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Government Code § 6103

7 Attorneys for  
8 Antelope Valley Watermaster

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**  
11

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

Judicial Council Coordination  
Proceeding No. 4408

LASC Case No.: BC 325201

14 **ANTELOPE VALLEY**  
15 **GROUNDWATER CASES**

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

17 AND ALL RELATED ACTIONS

**DECLARATION OF CRAIG A. PARTON  
IN SUPPORT OF OPPOSITION TO  
JOHNNY & PAMELLA ZAMRZLA'S  
MOTION TO SET ASIDE OR MODIFY  
JUDGMENT**

20 I, CRAIG A. PARTON, declare as follows:

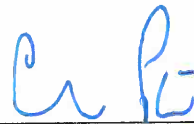
21 1. I am an attorney, duly licensed to practice before all the Courts in the State of  
22 California. I am a partner at Price, Postel & Parma LLP, attorneys of record for the Antelope  
23 Valley Watermaster. This declaration is based upon my personal knowledge and if called as a  
24 witness, I could and would testify competently to the facts stated therein.

25 2. A two-day evidentiary hearing in this matter was held on March 15-16, 2023,  
26 before the Honorable Judge Jack Komar. A true and correct copy of the relevant portions of the  
27 transcripts of the hearing is attached hereto as Exhibit A.

28 I declare under penalty of perjury under the laws of the State of California that the

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

4 Executed on this 12th day of May, 2023 at Santa Barbara, California.

5  
6 

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8 \_\_\_\_\_  
9 Craig A Parton  
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## **Exhibit A**

Transcript of the Proceedings of:

**ANTELOPE VALLEY GROUNDWATER CASES**

March 15, 2023



**I M A G I N E**  
R E P O R T I N G

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

HONORABLE JACK KOMAR, JUDGE, RETIRED

--oOo--

Coordinated Proceeding,	)	Judicial Council
Special Title (Rule 1550(b)	)	Coordination Proceeding
	)	No. 4408
	)	
ANTELOPE VALLEY	)	LASC Case No. BC325201
GROUNDWATER CASES	)	
	)	Santa Clara Superior
Court	)	
	)	Case No. 1-05-CV-04-053
	/	
	)	Volume 1
AND RELATED ACTIONS	)	Pages 1-202
	/	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MARCH 15, 2023

Santa Clara Superior Court

191 N. First Street

San Jose, California 95113

1 THE COURT: All right. Then go ahead.

2 MR. SHEPARD: Thank you, your Honor.

3 So is 41 moved into evidence?

4 THE COURT: I'm sorry?

5 MR. SHEPARD: So 41 moved into evidence?

6 THE COURT: Yes.

7 MR. SHEPARD: Thank you, your Honor.

8 (Exhibit 41 admitted into evidence.)

9 BY MR. SHEPARD:

10 Q. Mr. Zamrzla, do you -- do you run a business  
11 of any kind?

12 A. Yes, sir.

13 Q. What business is that?

14 A. What is it?

15 Q. Yeah.

16 A. Primarily it's a roofing and sheet metal  
17 business. We have a GC license for some of the metal  
18 building work we do, but we're a 60-year-old ongoing  
19 business.

20 Q. You say it's a 60-year-old business. Is it  
21 your business for those 60 years?

22 A. 60.

23 Q. I'm clarifying the point. It's been your  
24 business for those 60 years; is that correct?

25 A. Absolutely true.

26 THE COURT: What's the name of your business?

27 THE WITNESS: The primary one is Western  
28 Pacific Roofing Corporation.

1 THE COURT: Western Pacific?

2 THE WITNESS: Roofing.

3 THE COURT: Roof?

4 THE WITNESS: R-O-O-F-I-N-G Corp.

5 THE COURT: Okay. Roofing.

6 You do sheet metal work; is that?

7 THE WITNESS: We do. Actually, sheet metal  
8 buildings under the general contracting license.

9 THE COURT: Are you the licensee?

10 THE WITNESS: I have two sons that are  
11 licensed, but I'm the primary of the oldest license in  
12 the group. In fact, I built and worked on the metal  
13 building that Gene Wheeler Onions is located in. It  
14 sold, but it's a major metal building in Antelope  
15 Valley.

