

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO
2 A Professional Law Corporation
3 Wesley A. Miliband State Bar No. 241283
4 Wes.Miliband
5 2151 River Plaza Drive, Suite 300
6 Sacramento, CA 95833
7 Telephone: (916) 923-1200
8 Fax: (918) 923-1222

9 Attorneys for Defendants JOHNNY ZAMRZLA,
10 PAMELLA ZAMRZLA, JOHNNY LEE
11 ZAMRZLA AND JEANETTE ZAMRZLA
12 (collectively "ZAMRZLA'S")

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

15 Coordinated Proceeding
16 Special Title (Rule 1550(b))

17 ANTELOPE VALLEY
18 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 WESLEY MILIBAND IN
SUPPORT OF MOTION FOR STAY**

19 I, Wesley A. Miliband, declare as follows:

20 1. I am an attorney at law, duly licensed to practice before all the Courts in the State of
21 California. I am a partner at Atkinson, Andelson, Loya, Ruud & Romo, attorneys of record for
22 Defendants JOHNNY ZAMRZLA, PAMELLA ZAMRZLA, JOHNNY LEE ZAMRZLA and
23 JEANETTE ZAMRZLA (collectively "Zamrzlas"). This declaration is based upon my personal
24 knowledge and if called as a witness I could and would testify competently to the facts stated herein.

25 2. On July 3, 2023, the Zamrzlas filed a Notice of Appeal on the Court's June 9, 2023
26 Order Denying the Zamrzlas' Motions to Set Aside or Modify the Judgment. Attached hereto as
27 **Exhibit A** is a true and correct copy of the Notice of Appeal.

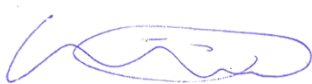
28 3. On July 12, 2023, the Notice of Filing of the Notice of Appeal was filed. Attached

1 hereto as **Exhibit B** is a true and correct copy of the Notice of Filing of the Notice of Appeal.

2 4. On October 11, 2022, the parties filed a stipulation regarding the scope of the
3 Zamrzla’s hearing on their Motions to Set Aside or Modify the Judgment. The parties stipulated that
4 “[t]he scope of issues for discovery and to be tried at the hearing will be limited to whether the
5 Zamrzlas are bound by the Judgement and Physical Solution entered on December 28, 2015. ... All
6 issues relating to the quantity of water the Zamrzlas’ may be allowed to produce, if any, are deferred
7 to a later hearing. Attached hereto as **Exhibit C** is a true and correct copy of the October 11, 2022
8 Stipulation.

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

12 Executed on this 20th day of October, 2023, at Sacramento, California.



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15 Wesley A. Miliband
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Exhibit A

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: Wesley A. Miliband (SBN 241283); Mae G. Alberto (SBN 228067) FIRM NAME: ATKINSON, ANDELSON, LOYA, RUUD & ROMO STREET ADDRESS: 2151 River Plaza Drive, Suite 300 CITY: Sacramento STATE: CA ZIP CODE: 95833 TELEPHONE NO.: (916) 920-6979 FAX NO.: (916) 923-1222 E-MAIL ADDRESS: Wes.Miliband@aalrr.com; Mae.Alberto@aalrr.com ATTORNEY FOR (name): Johnny Zamrzla, Pamela Zamrzla, Johnny Lee Zamrzla and Jeanette Zamrzla	FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of Los Angeles 7/03/2023 2:45 PM David W. Slayton, Executive Officer/Clerk of Court, By J. Ulloa, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: Antelope Valley Groundwater Cases DEFENDANT/RESPONDENT Johnny Zamrzla, Pamela Zamrzla, Johnny Lee Zamrzla and Jeanette Zamrzla	
<input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)	CASE NUMBER: BC325201

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.

1. NOTICE IS HEREBY GIVEN that (name): Johnny Zamrzla, Pamela Zamrzla, Johnny Lee Zamrzla and Jeanette Zamrzla appeals from the following judgment or order in this case, which was entered on (date): June 9, 2023

- Judgment after jury trial
 Judgment after court trial
 Default judgment
 Judgment after an order granting a summary judgment motion
 Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430.
 Judgment of dismissal after an order sustaining a demurrer
 An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
 An order or judgment under Code of Civil Procedure, § 904.1(a)(3)–(13)
 Other (describe and specify code section that authorizes this appeal):

\$100 paid
 No \$775 rcvd

2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:
 b. Date superior court clerk mailed notice of original appeal:
 c. Court of Appeal case number (if known):

