

1 CRAIG A. PARTON, State Bar No. 132759
TIMOTHY E. METZINGER, State Bar No. 145266
2 CAMERON GOODMAN, State Bar No. 307679
PRICE, POSTEL & PARMA LLP
3 200 East Carrillo Street, Fourth Floor
4 Santa Barbara, California 93101
Telephone: (805) 962-0011/Fax: (805) 965-3978
5 E-Mail: cap@ppplaw.com
tem@ppplaw.com
6 cg@ppplaw.com

Exempt from Filing Fees
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,
13 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

16
17 **AND ALL RELATED ACTIONS**
18

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

19
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 March 15-16, 2023, before
26 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

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
7 
8 Craig A Parton
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE COURT: Western Pacific?

THE WITNESS: Roofing.

THE COURT: Roof?

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

THE COURT: Okay. Roofing.

You do sheet metal work; is that?

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

THE COURT: Are you the licensee?

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

BY MR. SHEPARD:

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

A. Say that again.

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

A. Yes.

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

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

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

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 folks who had a conference room."

2 That was your testimony, Mr. Zamrzla?

3 A. Yeah, I made a mistake. I've since checked
4 with my secretary. It was after the adjudication was
5 done that I actually got something from Norm. And he
6 said it was above his pay scale, and if I wanted to do
7 more I'd have to follow-up, but it was nothing he could
8 help with.

9 Q. You had a chance to file an errata for your
10 deposition transcript, right?

11 A. A what?

12 Q. An errata. It's a notice of any errors in
13 your deposition transcript after you had a chance to
14 review it, correct?

15 A. I don't think I'm understanding that.

16 Q. Did you have a chance to review and correct
17 your deposition transcript?

18 A. I did.

19 Q. And did you sign an errata after you completed
20 your review?

21 A. I did.

22 Q. You did not include any change to your
23 testimony with regard to Norm Hickling, did you, in that
24 errata?

25 A. No, I just found this information.

26 Q. Yes or no, Mr. Zamrzla?

27 A. No, I did not.

28 Q. You subscribe to the Antelope Valley Press,

1 correct?

2 A. I do at my office, yes.

3 Q. For at least the last 20 years, you've
4 subscribed to the paper at your office?

5 A. I don't know how long it's been around, but
6 quite awhile.

7 THE COURT: May I make a suggestion. Move
8 back about 6 inches from that microphone. I think we
9 might have more clarity.

10 MS. RYAN: Thank you.

11 THE COURT: Unfortunately, we live in a
12 high-tech area, but we're really not up-to-speed.

13 BY MS. RYAN:

14 Q. So Mr. Zamrzla, for about the last -- at least
15 the last 20 years, you've been a subscriber to the
16 Antelope Valley Press at your office, correct?

17 A. We've taken the paper as long as I can
18 remember. And the predecessor and the predecessor.

19 Q. My question is, Mr. Zamrzla, for at least the
20 last 20 years, you subscribed to the Antelope Valley
21 Press at your business office?

22 A. I believe that's correct.

23 Q. Unless you're out of town, you go into the
24 office every day?

25 A. It's my place of employment. I go pretty
26 regular unless I've got something else going on. That's
27 right.

28 Q. And this was, before 2016, you'd go into the

1 Proposed Partial Class Action Settlement Wood versus
2 Los Angeles County Waterworks District Number 40
3 published in the Antelope Valley Press on November 10th
4 and 17th, 2013; do you see that?

5 A. I'm looking at November 18th Valley Press; is
6 that the one?

7 Q. Yes.

8 A. Signed by Alison Adams?

9 Q. Correct.

10 A. Okay.

11 Q. And do you see where it says the Notice of
12 Proposed Partial Class Action Settlement Wood versus
13 Los Angeles County Waterworks District Number 40, Notice
14 published on November 10th comma 17th, 2013?