16 BY MR. SHEPARD:

17 Q. Does anyone else in your family work at that  
18 business?

19 A. Say that again.

20 Q. Does anyone else in your family work at that  
21 business?

22 A. Yes.

23 Q. Who else works in that business in the Zamrzla  
24 family?

25 A. I've got grandkids, wife, sons, daughter has  
26 been.

27 Q. When you say your wife, you mean Pamela?

28 A. That's the only wife I have.

1 litigation?

2 A. Very minimal discussion.

3 Q. Sorry, sir, please. I didn't mean to  
4 interrupt.

5 You can finish.

6 A. We had minimal conversations about the ongoing  
7 water litigation that he was involved in.

8 Q. These conversations occurred before 2016,  
9 right?

10 A. Was that Delmar?

11 Q. Yes.

12 A. Well, he died in 2014, so, yes, it was.

13 MR. KUHS: I'm sorry. I didn't hear that last  
14 answer. Delmar died when?

15 THE COURT: He said 2014.

16 BY MS. RYAN:

17 Q. Delmer Van Dam told you that the groundwater  
18 litigation was costing him a lot of money; didn't he?

19 A. I don't know that he used those words. I  
20 think he said it was expensive.

21 Q. He said it was a costly ordeal; didn't he?

22 A. Costly what?

23 Q. Costly ordeal; didn't he?

24 A. That could have been one of the words. I  
25 don't recall specifically.

26 Q. He reiterated over several years that the  
27 groundwater litigation was costing him a lot of money;  
28 didn't he?



1 A. That it was going on over several years.

2 Q. No, Delmar -- I'll rephrase.

3 Delmar Van Dam reiterated over several years  
4 to you that the groundwater litigation was costing him a  
5 lot of money; didn't he?

6 A. I don't remember how many times it might have  
7 come up. It was minimal, but he said he was involved  
8 and that he believed that it didn't affect me; I  
9 shouldn't be worried about it; I should do what I'm  
10 doing.

11 MS. RYAN: Objection.

12 THE WITNESS: And it was for other people.

13 MS. RYAN: I'm going to move to strike his  
14 answer where he starts to talk about his involvement and  
15 what his advice was to Mr. Zamrzla. That wasn't the  
16 question.

17 THE COURT: Well, I'm going to overrule the  
18 objection. It is what it is.

19 BY MS. RYAN:

20 Q. Delmar Van Dam told you to keep doing what  
21 you're doing; didn't he?

22 A. That was later, yeah, because that was  
23 probably what I was doing in that conversation was  
24 sometime in the mid 2000s, because I wasn't doing  
25 anything before that other than leasing the property.

26 Q. He told you to keep track of your water use;  
27 didn't he?

28 A. He may have -- well, he knew we used Edison

1 for -- for keeping track of the amounts we used. I  
2 think he probably did say, you know, make sure you keep  
3 a record.

4 Q. And he told you you would always be able to  
5 get some sort of water rights; didn't he?

6 A. From what he knew, he said that everybody  
7 always got fairly treated on the groundwater that --  
8 with their overlying land rates. And yes, I would get  
9 some water at the end of it.

10 Q. You did not seek to find out any more about  
11 the groundwater litigation after you talked to  
12 Delmar Van Dam; did you?

13 A. I didn't do what?

14 Q. Didn't seek to find out any more about the  
15 groundwater litigation after you talked to Delmar; did  
16 you?

17 A. Oh, I talked to people like Gene Nebeker.

18 Q. You didn't hire an attorney after you talked  
19 to Delmar Van Dam; did you?

20 A. Well, it was afterwards but it was September  
21 of 2018.

22 Q. Right.

23 But during your conversations with  
24 Delmar Van Dam, which occurred before 2014 and when he  
25 discussed the groundwater litigation with you, you  
26 didn't hire an attorney after those conversations?