Date: June 23, 2023

Mae G. Alberto

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

Exhibit B

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		<small>Reserved for Clerk's File Stamp</small>
COURTHOUSE ADDRESS:	Stanley Mosk Courthouse Civil Appeals Unit 111 North Hill Street, Room 111A Los Angeles, CA 90012 Telephone: (213) 830-0822	FILED LOS ANGELES SUPERIOR COURT JULY 12, 2023 DAVID W. SLAYTON, Executive Officer/Clerk of Court By: R. Villagomez, Deputy
TRIAL COURT CASE NAME:	LA COUNTY WATERWORKS DISTRICT VS DIAMOND FARMING COMPANY ET	
PLAINTIFF AND RESPONDENT:	LA COUNTY WATERWORKS DISTRICT	
DEFENDANT AND APPELLANT:	DIAMOND FARMING COMPANY ET	
NOTICE OF FILING OF NOTICE OF APPEAL (UNLIMITED JURISDICTION)		TRIAL COURT CASE NUMBER: BC325201
		COURT OF APPEAL CASE NUMBER:
		NOTICE OF APPEAL DATE: 07/03/23

WESLEY A. MILIBAND, MAE G. ALBERTO
ATKINSON, ANDELSON, LOYA, RUUD & ROMO
2151 RIVER PLAZA DRIVE, SUITE 300
SACRAMENTO, CA 95833

SEE ATTACHED SERVICE LIST

In compliance with California Rules of Court, Rule 8.100(e), this is to inform you that a
Notice of Appeal Cross-Appeal in the above matter was filed on 07/03/23 by MAE G. ALBERTO

CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date, I served the NOTICE OF FILING OF NOTICE OF APPEAL (UNLIMITED JURISDICTION) upon each party or counsel named above by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

DAVID W SLAYTON Executive Officer/Clerk of Court

DATE: 07/12/23

By: ~~ss//: R.VILLAGOMEZ, DEPUTY CLERK~~

NOTE: Pursuant to California Rules of Court, Rule 8.100(g), the appellant is required to file with the Second District Court of Appeal at <http://www.courts.ca.gov/2dca-efile.htm>, a Civil Case Information Statement (CIS) (Judicial Council Form, App-004), within 15 days of the date of this notice. For this form and information regarding unlimited civil appeals, access the Judicial Council website at www.courts.ca.gov/forms.htm, or the Second District Court of Appeal website at www.courts.ca.gov/2dca/forms.htm.

COURT OF APPEAL, SECOND APPELLATE DISTRICT

Plaintiff(s) LA COUNTY WATERWORKS DISTRICT

vs

DIAMOND FARMING COMPANY ET

Defendant(s)

CASE NUMBER: BC325201

Notice of Appeal date: 07/03/23

REQUEST FOR MEDIATION

(Return only if all parties agree to Mediation)

The Court of Appeal, Second Appellate District, provides parties the opportunity to participate in its voluntary Settlement Conference and Mediation Program.

WESLEY A. MILIBAND, MAE G. ALBERTO

To: ATKINSON, ANDELSON, LOYA, RUUD & ROMO

2151 RIVER PLAZA DRIVE, SUITE 300

SACRAMENTO, CA 95833

If all parties agree, you may participate in an appellate mediation program administered by the Court of Appeal. *Participation in the mediation program requires the agreement of all parties.*

Appellant shall contact all parties to the appeal to determine if the parties agree to participate in the mediation conference program.

Record preparation will not be stayed during the pendency of the mediation program unless a stipulation signed by all the parties is filed with the Court of Appeal and order is granted.

ALL PARTIES AGREE TO PARTICIPATE IN A MEDIATION CONFERENCE.
Failure to participate in good faith may result in sanctions!
Your case will be assigned to a mediator within two weeks.

You MUST sign and return this form ONLY if all parties agree to mediation, to the address below and include a Proof of Service of this form on all parties.

Attorney Signature

Date: _____

Attorney Type or Print Name

Name of Party Represented

Return via e-mail to: 2d1.mediation@jud.ca.gov
or

via U.S. mail to: Court of Appeal, Second Appellate District
300 S. Spring Street, 2nd Floor, N. Tower
Los Angeles, CA 90013
Attn. Mediation

SERVICE LIST

JEFFREY DUNN
18101 VON KARMAN AVENUE SUITE
1000 IRVINE, CA 92612

TIMOTHY T. COATES 5900
WILSHIRE BLVD. #1200 LOS
ANGELES, CA 90036

ERIC GARNER
3750 UNIVERSITY AVENUE
PO BOX 1028
RIVERSIDE, CA 92502

WARREN WELLEN
648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CA 90012

DEREK R. HOFFMAN
FENNEMORE DOWLING AARON
LLP 8080 N. PALM AVENUE, THIRD
FLOOR FRESNO, CA 93711

JOHN JOSEPH SCHATZ
PO BOX 7775
LAGUNA NIGUEL, CA 92607-7775

Exhibit C

1 ERIC N. ROBINSON, State Bar No. 191781
erobinson@kmtg.com

2 STANLEY C. POWELL, State Bar No. 254057
spowell@kmtg.com

3 JENIFER N. RYAN, State Bar No. 311492
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4 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation
5 1331 Garden Highway, 2nd Floor
Sacramento, California 95833
6 Telephone: (916) 321-4500
Facsimile: (916) 321-4555

