

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

Coordination Proceeding  
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER CASES**

Included Actions:

*Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.*, Superior Court of California, County of Los Angeles, Case No. BC 325 201

*Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.*, Superior Court of California, County of Kern, Case No. S-1500-CV-254-348

*Wm. Bolthouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist.* Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

*Willis v. Los Angeles County Waterworks District No. 40*, Superior Court of California, County of Los Angeles, Case No. BC 364 553

*Wood v. Los Angeles County Waterworks District No. 40*, Superior Court of California, County of Los Angeles, Case No. BC 391869

*Wood v. A.V. Materials, Inc., et al.*, Superior Court of California, County of Los Angeles, Case No. BC 509546

*Wood v. County of Los Angeles*, Superior Court of California, County of Los Angeles, Case No. BS 143790

Little Rock Sand and Gravel, Inc., Superior Court of California, County of Los Angeles, Case No. MC026932  
[Add-On Petition Pending]

Judicial Council Coordination  
Proceeding No. 4408

For Court's Use Only:  
Santa Clara County Case No.  
2005-1-CV-049053  
(for E-Posting/E-Service Purposes  
Only)

Date/Time: Wednesday, March 15, 2023 (Day 1 of 2)

Location: Department 3

Superior Court of California  
County of Santa Clara

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*Antelope Valley Groundwater Cases (JCCP 4408)  
Los Angeles County Superior Court, Case No. BC 325 201  
March 15, 2023 / Hon. Jack Komar, Ret.*

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MINUTE ORDER:

**EVIDENTIARY HEARING.** (1) C/F 12-13-22

- (1) Watermaster's Motion for Monetary, Declaratory and Injunctive Relief Against Zamrzlas;
- (2) Motion by Johnny and Pamella Zamrzla to Set Aside or Modify Judgment; and
- (3) Motion by Johnny Lee and Jeannette Zamrzla to Set Aside or Modify Judgment.

Motion #1 (Watermaster's Motion for Monetary, Declaratory and Injunctive Relief Against Zamrzlas) will be further set for a later date, depending on the outcome of the Zamrzlas' motions (Motion #2 and Motion #3).

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9:11 AM: Matter goes on the record in Department 3 of the Santa Clara County Superior Court, Hon. Jack Komar (Ret.) presiding.

Appearances are stated.

**The following parties are present in court:**

***Nicholas Shepard***, for Defendants Johnny Zamrzla, Pamella Zamrzla, Johnny Lee Zamrzla and Jeanette Zamrzla

**Sheri Zamrzla-Greco**, who identifies herself as a party in interest

**Jenifer Ryan**, for Defendant City of Los Angeles and Los Angeles World Airports

**Robert Kuhs**, for Grimmway Enterprises

**Craig Parton**, for Antelope Valley Watermaster

**The following parties are present via Microsoft Teams:**

**Thomas S. Bunn**, for Palmdale Water District

**Christopher M. Sanders**, for County Sanitation Districts of Los Angeles County Nos. 14 and 20

**Cameron Goodman**, for Antelope Valley Watermaster

- 9:13 am: Mr. Shepard addresses the court regarding the Declaration of Hon. Jack Komar dated 3/07/2023. The court explains the reason for the declaration.
- 9:19 am: **Mr. Shepard makes an oral motion to disqualify Hon. Jack Komar under CCP 170.1.**
- Mr. Parton responds. Watermaster does not believe there is any conflict and believes any objection to this judge has been waived. Mr. Kuhs concurs.
- The court responds.
- 9:26 am: The court will not disqualify itself for the reasons stated.
- 9:28 am: Mr. Shepard responds.
- 9:29 am: Ms. Ryan responds. She does not object to Hon. Jack Komar hearing this matter. Mr. Kuhs confirms he would like to proceed with Hon. Komar presiding.
- 9:33 am: **The court DENIES Mr. Shepard's motion under CCP 170.1.**
- Mr. Parton addresses the court.
- 9:42 am: Mr. Kuhs raises an issue regarding Ms. Sheri Zamrzla-Greco; he would object to Ms. Greco acting as an attorney in this matter without a formal substitution of attorney.
- 9:44 am: Mr. Shepard responds.
- 9:46 am: The court asks to see Ms. Zamrzla-Greco's business card. She states she may not have one with her, but provides her bar number, 186202. Ms. Zamrzla-Greco indicates she is appearing in a very limited capacity in this case as a party in interest. She is the daughter of Johnny and Pamella Zamrzla. She is NOT appearing as counsel in this case. The court asks her to leave her card.
- 9:51 am: The court asks counsel if they would like to make opening remarks regarding the substance of the motion(s).
- 9:52 am: Mr. Shepard presents opening remarks on behalf of the Zamrzlas.
- 10:02 am: Mr. Shepard requests a statement of decision after this hearing has completed.
- Mr. Parton presents opening remarks on behalf of the Watermaster.
- 10:07 am: Mr. Kuhs states he concurs with Mr. Parton's comments. Mr. Kuhs presents opening remarks on behalf of Grimmway Enterprises.