27 A. After the conversation with Delmar, I did not  
28 hire an attorney, no.

1 an attorney?

2 A. I want to make sure we understand. I didn't  
3 hire an attorney till 2018 after I got the Watermaster  
4 attorney letter.

5 Q. Correct.

6 So after your 2014 call with Eugene Nebeker  
7 where he invited you to join his group, you did not hire  
8 an attorney?

9 MR. SHEPARD: I'd just object that that  
10 misstates the deposition testimony.

11 BY MS. RYAN:

12 Q. Mr. Zamrzla, did you consult an attorney after  
13 your call with Gene Nebeker?

14 A. I don't believe so. I didn't hire one.

15 Q. And after your 2014 call with Eugene Nebeker,  
16 you didn't investigate any further about his group Aqua;  
17 did you?

18 A. As I sit here today, I don't recall that, no.  
19 Investigating his group? I don't believe I ever  
20 investigated his group. As I sit here today, I don't  
21 think I can even tell you who all was in it.

22 Q. You knew a man named Michael Antonovich,  
23 former L.A. County supervisor for your area?

24 A. Yes, I know him.

25 Q. You knew Supervisor Antonovich back when he  
26 was the supervisor, correct?

27 A. Yeah, I still know him, and then too.

28 Q. And he actually asked you to lead up what was

1 office every day unless you were out of town?

2 A. The answer would be the same for quite a  
3 number of years.

4 Q. Including before 2016?

5 A. Yes.

6 Q. Throughout the day while you're at the office,  
7 you might see the newspaper, open it up, and read it,  
8 correct?

9 A. Somebody brings it in, puts it in the kitchen.  
10 I may stop and look at it. I may not look at it at all.

11 Q. When you look at the newspaper, you read the  
12 obituaries, right?

13 A. That's what I told you, yes, ma'am.

14 Q. You like to see if any of your clients have  
15 passed away, correct?

16 A. Well, I don't like to see it. I just review  
17 it to see if somebody did.

18 Q. Understood.

19 You usually look at the sports section?

20 A. Do I read the sports section?

21 Q. I said you usually look at the sports section,  
22 right?

23 A. I did.

24 Q. You also read some community news, right?

25 A. Yeah, I glance at it maybe.

26 Q. You have read stories in the Antelope Valley  
27 Press about water issues, right?

28 A. I have more recollection of after the



1 adjudication, but yes.

2 Q. But before the adjudication, you read stories  
3 in the Antelope Valley Press about water issues, right?

4 A. I don't think I remember any specific for my  
5 deposition or today as I sit here.

6 Q. But you have read stories about water issues  
7 in the Antelope Valley Press before the adjudication?

8 A. I don't recall any specific.

9 Q. I'm not asking about any specific stories.  
10 I'm asking that you have read them -- read stories about  
11 water issues in the Antelope Valley Press before 2016?

12 A. I'd be making up the answer, because I don't  
13 recall any particular issues about water in the past  
14 other than more recently I've seen some.

15 Q. Again, I'm not asking for a specific story.

16 A. No, I'm answering the question as honestly as  
17 I can. Going back, I don't remember any specific  
18 stories.

19 Q. And again, my question isn't any specific  
20 stories. It's just that you've seen stories about the  
21 water issues in the Antelope Valley Press before the  
22 groundwater litigation, correct?

23 MR. SHEPARD: Objection. Asked and answered.

24 THE WITNESS: I don't remember any, Counsel --

25 BY MS. RYAN:

26 Q. Okay.

27 A. -- specifically.

28 Q. I can turn to your --

1 "Answer: I stop every night when I come in and  
2 check the mailbox."

3 That's your testimony, Mr. Zamrzla?

4 A. Okay.

5 Q. Yes?

6 A. That's what my testimony is, but I actually  
7 don't check it every night.

8 Q. When you get the mail, you take it into the  
9 house, right?

10 A. When I get it, I take it in the house, yes.

11 Q. You look through it, sort through it, and  
12 decide what to keep and what to throw away, correct?

13 A. My wife or I do, yes.

14 Q. You've never forwarded your personal mail to  
15 another address, correct?

16 A. No.

17 Q. If you've been away on a trip, someone else  
18 has picked it up for you, and you get mail when you  
19 return, right?