7 MICHAEL N. FEUER, State Bar No. 111529
8 Los Angeles City Attorney

JULIE CONBOY RILEY, General Counsel, Water and Power
9 BRIAN C. OSTLER, General Counsel, Los Angeles World Airports
NARGIS CHOUDHRY, Deputy City Attorney, Los Angeles World Airports
10 Attorneys for Defendant CITY OF LOS ANGELES and
LOS ANGELES WORLD AIRPORTS

11 Attorneys for City of Los Angeles and Los
12 Angeles World Airports

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF LOS ANGELES**

16 Coordination Proceeding

Judicial Council Coordination
Proceeding No. 4408

17 ANTELOPE VALLEY GROUNDWATER
18 CASES,

**STIPULATION REGARDING
ZAMRZLAS' HEARING, DISCOVERY
AND BRIEFING SCHEDULE;
[PROPOSED] ORDER**

19 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.

The Hon. Jack Komar, Dept. 17
Santa Clara Case No. 105 CV 049053

20 Los Angeles County Waterworks District No.
21 40 v. Diamond Farming Co.

22 Wm Bolthouse Farms, Inc. v. City of
Lancaster

Riverside County Superior Court
Lead Case No. RIC 344436
Case No. RIC 344668
Case No. RIC 353840

23 Diamond Farming Co. v. City of Lancaster

Los Angeles Superior Court Case
No. BC 325201

24 Diamond Farming Co. v. Palmdale Water
25 District,

Kern County Superior Court Case
No. S-1500-CV-254348

26 AND RELATED ACTIONS
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STIPULATION

The City of Los Angeles (Los Angeles World Airports), Grimmway Enterprises, Palmdale Water District, County Sanitation Districts of Los Angeles County Nos. 14 and 20 (collectively, “Settling Parties”), Antelope Valley Watermaster, and Johnny Zamrzla, Pamella Zamrzla, Johnny Lee Zamrzla and Jeanette Zamrzla (“Zamrzlas”), by and through their respective attorneys of record (individually, “Party” and collectively, “Parties”), stipulate and agree as follows:

RECITALS

A. The Court granted the Settling Parties’ ex parte application to continue the May 3, 2022, hearing on the Zamrzlas’ Motions to Set Aside or Modify the Judgment (“Motions”) to 9 a.m. on August 9, 2022.

B. The Court directed the Parties to meet and confer and to inform the Court of the outcome of their meet-and-confer efforts on the following: (1) hearing date and length; (2) venue; (3) discovery and briefing deadlines; and (4) court reporter.

C. The Parties on April 22, 2022, met and conferred on the issues designated by the Court and reached agreement as set forth as set forth in the May 14, 2022, Order regarding the Zamrzlas’ Hearing, Discovery and Briefing Schedule.

D. On June 20, 2022, the Parties agreed to continue the dates for discovery, briefing and the hearing as set forth in the June 22, 2022, Order regarding the Zamrzlas’ Hearing, Discovery and Briefing Schedule.

E. On October 7, 2022, the Parties agreed to continue the dates for briefing and the hearing as set forth below.

IT IS HEREBY STIPULATED AND AGREED THAT:

1. **Hearing date and venue.** The October 25, 2022, hearing date on the Motions is vacated and rescheduled to start at 9 a.m. on Tuesday, December 13, 2022. The hearing is estimated to last two days and will take place in Department 17 of the Santa Clara County Superior Court located at 161 North First Street, San Jose, California 95113.

2. **Scope.** The scope of issues for discovery and to be tried at the hearing will be limited to whether the Zamrzlas are bound by the Judgement and Physical Solution entered on December 28,

1 2015. Specifically, the issues are limited to the issues raised by the Zamrzlas’ motions – whether the
2 Zamrzlas were properly given notice of the litigation, and whether they are properly classified as
3 members of the Small Pumpers Class. All issues relating to the quantity of water the Zamrzlas’ may
4 be allowed to produce, if any, are deferred to a later hearing.

5 3. **Deadlines.** Based on a stipulation among the Parties on the Motions:

6 a. Opposition briefs shall be filed and served by the Settling Parties and
7 Watermaster on or before Wednesday, October 12, 2022.

8 b. Reply briefs shall be filed and served by the Zamrzlas on or before Wednesday,
9 October 26, 2022.

