

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 OBJECTION/OPOSITION TO  
THE WATERMASTER'S RENEWED  
MOTION FOR MONETARY,  
DECLARATORY AND INJUNCTIVE RELIEF  
AGAINST THE ZAMRZLAS**

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

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

27 2. On July 3, 2023, the Zamrzlas filed a Notice of Appeal on the Court's June 9, 2023  
28 Order Denying the Zamrzlas' Motions to Set Aside or Modify the Judgment. Attached hereto as

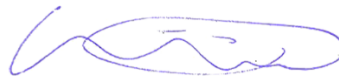
1 **Exhibit A** is a true and correct copy of the Notice of Appeal.

2 3. On July 12, 2023, the Notice of Filing of the Notice of Appeal was filed. Attached  
3 hereto as **Exhibit B** is a true and correct copy of the Notice of Filing of the Notice of Appeal.

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

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

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

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17 Wesley A. Miliband

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# Exhibit A

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

ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
A PROFESSIONAL LAW CORPORATION  
ATTORNEYS AT LAW  
10 RIVER PARK PLACE EAST, SUITE 240  
FRESNO, CALIFORNIA 93720-1534  
TELEPHONE: (559) 225-6700  
FAX: (559) 225-3416

1 **PROOF OF SERVICE**

2 (CODE CIV. PROC. § 1013A(3))

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

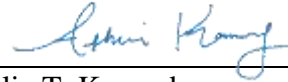
4 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
5 years and am not a party to the within action; my business address is 201 South Lake Avenue,  
6 Suite 300, Pasadena, California 91101.

7 On June 23, 2023, I served the following document(s) described as **DEFENDANT'S**  
8 **NOTICE OF APPEAL** on the interested parties in this action as follows:

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

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

15 Executed on June 23, 2023, at Pasadena, California.

16 

17 \_\_\_\_\_  
18 Ashlie T. Kennedy

# Exhibit B

|  |   |   |
|--|---|---|
| <b>SUPERIOR COURT OF CALIFORNIA<br/>COUNTY OF LOS ANGELES</b>            |   | <small>Reserved for Clerk's File Stamp</small>  |
| COURTHOUSE ADDRESS:  | Stanley Mosk Courthouse<br>Civil Appeals Unit<br>111 North Hill Street, Room 111A<br>Los Angeles, CA 90012<br>Telephone: (213) 830-0822 | <b>FILED</b><br>LOS ANGELES SUPERIOR COURT<br><br>JULY 12, 2023<br><br>DAVID W. SLAYTON,<br>Executive Officer/Clerk of Court<br>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  |   |
| <b>NOTICE OF FILING OF NOTICE OF APPEAL<br/>(UNLIMITED JURISDICTION)</b> |   | TRIAL COURT CASE NUMBER:<br>BC325201  |
|  |   | COURT OF APPEAL CASE NUMBER:  |
|  |   | NOTICE OF APPEAL DATE:<br>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](http://www.courts.ca.gov/forms.htm), or the Second District Court of Appeal website at [www.courts.ca.gov/2dca/forms.htm](http://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  
*jryan@kmtg.com*

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

17 ANTELOPE VALLEY GROUNDWATER  
18 CASES,

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

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

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

23 Diamond Farming Co. v. City of Lancaster

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

26 AND RELATED ACTIONS  
27

Judicial Council Coordination  
Proceeding No. 4408

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

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

Riverside County Superior Court  
Lead Case No. RIC 344436

Case No. RIC 344668

Case No. RIC 353840

Los Angeles Superior Court Case  
No. BC 325201

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

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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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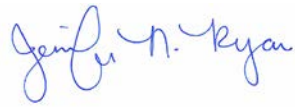
1 DATED: October 7, 2022

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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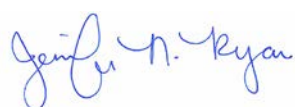
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DATED: October 7, 2022

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.  
14 AND 20

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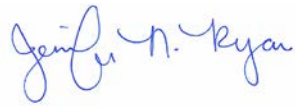
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DATED: October 7, 2022

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 OBJECTION/OPPOSITION TO THE WATERMASTER'S RENEWED MOTION FOR MONETARY, DECLARATORY AND INJUNCTIVE RELIEF AGAINST THE ZAMRZLAS** 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