20 A. I believe that's what I told you, yes;  
21 correct.

22 Q. Before 2016, you never reported an issue  
23 receiving the mail with the U.S. Post Office, right?

24 A. I don't remember doing that, no.

25 Q. Mr. Zamrzla, could you please turn to Tab  
26 SPW-11 before you, please, in the binder?

27 SPW-11.

28 THE COURT: I'm sorry?

1 pumper" to you?

2 A. Never.

3 Q. Did he ever tell you you were a small pumper?

4 A. No, never.

5 Q. Gene Nebeker ever use the term "small pumper"?

6 A. Absolutely not.

7 Q. Did he ever tell you -- did Gene Nebeker ever  
8 tell you you were a small pumper?

9 A. Never mentioned the small pumper or anything  
10 like that.

11 Q. So when you had these conversations with  
12 Delmar Van Dam or Gene Nebeker, some other folks we  
13 talked about in the years leading up to the judgment,  
14 we've talked about a number of conversations from, say,  
15 '09 to 2015, why didn't you ever go out and retain  
16 counsel after any of those conversations?

17 A. Still seemed to me, as we originally decided,  
18 we were not in the game. It was for the big -- a battle  
19 between the big purveyors and the big farmers that were  
20 using the bulk of the water. It did not include me.  
21 That's not where my livelihood came from. That was not  
22 what I did for a living. I was a small farmer to begin  
23 with. It didn't fit me. It was not -- it was not part  
24 of what the adjudication was over. I was, I believed, a  
25 small player.

26 Q. There's been an insinuation here that -- more  
27 than an insinuation, a claim that you made a business  
28 decision to try to save yourself money by ignoring the

1 time of your deposition, correct?

2 A. I had a memory that I was being asked  
3 questions about trying to give you a date of when that  
4 took place. I signed it the best I could remember that  
5 I had given testimony to in the depo, and then got to  
6 thinking about it several weeks later when I was going  
7 through files. I found a few pictures. I found a  
8 Grimmway contract. I found also the Phil Giba contract.  
9 I found things that I hadn't seen before.

10 And by the same time, I got to thinking about,  
11 you know, that didn't take place back during the Blue  
12 Ribbon. I think I gave bad information. So I went to  
13 my secretary and said, Do you remember sending a message  
14 or calling Norm Hickling when he worked for Mike to get  
15 some information about where this was gonna go now that  
16 the adjudication had come to a head.

17 She gave me the date and the date that he sent  
18 it back and a little overcap of what he said.

19 Q. And to the best of your recollection, that  
20 communication occurred in what year?

21 A. It was like early 2016.

22 Q. So in 2016, Mike Antonovich's office, the  
23 supervisor, and Norm Hickling handed you the decision in  
24 this groundwater case and you did nothing with that  
25 decision until you were contacted by the Watermaster;  
26 isn't that accurate, sir?

27 A. They did respond, and I believe it was the  
28 finding in the adjudication.



1 Q. Right.

2 And between the time you received that in 2016  
3 and when Mr. Parton's office contacted you in 2018, you  
4 did absolutely nothing to protect your rights to  
5 groundwater in the basin, correct?

6 A. Whatever all was in what Norm sent me, I did  
7 nothing following that. That is absolutely correct.

8 MR. KUHS: Thank you.

9 No further questions, your~Honor.

10 THE COURT: All right.

11 Are you done?

12 MR. PARTON: None.

13 MR. SHEPARD: No further questions.

14 THE COURT: All right. You may step down,  
15 sir.

16 THE WITNESS: Thank you, your~Honor.

17 THE COURT: Thank you very much.

18 THE WITNESS: Thank you, sir.

19 THE COURT: All right. We'll take our evening  
20 recess right now, and we'll resume tomorrow morning at  
21 9:00 a.m.