10 4. **Briefing and Page Limits.** The Settling Parties may file one opposition of 30 pages or
11 less. The Zamrzlas may file one reply to the Settling Parties’ opposition of 20 pages or less. The
12 Watermaster may file separate briefing responding to the Zamrzlas’ claims within statutory page
13 limits. The Zamrzlas may file a reply to the Watermaster’s oppositions within statutory page limits.

14 5. **Discovery.**

15 a. The Parties concluded discovery on Monday, September 26, 2022.

16 b. Extending merits briefing and hearing schedule. If any party determines more
17 time is needed for discovery, that party shall file with the Court a written request for an extension
18 showing good cause.

19 6. **Experts.** Any expert testimony or report shall be limited to the issues set for the
20 December 13, 2022, hearing, as described in Section 2, above.

21 7. **Court reporter.** The Parties will provide for a court reporter for the hearing, and will
22 equally share the cost among the Settling Parties (1/3), Watermaster (1/3) and the Zamrzlas (1/3). If
23 any additional party decides to separately oppose the Zamrzlas’ Motions, the cost will be further
24 divided equally among the Parties and any additional party.

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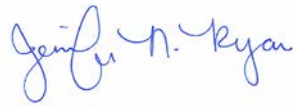
1 DATED: October 7, 2022

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

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By: 
Eric N. Robinson
Jenifer N. Ryan
Attorneys for CITY OF LOS ANGELES and
LOS ANGELES WORLD AIRPORTS

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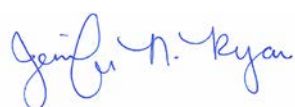
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DATED: October 7, 2022

LEBEAU THELEN LLP

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By: 
for
Robert G. Kuhs
Attorneys for GRIMMWAY ENTERPRISES

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DATED: October 7, 2022

LAGERLOF, LLP

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By: 
for
Thomas S. Bunn
Attorneys for PALMDALE WATER DISTRICT

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DATED: October 7, 2022

ELLISON, SCHNEIDER, HARRIS & DONLAN LLP

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By: 
for
Christopher M. Sanders
Attorneys for COUNTY SANITATION
DISTRICTS OF LOS ANGELES COUNTY NOS.
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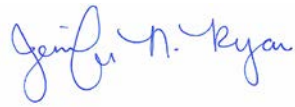
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DATED: October 7, 2022

PRICE, POSTEL & PARMA LLP

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By: 
for
Craig Parton
Attorneys for ANTELOPE VALLEY
WATERMASTER

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DATED: October 7, 2022

MATHENY SEARS LINKERT & JAIME, LLP

By: 

Nicholas R. Shepard
Attorneys for JOHNNY ZAMRZLA, PAMELLA
ZAMRZLA, JOHNNY LEE ZAMRZLA AND
JEANETTE ZAMRZLA

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~~X~~ **PROPOSED ORDER**

The Court having read the foregoing Stipulation, and good cause appearing, **IT IS SO ORDERED.**

DATED: October ____, 2022

Approved by the Court; signed version to follow.

Jack Komar

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 1331 Garden Hwy, 2nd Floor, Sacramento, CA 95833.

On October 7, 2022, I served true copies of the following document(s) described as **STIPULATION REGARDING ZAMRZLAS' HEARING, DISCOVERY AND BRIEFING SCHEDULE; [PROPOSED] ORDER** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY ELECTRONIC TRANSMISSION: By submitting an electronic version of the document(s) to the parties, through the user interface at avwatermaster.org.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 7, 2022, at Sacramento, California.

Sherry Ramirez

ATKINSON, ANDELSON, LOYA, RUUD & ROMO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
201 SOUTH LAKE AVENUE, SUITE 300
PASADENA, CALIFORNIA 91101-4869
TELEPHONE: (626) 583-8600
FAX: (626) 583-8610

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PROOF OF SERVICE

(CODE CIV. PROC. § 1013A(3))

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

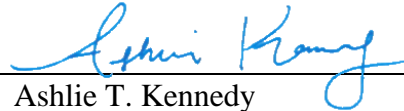
I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 201 South Lake Avenue, Suite 300, Pasadena, California 91101-4869.

On October 20, 2023, I served the following document(s) described as **DECLARATION OF WESLEY MILIBAND IN SUPPORT OF MOTION FOR STAY** on the interested parties in this action as follows:

- BY ELECTRONIC SERVICE:** by posting the document(s) listed above to the Antelope Valley Groundwater Cases to all parties listed on the Santa Clara Superior Court Service List as maintained via Glotrans. Electronic service completed through <http://www.avwatermaster.org>.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 20, 2023, at Pasadena, California.



Ashlie T. Kennedy