15 A. Yeah, appears to be a letter going to Mike
16 McLachlan.

17 MS. RYAN: Your Honor, we'd like to move
18 exhibit --

19 BY MS. RYAN:

20 Q. You were receiving the Antelope Valley Press
21 at this time in 2013?

22 A. We were getting it, I'm pretty sure, in 2013.

23 MS. RYAN: Your Honor, we'd like to move
24 SPW-10 into evidence.

25 THE COURT: I'm sorry, say that again.

26 MS. RYAN: Your Honor, we would like to move
27 Exhibit SPW-10 into evidence.

28 THE COURT: I still am not hearing you.

1 MS. RYAN: Your Honor, we'd like to --

2 THE COURT: I think you're too close to the

3 mic.

4 MS. RYAN: I'll try to find the sweet spot.

5 Is that it maybe?

6 We'd like to move Exhibit SWP-10 into

7 evidence.

8 THE COURT: All right.

9 MR. SHEPARD: No objection.

10 THE COURT: So ordered.

11 (Exhibit SPW-10 admitted into

12 evidence.)

13 BY MS. RYAN:

14 Q. Mr. Zamrzla, I'd like you now to turn to Tab

15 SPW-15, please.

16 A. Okay.

17 Q. SPW-15 is the June 4th, 2015, Declaration of

18 Michael D. McLachlan regarding the Publication of

19 Summary Class Notice of Settlement?

20 A. Okay.

21 Q. I'd like you to turn to page SWP-15-6, in the

22 bottom right corner.

23 A. Okay.

24 Q. And do you see that is also a letter to the

25 Antelope Valley Press?

26 A. Did you say "16," "6"?

27 Q. No, it's still under Tab 15.

28 A. 15?

1 Q. Yes, page 6.

2 A. 15 what, ma'am?

3 Q. Page 6.

4 A. Okay. I have it.

5 Q. And so you see that's a letter to the Antelope
6 Valley Press?

7 A. Yeah, it's another Mike McLachlan letter from
8 Alison Adams.

9 Q. And you see where it says "Summary Notice of
10 Proposed Class Action LACO District Number 40, Notice
11 Published on April 12th comma 19th, 2015"?

12 A. Okay.

13 Q. You see that there?

14 A. I do see it.

15 Q. You were -- you received the Antelope Valley
16 Press during this time, correct?

17 A. It kind of fits in the time frame I've agreed
18 we subscribed to it.

19 Q. So you received the Antelope Valley Press
20 during this time, right?

21 A. During those 20 years, yes, we did.

22 Q. And specifically, during 2015, you received
23 the Antelope Valley Press?

24 A. I assume we would have got it that year.

25 Q. Do you have any reason that you wouldn't have
26 gotten it?

27 A. Sometimes it didn't come. Sometimes it blew
28 away, all kinds of things. Somebody would steal it.

1 Q. You were a subscriber to the Antelope Valley
2 Press in 2015?

3 A. We subscribed to it. It all --

4 MS. RYAN: Your Honor --

5 Mr. Zamrzla, you've answered my question.

6 THE WITNESS: Pardon me?

7 MS. RYAN: You've answered my question,
8 Mr. Zamrzla.

9 Your Honor, we'd like to move SPW-15 into
10 evidence. It's that -- was it admitted?

11 We'd like to move SPW-15 into evidence, your
12 Honor.

13 THE COURT: All right.

14 (Exhibit SPW-15 admitted into
15 evidence.)

16 BY MS. RYAN:

17 Q. Just a few questions to clarify your parcel
18 ownership and what's on there.

19 You testified that you owned Parcel 28 -- 26;
20 is that correct?

21 A. Parcel 26?

22 Q. Yes.

23 A. I'm an owner of, yes.

24 Q. Your home is on that parcel, correct?

25 A. That is correct.

26 Q. And you said you have barns and an arena on
27 that parcel too?

28 A. I do.

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)

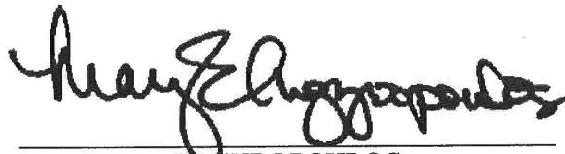
I, MARY E. ARGYROPOULOS, a Certified Shorthand Reporter in and for the State of California, hereby certify:

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 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 A. Very quickly. I believe a week or two.