- 10:12 am: Mr. Shepard responds to opposing counsels' remarks.
- 10:16 am: The court asks Mr. Shepard a question and he replies.
- 10:17 am: The court poses a question to all counsel regarding notice. Discussions held.
- 10:21 am: Ms. Sheri Zamrzla-Greco responds to the court's inquiry notice.
- 10:23 am: Mr. Kuhs addresses the court. He reiterates that he believes it is improper for Ms. Zamrzla-Greco to present argument as if she were counsel in this case.
- 10:25 am: Ms. Sheri Zamrzla-Greco provides her contact address.
- 10:26 am: The court will be in recess for 15 minutes for the midmorning break.
- 10:43 am: Matter reconvenes on the record with all parties present as before.

Ms. Zamrzla-Greco makes a statement and indicates she is only making a special appearance today, as stated on the record.

Attorney William Sloan is present via Microsoft Teams and indicates he was present earlier but having trouble with his microphone. He now states his appearance: **William Sloan via Microsoft Teams on behalf of U.S. Borax.**

- 10:45 am: Mr. Shepard moves to introduce and admit certain exhibits.

**Exhibit(s) marked and identified on behalf of the ZAMRZLAS**

Exhibit #	Description	ID	Admit
1	Declaration of Rick Koch	3-15-23	3-15-23
2	Hydraulic Test Results Pasture Well 1/25/13	3-15-23	3-15-23
3	Hydraulic Test Results Farm Well 1/25/13	3-15-23	3-15-23
4	Hydraulic Test Results Domestic Well 1/25/13	3-15-23	3-15-23
5	SCE Spreadsheet re Pasture Well 2011-2021	3-15-23	3-15-23
6	SCE Spreadsheet re Farm Well 2011-2021	3-15-23	3-15-23
7	SCE Spreadsheet re Domestic Well 2011-2021	3-15-23	3-15-23
8	Supplemental Declaration of Rick Koch	3-15-23	3-15-23
12	SCE Spreadsheet re Pasture Well 2008-2010	3-15-23	3-15-23
13	SCE Spreadsheet re Farm Well 2001-2010	3-15-23	3-15-23
14	SCE Spreadsheet re Domestic Well 2001-2010	3-15-23	3-15-23

- 11:09 am: Mr. Shepard calls his first witness **JOHNNY ZAMRZLA**, who is sworn by the clerk. He states his address at the court's request. Mr. Shepard conducts **direct examination.**
- 11:39 am: The court asks the witness clarifying questions.

11:40 am: Mr. Shepard resumes direct examination.

**Exhibit(s) marked and identified on behalf of the ZAMRZLAS**

Exhibit #	Description	ID	Admit
23	June 26, 2009 Notice of Class Action	3-15-23	
41	Zamrzla - Grimmway Well Use Agreement 2008	3-15-23	3-15-23
42	Zamrzla - Grimmway Land Lease 2006	3-15-23	3-15-23
43	Zamrzla - Giba Farms Land Lease 2002	3-15-23	3-15-23
44	Zamrzla - Giba Farms Land Lease 2003	3-15-23	3-15-23
45	Zamrzla - Giba Farms Land Lease 2005	3-15-23	3-15-23

12:02 pm: Matter is in recess for the lunch break and will reconvene at 1:30pm.

1:31 pm: Matter reconvenes on the record with all parties present as before. The witness retakes the stand.

1:32 pm: Mr. Shepard resumes direct examination of the witness.

1:34 pm: Ms. Ryan **cross-examines** the witness.

1:45 pm: Ms. Ryan has lodged a certified sealed copy of Johnny Zamrzla's deposition transcript from June 3, 2022. The court unseals the copy at this time.

*Ms. Ryan reads from Johnny Zamrzla's 6/03/22 deposition transcript, page 81, lines 2 thru 15. Cross-examination resumes.*

1:54 pm: *Ms. Ryan reads from Johnny Zamrzla's 6/03/22 deposition transcript, page 203, line 9 onward. Cross-examination resumes.*

2:04 pm: *Ms. Ryan reads from Johnny Zamrzla's 6/03/22 deposition transcript, page 42, lines as stated. Cross-examination resumes.*

**Exhibit(s) marked and identified on behalf of the SETTLING PARTIES & WATERMASTER (JOINT EXHIBIT)**

Exhibit #	Description	ID	Admit
SPW 10	Supplemental Declaration of Michael D. McLachlan in Support of Motion for Final Approval of Partial Class Settlement, GTN 7679	3-15-23	3-15-23
SPW 15	Declaration of Michael D. McLachlan re: Publication of Summary Class Notice of Settlement, GTN 9969	3-15-23	3-15-23

2:19 pm: *Ms. Ryan reads from Johnny Zamrzla's 6/03/22 deposition transcript, page 21, line 14 onward. Cross-examination resumes.*

**Exhibit(s) marked and identified on behalf of the SETTLING PARTIES  
& WATERMASTER (JOINT EXHIBIT)**

Exhibit #	Description	ID	Admit
SPW 11	Declaration of Michael D. McLachlan regarding Class Membership After Partial Settlement and Exhibit 4 attached thereto filed by Richard A. Wood, GTN 7858	3-15-23	3-15-23
SPW 16	Declaration of Kevin Berg Regarding Dissemination of Small Pumper Class Action Notice, dated August 24, 2022 and filed with the Court on October 11, 2022 as GTN 12374	3-15-23	3-15-23

2:28 pm: Matter is in recess for the midafternoon break. The court requests Real-Time court reporting after the break.