22 So I'm a little concerned about the time  
23 estimates in this case. We've spent the better part of  
24 today dealing with one witness. I got a list of  
25 witnesses that the parties say they're going to want to  
26 call that defies the ability to satisfy it.

27 So what do you plan on doing?

28 MR. KUHS: Yeah. I think Mr. Shepard would

## REPORTER'S CERTIFICATE

STATE OF CALIFORNIA )

) ss.

LOS ANGELES COUNTY )

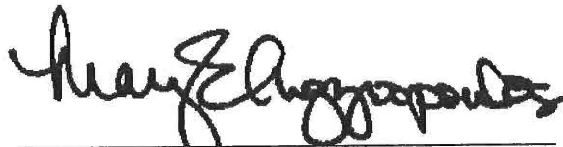
I, MARY E. ARGYROPOULOS, a Certified Shorthand Reporter in and for the State of California, hereby certify:

That on March 15, 2023, I fully, truly, and correctly took down in shorthand writing all of the testimony given in said court and cause;

That I thereafter fully, truly, and correctly caused the same to be transcribed into typewriting;

That the foregoing pages 1-202, inclusive, is a full, true, and correct transcript of my shorthand notes taken at said time and place therein named.

DATED: 28th day of March, 2023.



MARY E. ARGYROPOULOS  
CSR NO. 9775, RMR, CRR

Transcript of the Proceedings of:

**ANTELOPE VALLEY GROUNDWATER CASES**

March 16, 2023



**I M A G I N E**  
R E P O R T I N G

1 Q. And when you go on vacation, you have someone  
2 pick it up, and then you review the mail when you come  
3 home?

4 A. Correct.

5 Q. Before 2016, you've never reported any issues  
6 with receiving your mail to the U.S. Postal Service?

7 A. I'm sorry, I didn't hear you.

8 Q. Before 2016, you've never reported any  
9 problems receiving your mail with U.S. Postal Service?

10 A. No.

11 Q. And you received class action notices in the  
12 mail before, correct?

13 A. Correct.

14 Q. And your practice is to usually read them,  
15 correct?

16 A. My practice is to what?

17 Q. Usually read them, correct?

18 A. Class action notices? I read them.

19 Q. You usually read them. You don't read all of  
20 them, correct?

21 A. No, that's not correct. I read our mail.

22 Q. I'd like to read from your deposition  
23 transcript.

24 MS. RYAN: Your Honor, if you'd like to pull  
25 it, it's the August 17th, 2022, deposition transcript.

26 THE COURT: Excuse me.

27 THE WITNESS: Gesundheit.

28 THE COURT: Well, do I have a copy of that

1           A.    We wouldn't have been hard to find was the  
2   comment.

3           Q.    No, I understand. I understand that.

4                    You're -- I'm not asking you to boast, but  
5   you're a prominent family in Antelope Valley.

6           A.    Well, you've kind of -- Mr. Brumfield used  
7   that term to -- to magnify the fact that it would have  
8   been easy to find us and serve us properly. And then  
9   you created kind of a caricature of us by the  
10   self-described prominence.

11                   No, we're active in our community. We're good  
12   citizens. We've been involved for 52 years in a lot of  
13   charity and other organizations that we support. And we  
14   are well-known. I don't know everybody. Johnny knows  
15   the whole Valley. But we could have been found and  
16   served quite easily is the point.

17           Q.    Right. And I understand that.

18           A.    Good.

19           Q.    My question is: Did you have a conversation  
20   with anyone who you understood to be in the small pumper  
21   class?

22           A.    Never heard of the small pumper class so no.

23           Q.    No. Thank you.

24                   Did you present some data and pumping  
25   information to me in 2019?

26           A.    Through Mr. Brumfield we provided you with  
27   what you requested in 2018 and in 2019, yes.

28           Q.    Was any of the information incorrect at all?

1 Q. That is, do you stamp it and handwrite in the  
2 date or does the machine put the date on it for you?

3 A. It's a hand stamp. The one we currently use  
4 now is a little more techy, but back in --

5 Q. Now, in -- did I hear you correctly that when  
6 you stamp documents as important, then you keep those  
7 documents; that's your practice?

8 A. Yes.

9 Q. Okay. Now, your husband testified to  
10 receiving a copy of the judgment in this case from Norm  
11 Hickling --

12 A. Yes.

13 Q. -- in 2016.

14 Do you recall that?

15 A. I do. He said it came from Norm. I don't  
16 know whether it was email. I think he might have  
17 received it via email.

18 Q. I'd be happy to refresh your recollection.

19 A. Okay.

20 Q. But he testified that Mr. Hickling handed him  
21 a stack of documents about three-eighths of an inch  
22 thick.

23 A. Okay.

24 Q. And you and Mr. Johnny Zamrzla have been  
25 unable to produce that document in discovery in this  
26 case; isn't that accurate?

27 A. That's true.

28 Q. And that's an important legal document that,

1 four leases, every lease you could find in your files,  
2 and not one of those documents is stamped?

3 A. That's true.

4 Q. The only stamped document we have in this case  
5 is after you retained counsel and were getting letters  
6 from the Watermaster, correct?

7 A. No, we had not retained counsel when we  
8 received the Watermaster's letter in 2018, but we  
9 stamped it and stapled it to its envelope and then we  
10 retained counsel.

11 Q. And if you followed your practice of stamping  
12 and retaining documents, we would have a lot more copies  
13 of your leases in this case than just the four that are  
14 in it, correct?

15 A. Mr. Kuhs --

16 Q. Just answer the question, ma'am.

17 Yes or no; if you had followed the practice  
18 you testified to of stamping and receiving every  
19 important document, we would have more than four leases  
20 in this case?

21 A. Not necessarily. We wouldn't have retained  
22 something like this readily for -- back in 2002 and  
23 2003.

24 Q. Are you saying --

25 A. So it's an explanation because it wasn't  
26 something -- it wasn't something that we retained. We  
27 had to search for these.

28 Q. Isn't it possible, ma'am, that you received



1 the class notice, didn't recognize it for what it was,  
2 and threw it out? Isn't that possible?

3 A. Anything is possible. But you all -- all of  
4 you, including Mr. Parton, focus on that. Was that the  
5 intent to mail a class notice that looked like junk and  
6 hope people threw it away and then try to say it looked  
7 like junk and you probably got it and threw it away?

8 Q. We have credible declarations, ma'am, from  
9 several people who say that they put those notices in  
10 the U.S. Mail. Do you have any reason to believe that  
11 the U.S. Mail did not do its job and deliver those  
12 notices?

13 A. I -- I'm not gonna project that. What I'm  
14 gonna say is they never came to our home. We never  
15 received them.

16 Q. That's not my question.

17 A. Okay.

18 Q. My question is: Do you have any reason to  
19 believe that the U.S. postman that delivers mail to your  
20 house didn't do the job he was hired to do?

21 A. I don't have any reason to believe -- I do get  
22 mail addressed to other people. I put it back out in my  
23 mailbox, and I say delivered to wrong address. And I  
24 stick it in the box, and they take it away. So I  
25 don't -- but as far as, like, filing a complaint that  
26 I'm not getting our mail, no.

27 Q. Ma'am, I'd like you to turn to Exhibit 24 in  
28 the Zamrzlas' binder, please.



1 on March 13th, 2023.

2 On page 4, lines 6 through 7: Quote, Johnny  
3 Lee Zamrzla was unaware of the litigation or its effects  
4 on his water pumping rights until 2018, end quote.

5 That is a false statement; isn't it?

6 A. I don't know that it's a false statement.

7 Q. I'll read it again.

8 "Johnny Lee Zamrzla was unaware of the  
9 litigation or its effects on his water pumping rights  
10 until 2018."

11 That's a false statement?

12 A. I wasn't aware that it directly affected me.  
13 I don't -- I don't believe that was a false statement.

14 Q. That's not what the statement says,  
15 Mr. Zamrzla. It says you were unaware of the litigation  
16 or its effects on, it says, pumping rights until 2018.

17 A. Okay.

18 Q. So it was a false statement?

19 A. I guess if that's the way you look at it, yes.

20 Q. I'd like to also read to you from the  
21 October 26, 2022, reply brief filed in support of the  
22 Zamrzlas on page 4, lines 11 through 12: Quote, in  
23 fact, Johnny Lee and Jeanette did not know about the  
24 litigation at all as they testified during their  
25 depositions, end quote.

26 That is a false statement as to you; isn't it?

27 A. Sounds like it.

28 Q. After your conversation with Delmar Van Dam,

1 you had a later conversation with his other son Nick  
2 Van Dam about the litigation, correct?

3 A. Yes.

4 Q. And in that conversation, Nick Van Dam told  
5 you that you got bad advice from his dad, correct?

6 A. Correct.

7 Q. And despite hearing this admission from Nick  
8 Van Dam, you did not investigate further about the  
9 groundwater litigation; did you?

10 A. I believe that conversation was well after the  
11 fact.

12 Q. And you did not take any steps to investigate  
13 any further about what had happened; did you?

14 A. I don't remember when that conversation  
15 specific -- but I believe we'd already retained  
16 Brumfield at that point; had we not?

17 Q. You tell me.

18 A. I don't remember the date.

19 Q. I'd like you to turn to Zamrzlas' exhibits,  
20 starting with Zamrzlas' Exhibit No. 5, please.

21 Sometimes you have to learn the hard way  
22 smaller binders would be better.

23 Mr. Zamrzla, you have before you what's  
24 already been moved into evidence, the Zamrzla Exhibit 5,  
25 which is the Southern California Edison spreadsheet for  
26 the production of the pasture well from 2011 to 2021.

27 Do you see that there?

28 A. I do.

1 the specific reason that they're closing the dairy.

2 Q. Was the conversation about closing the dairy  
3 with Nick Van Dam?

4 A. I don't think so. I think Gary and possibly  
5 Craig.

6 Q. Let me read your testimony from page 36 of  
7 your deposition.

8 And refresh our recollection. Which Van Dam  
9 was it that told you that Delmar had given your dad bad  
10 advice?

11 A. Nick.

12 Q. Okay.

13 So let me read starting at line 7 from your  
14 deposition on page 36.

15 "My understanding from Delmar's conversation  
16 that whatever amount of water people agreed, if  
17 it was 40 percent, 50 percent, that we would  
18 automatically fall into a 40 or 50 percent range  
19 of the water that we had been using."

20 Let me stop right there and ask you. What  
21 time period did you have this understanding that  
22 whatever cutbacks were made in the basin it would also  
23 be applicable to the Zamrzlas?

24 A. I believe that's going to be in 2014.

25 Q. And how did you think that those percentages  
26 would automatically be applicable to the Zamrzlas? What  
27 mechanism?

28 A. Well, I didn't think that -- I believe that

1 the way that it was explained was that whatever the  
2 agreeable cutbacks are, that will be applicable to us.  
3 I don't -- I think the percentages was just my simple  
4 way explaining what my understanding of what Delmar was  
5 telling us.

6 Q. Then moving down to line 14, it says:

7 "Question: And so did Nick elaborate further  
8 on why that was bad advice?

9 "Answer: He did not. He just said that he  
10 never believed that we would be part of any  
11 agreement and that his father thought -- he  
12 thought his father had given us bad advice.

13 "Question: What -- what does your  
14 conversation with Craig, what was said during  
15 that time?

16 "Answer: Most of the conversation I had with  
17 Craig was regarding the ramp-downs and what  
18 their plans were to relocate most of their  
19 farming operations along with closing down the  
20 dairy is what I recall."

21 So what I'm focused on is the last part of  
22 that statement. Did you have a conversation with Craig  
23 about the Van Dam's closing down their dairy during the  
24 ramp-down period?

