

1 CRAIG A. PARTON, State Bar No. 132759
2 TIMOTHY E. METZINGER, State Bar No. 145266
3 CAMERON GOODMAN, State Bar No. 307679
4 PRICE, POSTEL & PARMA LLP
5 200 East Carrillo Street, Fourth Floor
6 Santa Barbara, California 93101
7 Telephone: (805) 962-0011
8 Facsimile: (805) 965-3978

Exempt from Filing Fees
Government Code § 6103

6 Attorneys for
7 Antelope Valley Watermaster

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

10
11 Coordination Proceeding,
12 Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

LASC Case No.: BC 325201

13 **ANTELOPE VALLEY**
14 **GROUNDWATER CASES**

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

15
16
17
18

AND ALL RELATED ACTIONS

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

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

19
20
21
22
23 The Antelope Valley Watermaster (“**Watermaster**”) submits the following objections to
24 the Declarations of Johnny Lee and Jeannette Zamrzla, Johnny Zamrzla, Pamela Zamrzla and
25 Rick Koch attached to the Compendium of Evidence submitted in support of Johnny Lee and
26 Jeannette Zamrzla’s Motion to Set Aside or Modify Judgment.

27 ///

28 ///

1 GENERAL OBJECTION

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

14 SPECIFIC OBJECTIONS

15 Specific Objection No. 1

16 **Declaration of Johnny Lee and Jeannette Zamrzla, page 4, lines 9-12: “SCE**
17 **confirmed power usage from 2011 to 2020 and provided a declaration from Rick Koch**
18 **which is filed herewith, which declaration documents water pumped from our well. Usage**
19 **from 2011 to 2020 ranges from 6.9 AFY in 2019 to 79.4 AFY in 2017 for the well located**
20 **on our property (identified by SCE as "Pasture Well").”**

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

24 Specific Objection No. 2

25 **Declaration of Johnny Lee and Jeannette Zamrzla, page 4, lines 15-17: “Rich**
26 **Koch's declaration is for water produced from a total of three wells – two wells on property**
27 **owned by Johnny and Pamella Zamrzla and one well on property owned by Johnny Lee and**
28 **Jeanette Zamrzla.”**

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

4 **Specific Objection No. 3**

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

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

10 **Specific Objection No. 4**

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

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

16 **Specific Objection No. 5**

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

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

22 **Specific Objection No. 6**

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

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

28 ///

1 Specific Objection No. 7

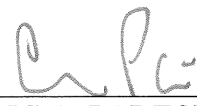
2 Declaration of Rick Koch, page 4, lines 3-11: “The last column of each spreadsheet is
3 titled "AF produced." The values shown in this column are meant to represent an
4 approximation of the acre feet pumped by the well in each of the years shown, which is
5 based on the records I have just described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

11 The Watermaster objects on the grounds that this paragraph calls for speculation and lacks
12 foundation. The declarant is estimating past water usage based solely on three tests for the Farm
13 Well and two tests for the Domestic Well conducted over the course of five years. The declarant
14 fails to discuss the margin of error in using electrical records to work backwards in order to
15 “approximate” how much water was in fact pumped from such wells.

16 In addition, the Zamrzlas have failed to install water meters on their well in direct
17 violation of the Judgment and the Watermaster Rules and Regulations, notwithstanding the
18 Watermaster’s repeated requests that they do so. The Zamrzlas are therefore estopped from
19 purporting to benefit from the speculative and unsupported results of electrical records and pump
20 efficiency tests, approximations that were necessitated by their refusal to comply with the
21 Judgment.

22 Dated: October 12, 2022

PRICE, POSTEL & PARMA LLP

23
24 By: 
25 CRAIG A. PARTON
26 TIMOTHY E. METZINGER
27 CAMERON GOODMAN
28 Attorneys for
Antelope Valley Watermaster

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

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

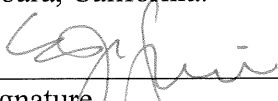
5 On October 12, 2022, I served the foregoing document **WATERMASTER'S**
6 **EVIDENTIARY OBJECTIONS TO DECLARATIONS OF JOHNNY LEE AND JEANETTE**
7 **ZAMRZLA, JOHNNY ZAMRZLA, PAMELLA ZAMRZLA, AND RICK KOCH IN**
8 **SUPPORT OF JOHNNY LEE AND JEANETTE ZAMRZLA'S MOTION TO SET ASIDE**
OR MODIFY JUDGMENT on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

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

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

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

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

16 
17 _____
Signature
Elizabeth Wright