern California Edison, and Crimson Pipeline. *Ranch at the Falls LLC v.*
27 *O’Neal* (2019) 38 Cal.App.5th 155, 173 (“A quiet title judgment cannot be entered in the
28 absence of all parties with an interest in the property at issue.”); Hulst Dec. ¶ 12. Likewise, Aera

1 has not recorded a lis pendens as required by CCP section 761.010(b).

2 * * *

3 Aera’s substantive and procedural failures to support each of its four causes of action fall
4 far short of the clear showing of likelihood of success on the merits required to prevail on the
5 instant Motion. *Mazurek*, 520 U.S. at 972.

6 **II. An injunction requiring VLT to close parking and access via Lower Hall Canyon**
7 **Road will cause certain and immediate harm to it and the public that far outweighs**
8 **the speculative risks identified by Aera.**

9 Aera has not come close to showing that it is likely to succeed on the merits, increasing
10 its burden to show substantial irreparable harm to justify an injunction. *Butt*, 4 Cal.4th at 678.
11 Aera falls far short of this high bar. VLT and the public will suffer serious, certain, and
12 immediate harm from an injunction, whereas Aera merely speculates about potential future risk.

13 Courts deny preliminary injunctions where the non-moving party substantiates serious
14 harm from issuance, including jeopardizing public recreation or grant funding, and the movant
15 fails to provide evidence to support its claimed harms. *See, e.g., Anderson v. County of Santa*
16 *Barbara* (2023) 94 Cal.App.5th 554, 562-62, 577-78 (preliminary injunction appropriate to
17 make parking available at popular trailhead); *Carsten v. City of Del Mar* (1992) 8 Cal.App.4th
18 1642, 1656 (city’s “undisputed evidence” of harm, including “jeopardizing” grant funding and
19 “disrupting” traffic improvement programs, compelled denial of injunction where movant failed
20 to “present evidence demonstrating he would be harmed”); *Tahoe Keys Property Owners’ Assn.*,
21 23 Cal.App.4th at 1472-73 (enjoining agency from implementing environmental mitigation
22 projects would result in “significant harm” to the agency and the public); *Casmalia Resources,*
23 *Ltd. v. County of Santa Barbara* (1987) 195 Cal.App.3d 827, 838-40 (injunction denied where
24 movant failed to provide credible evidence to support asserted harm); *cf. Alliance for the Wild*
25 *Rockies v. Cottrell* (9th Cir. 2011) 632 F.3d 1127, 1137-39 (balance of harm to public, including
26 lost recreational opportunities, “tips sharply in favor” of enjoining logging).

27 Here, enjoining recreational use of Lower Hall Canyon Road would force VLT to close
28 the Preserve for lack of parking and resulting displacement to surrounding neighborhoods. Hulst
Dec. ¶ 25; *cf. Anderson*, 94 Cal.App.5th at 578-79 (balance of harms favored clearing planters to

1 allow parking near trailhead to safely manage demand and congestion). Closing, or even
2 curtailing, public use of Lower Hall Canyon Road would cause immediate harm to the public’s
3 access to outdoor recreation, which courts recognize as an important public right. *E.g., Friends*
4 *of the Trails*, 78 Cal.App.4th at 833. Any limit on public access would also harm VLT’s core
5 mission of expanding recreational opportunities for the Ventura community and contravene its
6 obligation to open the Preserve to the public under the state grant that funded its acquisition.
7 Hulst Dec. ¶ 2. Closing the Preserve could jeopardize that grant funding, much of which has
8 already been spent to open the Preserve. Hulst Dec., Ex. 1, at 4-5; *id.* ¶ 25.

9 In stark contrast to these significant, certain harms, Aera points to amorphous “safety
10 risks” from hypothetical collisions to justify injunctive relief. MPI at 14. It does not allege a
11 single collision, but rather focuses on a purported “near-miss,” where a jogger used the path next
12 to Lower Hall Canyon Road in proximity to a slow-moving truck, illustrating the effectiveness
13 of VLT’s improvements. Larner Dec., Ex. 2; Hulst Dec. ¶ 20. Aera claims general conflicts
14 between pedestrians and trucks using Lower Hall Canyon Road, with no allegation of actual
15 harm or anything beyond brief inconvenience, and without acknowledging that its own above-
16 normal use of Lower Hall Canyon Road during closure of its primary access via School Canyon
17 contributes substantially—and temporarily—to the conditions that it criticizes. Larner Dec., Ex.
18 1; *but see* Hulst Dec. ¶ 26 (confirming safe shared use of Lower Hall Canyon Road), 15 (staff
19 has never observed queuing on Lower Hall Canyon Road except during recent closure of School
20 Canyon). Accordingly, Aera has not met the high bar to justify this extreme relief.

21 **CONCLUSION**

22 For the foregoing reasons, VLT respectfully requests the Court deny the Motion.

23 DATED: April 29, 2026

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