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12 Attorneys for Defendants JOHNNY ZAMRZLA,
13 PAMELLA ZAMRZLA, JOHNNY LEE
14 ZAMRZLA AND JEANETTE ZAMRZLA
15 (collectively "ZAMRZLA'S")

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

18 Coordinated Proceeding
19 Special Title (Rule 1550(b))

20 ANTELOPE VALLEY
21 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 OPPOSITION TO THE
WATERMASTER'S RENEWED MOTION
FOR MONETARY, DECLARATORY AND
INJUNCTIVE RELIEF AGAINST THE
ZAMRZLAS**

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

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

28 2. Attached hereto as **Exhibit A** is a true and correct copy of pages of the transcript of

1 the March 4, 2022 hearing on the Watermaster's motion for monetary, declaratory and injunctive
2 relief.

3 3. Attached hereto as **Exhibit B** is a true and correct copy of the May 2022 Stipulation
4 and Order Regarding Zamrzlas' Hearing, Discovery and Briefing Schedule.

5 4. Attached hereto as **Exhibit C** is a true and correct copy of the June 2022 Stipulation
6 and Order Regarding Zamrzlas' Hearing, Discovery and Briefing Schedule.

7 5. Attached hereto as **Exhibit D** is a true and correct copy of the October 2022
8 Stipulation and Order Regarding Zamrzlas' Hearing, Discovery and Briefing Schedule.

9 6. Attached hereto as **Exhibit E** is a true and correct copy of the February 2023
10 Stipulation and Order Regarding Zamrzlas' Hearing, Discovery and Briefing Schedule.

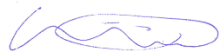
11 7. Attached hereto as **Exhibit F** is a true and correct copy of pages of the transcript of
12 the March 15, 2023 evidentiary hearing.

13 8. Attached hereto as **Exhibit G** is a true and correct copy of the November 28, 2022
14 letter by the parties to the Honorable Judge Komar.

15 9. As shown from the multiple stipulations filed by the parties, the issue regarding the
16 quantity of water the Zamrzlas may produce under the Judgment has not been litigated. While the
17 Zamrzlas exercise their right to appellate review, and in so doing maintain they are not bound by
18 the Judgment, an evidentiary hearing is necessary to resolve the factual dispute as to the quantity of
19 water the Zamrzlas have extracted and/or may extract under the Judgment, but only after the Court
20 of Appeal concludes its process.

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

24 Executed on this 3rd day of November, 2023, at Sacramento, California.

25
26 

27 _____
Wesley A. Miliband

Exhibit A

1 some reason. And I think what you just said,
2 Mr. Parton, is that you have no objection to the
3 landowner's recommended proposed order; is that correct?

4 MR. PARTON: That is correct, Your Honor, and
5 several problems with Mr. Brumfield's proposed order.
6 We don't think that it takes into account what this
7 Court directed back on February 18th. There is no meet
8 and confer process for other interested parties.

9 The Watermaster is not allowed to take a position
10 on the motion. We think that's inappropriate. And he
11 wants four months to file a motion, and then if he
12 doesn't we're back to filing the motion and arguing
13 again the same things we have been arguing for four
14 months. So we think for those reasons --

15 THE COURT: Let me make an observation here. It
16 seems to me that we're right back where we were at the
17 first hearing when it was obvious to me that there was a
18 dispute by the respondents to the contention that they
19 were a small pumper class.

20 And I indicated at that time that if they felt
21 that way there were several options, but one of them was
22 a motion or a petition to the Court to modify that
23 finding. Because it is a very clear to me that there
24 was a finding that at least two of the parties were
25 members of the small pumper class. And that limits the

1 amount of pumping that they can do and increases,
2 obviously, the amount of cost to them in the event that
3 there is a finding that they are pumping in excess of
4 the amount that they are entitled to.

5 And if that happens to be the case then the
6 people who are pumping have to determine what their
7 pumping status is. And the proper way to do that,
8 obviously, is by filing an evidentiary motion, a motion
9 that will be supported by evidence so that the Court can
10 make a finding as to what their historic entitlement
11 might be.

12 Then they have to then go to the next step and
13 negotiate a reduction if they wish to be a part of the
14 stipulated settlement. And so far none of that has
15 happened. The motion was continued. It was not denied.
16 It was not taken off calendar. And I don't intend to
17 deny the motion by the Watermaster at this time pending
18 the appropriate either agreement if they can reach such
19 an agreement with both the Watermaster and the landowner
20 parties, the stipulating parties, or they can then file
21 whatever appropriate motions they wish to to modify the
22 judgment in terms of their status.

23 And I think that is essentially, as I read
24 quickly, the landowner's proposed order of what is in
25 place. And it seems to me that at this point the burden

Exhibit B

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 2 STANLEY C. POWELL, State Bar No. 254057
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 4 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
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 8 MICHAEL N. FEUER, State Bar No. 111529
 Los Angeles City Attorney
 JOSEPH BRAJEVICH, General Counsel, Water and Power
 9 BRIAN C. OSTLER, General Counsel, Los Angeles World Airports
 Attorneys for CITY OF LOS ANGELES and
 10 LOS ANGELES WORLD AIRPORTS
 11 Attorneys for City of Los Angeles and Los
 Angeles World Airports
 12

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 14 **COUNTY OF LOS ANGELES**
 15

16 Coordination Proceeding
 17 ANTELOPE VALLEY GROUNDWATER
 CASES,
 18

 Los Angeles County Waterworks District No.
 19 40 v. Diamond Farming Co.
 20 Los Angeles County Waterworks District No.
 40 v. Diamond Farming Co.
 21 Wm Bolthouse Farms, Inc. v. City of
 22 Lancaster
 23 Diamond Farming Co. v. City of Lancaster
 24 Diamond Farming Co. v. