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**Exempt from Filing Fees**
**Government Code § 6103**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

Coordination Proceeding,
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER CASES**

AND ALL RELATED ACTIONS

Judicial Council Coordination Proceeding No. 4408

LASC Case No.: BC 325201

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

**WATERMASTER'S EVIDENTIARY OBJECTIONS TO DECLARATIONS OF JOHNNY ZAMRZLA, PAMELLA ZAMRZLA, AND RICK KOCH IN SUPPORT OF JOHNNY AND PAMELLA ZAMRZLA'S MOTION TO SET ASIDE OR MODIFY JUDGMENT**

Date: December 13-14, 2022
Time: 9:00 a.m.
Dept: 17

The Antelope Valley Watermaster ("**Watermaster**") submits the following objections to the Declarations of Johnny Zamrzla, Pamella Zamrzla and Rick Koch attached to the Compendium of Evidence submitted in support of Johnny and Pamella Zamrzla's Motion to Set Aside or Modify Judgment.

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## GENERAL OBJECTION

The Watermaster hereby objects to the entirety of the Declarations of Johnny Zamrzla, Pamella Zamrzla and Rick Koch attached to the Compendium of Evidence submitted in support of Johnny and Pamella Zamrzla's Motion to Set Aside or Modify Judgment, and all of the Exhibits attached thereto or referred to therein, on the grounds that the findings, terms and validity of the Court's final Judgment entered on December 23, 2015 ("**Judgment**"), cannot now be challenged by collateral attack since the jurisdictional defect does not appear on the judgment roll. (*Estate of Wise* (1949) 34 C.2d 376, 382.) "Extrinsic evidence is wholly inadmissible, even though it might show that jurisdiction did not in fact exist." (*Hogan v. Superior Court* (1925) 74 Cal.App. 704, 708.) This presumption applies "to all varieties of judgment, decrees or orders." (*Lieberman v. Superior Court* (1925) 72 C.A. 18, 34.) The Zamrzlas are attempting to admit extrinsic evidence in order to collaterally attack their identified status as a Small Pumper Class Member and a Party to the Judgment.

## SPECIFIC OBJECTIONS

**Specific Objection No. 1**

**Declaration of Johnny Zamrzla, page 2, lines 22-23: "The Declaration of Rick Koch served and filed herewith shows our water production from 2011 to 2020."**

The Watermaster objects on the grounds that this sentence calls for speculation and lacks foundation. The declarant has no personal knowledge of the matters set forth in the Declaration of Rick Koch, and is not qualified to opine on the accuracy of the statements set forth therein.

**Specific Objection No. 2**

**Declaration of Pamella Zamrzla, page 2, lines 22-23: "The Declaration of Rick Koch served and filed herewith shows our water production from 2011 to 2020."**

The Watermaster objects on the grounds that this sentence calls for speculation and lacks foundation. The declarant has no personal knowledge of the matters set forth in the Declaration of Rick Koch, and is not qualified to opine on the accuracy of the statements set forth therein.

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**Specific Objection No. 3**

**Declaration of Johnny Zamrzla, page 3, lines 27-28 (footnote 1): "We pumped more than 25 acre-feet every year from 1970 to 2018 on our property."**

The Watermaster objects on the grounds that this sentence is conclusory, calls for speculation and lacks foundation. The declarant submits no evidence to demonstrate the amount of water pumped from the property before 2011, and is not qualified to opine on such matters.

**Specific Objection No. 4**

**Declaration of Pamella Zamrzla, page 3, lines 27-28 (footnote 1): "We pumped more than 25 acre-feet every year from 1970 to 2018 on our property."**

The Watermaster objects on the grounds that this sentence is conclusory, calls for speculation and lacks foundation. The declarant submits no evidence to demonstrate the amount of water pumped from the property before 2011, and is not qualified to opine on such matters.

**Specific Objection No. 5**

**Declaration of Rick Koch, page 4, lines 3-11: "The last column of each spreadsheet is titled "AF produced." The values shown in this column are meant to represent an approximation of the acre feet pumped by the well in each of the years shown, which is based on the records I have just described concerning energy usage shown on billing records and observations taken during hydraulic tests. The value shown in column P is the product of a simple mathematical calculation that divides the annual kWh energy usage for the account by the kWh/AF rate that was recorded under testing conditions during the most recent hydraulic test (in other words, the value in this last column is Annual kWh Total divided by SCE pump test — kWh/AF)."**

The Watermaster objects on the grounds that this paragraph calls for speculation and lacks foundation. The declarant is estimating past water usage based solely on two tests conducted over the course of five years without discussion of the margin of error in using electrical records to work backwards in order to "approximate" how much water was in fact pumped from the well.

In addition, the Zamrzlas have failed to install water meters on their wells in direct violation of the Judgment and the Watermaster Rules and Regulations, notwithstanding the

Watermaster's repeated requests that they do so. The Zamrzlas are therefore estopped from purporting to benefit from the speculative and unsupported results of electrical records and pump efficiency tests, approximations that were necessitated by their failure to comply with the Judgment.

Dated: October 12, 2022

PRICE, POSTEL & PARMA LLP

By: _____
CRAIG A. PARTON
TIMOTHY E. METZINGER
CAMERON GOODMAN
Attorneys for
Antelope Valley Watermaster

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street, Fourth Floor, Santa Barbara, California 93101.

On October 12, 2022, I served the foregoing document **WATERMASTER'S EVIDENTIARY OBJECTIONS TO DECLARATIONS OF JOHNNY ZAMRZLA, PAMELLA ZAMRZLA, AND RICK KOCH IN SUPPORT OF JOHNNY AND PAMELLA ZAMRZLA'S MOTION TO SET ASIDE OR MODIFY JUDGMENT** on all interested parties in this action by placing the original and/or true copy.

☒ **BY ELECTRONIC SERVICE:** I posted the document(s) listed above to the Santa Clara County Superior Court Website @ www.scefiling.org and Glotrans website in the action of the Antelope Valley Groundwater Cases.

☒ (*STATE*) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ (*FEDERAL*) I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on October 12, 2022, at Santa Barbara, California.

Signature
Elizabeth Wright