2 Q. And then from there, what actions were taken
3 either by you or your attorney to address that letter?

4 A. I believe Mr. Brumfield contacted the
5 Watermaster, Mr. Parton, and tried to begin the process
6 of working our way through it.

7 Q. And you've been actively litigating --
8 attempting to litigate the issue of your water rights
9 ever since?

10 A. Correct.

11 MR. SHEPARD: Thank you, Mr. Zamrzla.

12 THE COURT: Okay. Cross.

13 CROSS-EXAMINATION

14 BY MS. RYAN:

15 Q. Mr. Zamrzla, you testified that you're sure
16 you had discussions with people about the adjudication
17 before 2015, correct?

18 A. Yes.

19 Q. One of those conversations was with
20 Delmar Van Dam, correct?

21 A. Yes.

22 Q. And in those conversations while the
23 groundwater litigation was pending, Delmar Van Dam told
24 you to continue doing what you were doing and you would
25 get a water right in the end, right?

26 A. Yes.

27 Q. Your understanding from your conversation with
28 Delmar Van Dam was that whatever amount of water people

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 Exhibit 51 into evidence, SPW-51.

2 MR. SHEPARD: No objection.

3 THE COURT: You're looking at Exhibit 51, five
4 one?

5 MS. RYAN: Yes.

6 THE COURT: Whose exhibit binder?

7 MS. RYAN: Ours, the Settling Parties
8 Watermaster binder.

9 THE COURT: Okay. Go ahead, please.

10 (Exhibit SPW-51 admitted into
11 evidence.)

12 BY MS. RYAN:

13 Q. Mr. Zamrzla, you purchased Parcel 28 from your
14 parents Johnny and Pamela, correct?

15 A. Correct.

16 Q. And since you graduated from high school in
17 1979, you only worked for your parents' roofing company
18 Western Pacific, correct?

19 A. I believe that's correct.

20 THE COURT: Why don't you just pause for just
21 a moment. I think we may have lost some contact with
22 our remote participants.

23 So apparently there are three remote
24 participants now.

25 Okay. Go ahead.

26 BY MS. RYAN:

27 Q. So in 2007, you owned Parcel 28, correct?

28 A. In 2007?

1 purchased in 2014, Parcel 27, you have never pumped
2 water from that parcel, correct?

3 A. No.

4 Q. No, you haven't or --

5 A. There's no -- I'm sorry.

6 Q. You've never pumped water from that 10-acre
7 Parcel 27, correct, the pasture?

8 A. That's correct.

9 Q. Now, at some point after the judgment was
10 entered, you had a conversation with Craig Van Dam about
11 his dairy operations ramping down water production. Do
12 you recall that?

13 A. Craig?

14 Q. Craig Van Dam, yes, sir.

15 A. I do not.

16 Q. Do you recall having a conversation with one
17 of the Van Dams about reducing their groundwater
18 production?

19 A. Yes, I believe I did.

20 Q. What do you recall about that conversation?

21 A. I believe that they were starting to ramp down
22 with Gary and Nick and that they were also starting the
23 process of ramping down the dairy and closing it
24 ultimately.

25 Q. Your friends were closing their dairy because
26 of the outcome of the adjudication and reduction in
27 groundwater rights, correct?

28 A. I don't know that that's correct and that's

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)

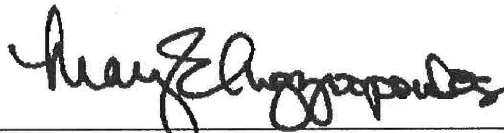
I, MARY E. ARGYROPOULOS, a Certified Shorthand Reporter in and for the State of California, hereby certify:

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

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 May 12, 2023, I served the foregoing document described as **DECLARATION OF CRAIG A. PARTON IN SUPPORT OF OPPOSITION TO JOHNNY LEE & 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.

☒ **BY ELECTRONIC SERVICE:** I posted the document(s) listed above to the Santa Clara County Superior Court Website @ www.scefilng.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 May 12, 2023, at Santa Barbara, California.



Signature
Elizabeth Wright