2:41 pm: Matter reconvenes with all parties present as before. Matter is being reported in Real-Time.

Ms. Ryan moves to identify and admit certain exhibits.

**Exhibit(s) marked and identified on behalf of the SETTLING PARTIES  
& WATERMASTER (JOINT EXHIBIT)**

Exhibit #	Description	ID	Admit
SPW 1	Declaration of Stefanie D. Hedlund re Status of Service of Process, Glo-Trans No. ("GTN") 1750	3-15-23	3-15-23
SPW 2	Declaration of Jeffrey V. Dunn re Status of Service of Process, GTN 2011	3-15-23	3-15-23
SPW 3	Plaintiff Willis' Revised Order Governing Class Notice, GTN 2314	3-15-23	3-15-23
SPW 4	Small pumper class action notice, GTN 2445	3-15-23	3-15-23
SPW 5	Order Approving Revised Class Notice for Small Pumper Class Action, GTN 2524	3-15-23	3-15-23
SPW 6	Declaration of Jeffrey V. Dunn re Status of Service of Process, GTN 3489	3-15-23	3-15-23
SPW 7	2013 small pumper class action notice of partial settlement, GTN 7188	3-15-23	3-15-23
SPW 8	Order Granting Preliminary Approval of Class Action Partial Settlement and Notice to the Class, GTN 7310	3-15-23	3-15-23
SPW 9	Declaration of Jennifer M. Keough regarding Notice Dissemination, GTN 7678	3-15-23	3-15-23
SPW 12	2015 small pumper class action notice of settlement, GTN 9623 [Ex. 2]	3-15-23	3-15-23

SPW 13	Order Granting Preliminary Approval of Small Pumper Class Action Settlement and Notice to the Class, GTN 9752	3-15-23	3-15-23
SPW 14	Declaration of Jennifer M. Keough regarding Dissemination of Small Pumper Notice, GTN 9968	3-15-23	3-15-23

2:49 pm: Mr. Parton questions the witness on behalf of the Watermaster.

3:10 pm: The court asks whether any counsel on Microsoft Teams wish to ask the witness any questions. No counsel appearing remotely have questions.

3:11 pm: The court questions the witness.

3:25 pm: Mr. Parton questions the witness further.

3:26 pm: Mr. Parton requests to admit Exhibits SPW 17 thru 28 (collectively identified as various pleadings in the Long Valley Road action). **The court will instead take JUDICIAL NOTICE of Exhibits SPW 17 thru SPW 28.**

**Exhibit(s) marked and identified on behalf of the SETTLING PARTIES & WATERMASTER (JOINT EXHIBIT)**

Exhibit #	Description	ID	Admit
SPW 62	6/09/2018 Letter from Watermaster to the Zamrzlas re pumping water from the Antelope Valley Groundwater basin Z000815- 816	3-15-23	3-15-23

3:29 pm: Mr. Kuhs **cross-examines** the witness on behalf of Grimmway Enterprises.

**Exhibit(s) marked and identified on behalf of the SETTLING PARTIES & WATERMASTER (JOINT EXHIBIT)**

Exhibit #	Description	ID	Admit
SPW 43	2006 Parcel Map – Johnny Zamrzla deposition markings	3-15-23	3-15-23
SPW 45	Aerial photo of Zamrzla and Van Dam properties	3-15-23	3-15-23
SPW 48	Google Earth image of Zamrzlas’ properties (approx. April 2008)	3-15-23	3-15-23
SPW 49	Google Earth image of Zamrzlas’ properties (approx. July 2008)	3-15-23	3-15-23

4:08 pm: The court takes a brief recess.

- 4:21 pm: Matter reconvenes on the record with all parties present as before. The witness retakes the stand. Mr. Kuhs resumes cross-examination.
- 4:27 pm: *Mr. Kuhs reads from Johnny Zamrzla's 6/03/22 deposition transcript, page 224, line 13 onward.*
- 4:31 pm: *Mr. Kuhs reads from Johnny Zamrzla's 6/03/22 deposition transcript, page 238, line 2 onward.*
- 4:33 pm: *Mr. Kuhs reads from Johnny Zamrzla's 6/03/22 deposition transcript, page 238, line 13 onward.*
- 4:34 pm: Mr. Shepard conducts **re-direct examination**.
- 4:41 pm: Mr. Kuhs conducts **re-cross examination**.
- 4:46 pm: No further questions for this witness. The witness is excused.
- Time estimate for the remainder of the hearing is discussed. There are three more witnesses expected. The court encourages counsel to meet and confer tonight regarding the facts of the matter.
- 4:54 pm: Matter is in recess until tomorrow **3/16/23 9:00am in Department 3.**