25 A. It's the same conversation but two different  
26 issues. I don't believe that closing down the dairy was  
27 directly related to the ramp-down in water.

28 Q. Why do you believe that?

1 your Honor. They met the definition. They are presumed  
2 to have gotten notice by publication.

3 It's 5.1.3.6 defines an unknown small pumper  
4 class member as: One, those persons or entities that  
5 are not identified on the list -- and that's Johnny Lee  
6 and Jeanette. They are not on any list of small  
7 pumpers. Number 2, and any unidentified households  
8 existing on a small pumper class parcel prior to class  
9 closure date, which they meet.

10 So they meet the definition of an unknown  
11 small pumper. It took into consideration the fact that  
12 they wouldn't be on the list. That's why they're  
13 considered unknown at the time the judgment was entered  
14 into.

15 THE COURT: Okay. Now, if they're pumping  
16 more than 25 acre-feet a year during the period of  
17 qualification, what is their status?

18 MR. PARTON: During -- precisely what time is  
19 your Honor inquiring as to when they were pumping over  
20 25 acre-feet?

21 THE COURT: Well, I don't know at this point.

22 MR. PARTON: We have evidence that they  
23 clearly are within the definition of a small pumper  
24 because they produced less than 25 acre-feet on each of  
25 their parcels.

26 THE COURT: So let me ask you this question.

27 In terms of service, there's no question that  
28 the Court determined proper service could be by

1 publication --

2 MR. PARTON: Correct.

3 THE COURT: -- with follow-up U.S. Mail; is  
4 that correct?

5 MR. PARTON: Correct.

6 THE COURT: What if the party who is the  
7 subject of that order doesn't actually get the U.S. Mail  
8 for whatever reason, what's the impact of that?

9 MR. PARTON: I think the Court's order is  
10 still appropriate. The Court has made a determination  
11 that notice by mail or publication is sufficient. It  
12 meets due process standards. And the Court would be  
13 totally understandable and entitled to take jurisdiction  
14 over the person and the property as a result. And  
15 that's set out by the Court in the judgment as to small  
16 pumper class.

17 THE COURT: So if a party is a undefined  
18 member of the small pumper class, there's no basis for  
19 them to be required to intervene; is that correct?

20 MR. PARTON: They would be parties already,  
21 correct; that's correct.

22 THE COURT: In fact, they can't intervene.

23 MR. PARTON: They're parties already to the  
24 adjudication.

25 THE COURT: And if somebody is a named  
26 party --

27 MR. PARTON: Yes.

28 THE COURT: -- by virtue of their falling

## REPORTER'S CERTIFICATE

STATE OF CALIFORNIA )

) ss.

LOS ANGELES COUNTY )

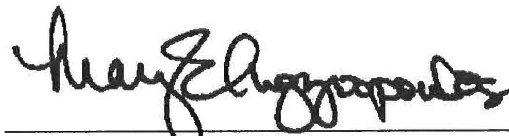
I, MARY E. ARGYROPOULOS, a Certified Shorthand Reporter in and for the State of California, hereby certify:

That on March 16, 2023, I fully, truly, and correctly took down in shorthand writing all of the testimony given in said court and cause;

That I thereafter fully, truly, and correctly caused the same to be transcribed into typewriting;

That the foregoing pages 203-384, inclusive, is a full, true, and correct transcript of my shorthand notes taken at said time and place therein named.

DATED: 28th day of March, 2023.



MARY E. ARGYROPOULOS  
CSR NO. 9775, RMR, CRR



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 May 12, 2023, I served the foregoing document described as **DECLARATION OF**  
6 **CRAIG A. PARTON IN SUPPORT OF OPPOSITION TO JOHNNY & PAMELLA**  
7 **ZAMRZLA'S MOTION TO SET ASIDE OR MODIFY JUDGMENT** on all interested parties  
in this action by placing the original and/or true copy.

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

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

12 ☐ (*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.

13  
14 Executed on May 12, 2023, at Santa Barbara, California.

15  
16   
17 \_\_\_\_\_  
Signature  
Elizabeth Wright