

1 Law Offices of  
2 **MATHENY SEARS LINKERT & JAIME, LLP**  
3 NICHOLAS R. SHEPARD, ESQ. (SBN 300629)  
4 3638 American River Drive  
5 Sacramento, California 95864  
6 Telephone: (916) 978-3434  
7 Facsimile: (916) 978-3430  
8 [nshepard@mathenysears.com](mailto:nshepard@mathenysears.com)

9 Attorneys for Defendants, JOHNNY ZAMRZLA,  
10 PAMELLA ZAMRZLA, JOHNNY LEE  
11 ZAMRZLA AND JEANETTE ZAMRZLA

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

14 Coordinated Proceeding,  
15 Special Title (Rule 1550(b))

16 ANTELOPE VALLEY  
17 GROUNDWATER CASES.

Judicial Council Coordination  
Proceeding No.: 4408

LASC Case No. BC325201

Santa Clara Sup. Court Case No.: 1-05-CV-049053  
Assigned to Hon. Jack Komar, Judge of the Santa  
Clara County Superior Court

**DECLARATION OF NICHOLAS R.  
SHEPARD IN SUPPORT OF THE  
ZAMRZLAS' OPPOSITION TO EX PARTE  
APPLICATION TO CONTINUE HEARING**

**Date: April 19, 2022**  
**Time: 1:00 p.m.**

18 I, Nicholas R. Shepard, declare as follows:

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23 1. I am an attorney of law, duly licensed to practice before all the Courts in the State  
24 of California. I am a partner at Matheny Sears Linkert & Jaime, LLP., attorneys of record for  
25 Defendants JOHNNY ZAMRZLA, PAMELLA ZAMRZLA, JOHNNY LEE ZAMRZLA and  
26 JEANETTE ZAMRZLA. This declaration is based upon my personal knowledge and if called as  
27 a witness I could and would testify competently to the facts stated herein.  
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2. On April 15, 2022 I met and conferred with counsel for the Settling Parties and the Watermaster, regarding their request to continue the hearing and conduct discovery. During that videoconference, counsel for the Settling Parties described the scope of discovery they wished to conduct as limited, and focused constructive notice. They indicated this would include a limited set of document requests, and potentially taking the depositions of the Zamrzlas. Counsel also stated they are interested in the chain of title and deeds relating to the timing the Zamrzlas acquiring their various properties.

3. Later that day, I informed counsel by email that the Zamrzlas would not be stipulating to the continuance or discovery. Mr. Robert Kuhs responded by email, stating: “Your clients’ decision is duly noted. We asked Mr. Brumfield for limited discovery on the notice issue back in March, and he refused. We proposed a timeline to deal with discovery issues and again he refused. Your office will be accorded similar courtesy in the future. We have reserved Tuesday at 1:00 p.m. for our Ex-Parte application.” A true and correct copy of my email and Mr. Kuhs’ response is attached hereto as Exhibit 1.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, and if called to do so, could and would competently testify to the matters set forth herein.

Executed on this 18th day of April 2022 at Sacramento, California.



NICHOLAS R. SHEPARD

# EXHIBIT 1

## Nick Shepard

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**From:** Robert Kuhs <rkuhs@lebeauthelen.com>  
**Sent:** Friday, April 15, 2022 2:33 PM  
**To:** Nick Shepard; Ryan, Jenifer  
**Cc:** Robinson, Eric; Powell, Stanley; Thomas S. Bunn; Cparton@ppplaw.com; tem@ppplaw.com; cgoodman@ppplaw.com; Christopher Sanders  
**Subject:** RE: Antelope Valley Groundwater Cases (JCCP No. 4408) - Request for stipulation to continue May 3 hearing

Nick: Your clients' decision is duly noted. We asked Mr. Brumfield for limited discovery on the notice issue back in March, and he refused. We proposed a timeline to deal with discovery issues and again he refused. Your office will be accorded similar courtesy in the future. We have reserved Tuesday at 1:00 p.m. for our Ex-Parte application.

### Robert G. Kuhs, Esq.

Phone: 661-325-8962  
Fax: 661-325-1127  
[rkuhs@lebeauthelen.com](mailto:rkuhs@lebeauthelen.com)  
[www.lebeauthelen.com](http://www.lebeauthelen.com)



5001 E. Commercenter Drive  
Suite 300  
P.O. Box 12092  
Bakersfield, CA 93389-2092

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**From:** Nick Shepard <nshepard@mathenysears.com>  
**Sent:** Friday, April 15, 2022 2:21 PM  
**To:** Ryan, Jenifer <jryan@kmtg.com>  
**Cc:** Robinson, Eric <erobinson@kmtg.com>; Powell, Stanley <spowell@kmtg.com>; Robert Kuhs <rkuhs@lebeauthelen.com>; Thomas S. Bunn <tombunn@lagerlof.com>; Cparton@ppplaw.com; tem@ppplaw.com; cgoodman@ppplaw.com; Christopher Sanders <cms@eslawfirm.com>  
**Subject:** RE: Antelope Valley Groundwater Cases (JCCP No. 4408) - Request for stipulation to continue May 3 hearing

All,

Thank you for taking the time this morning to meet and confer regarding your request to continue of the hearing on the Zamrzlas' motions and conduct discovery on the issue of notice. At this time, I am not authorized to enter into the stipulation.

Regards,

**Nicholas R. Shepard**  
Partner

T (916)978-3434  
F (916)978-3430

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**From:** Ryan, Jenifer <[jryan@kmtg.com](mailto:jryan@kmtg.com)>

**Sent:** Thursday, April 14, 2022 4:56 PM

**To:** Nick Shepard <[nshepard@mathenysears.com](mailto:nshepard@mathenysears.com)>

**Cc:** Robinson, Eric <[erobinson@kmtg.com](mailto:erobinson@kmtg.com)>; Powell, Stanley <[spowell@kmtg.com](mailto:spowell@kmtg.com)>; [rkuhs@lebeauthelen.com](mailto:rkuhs@lebeauthelen.com); Thomas S. Bunn <[tombunn@lagerlof.com](mailto:tombunn@lagerlof.com)>; [Cparton@ppplaw.com](mailto:Cparton@ppplaw.com); [tem@ppplaw.com](mailto:tem@ppplaw.com); [cgoodman@ppplaw.com](mailto:cgoodman@ppplaw.com); Christopher Sanders <[cms@eslawfirm.com](mailto:cms@eslawfirm.com)>

**Subject:** Antelope Valley Groundwater Cases (JCCP No. 4408) - Request for stipulation to continue May 3 hearing

Good afternoon,

Please see the attached request for stipulation to continue the May 3, 2022, hearing date for the Zamrzlas' motions to set aside or modify the judgment. Please let us know if the Zamrzlas are agreeable to our request by 4:30 p.m. tomorrow (4/14/22) or else we will seek to file an ex parte application with the Court.

Sincerely,  
Jenifer

**Jenifer Ryan**, (formerly Gee)  
*Attorney*



**Kronick Moskovitz Tiedemann & Girard**  
1331 Garden Hwy, 2nd Floor  
Sacramento, CA 95833

916.321.4500 | T  
916.321.4555 | F

[kmtg.com](http://kmtg.com) | [vCard](#) | [map](#) | [jryan@kmtg.com](mailto:jryan@kmtg.com)



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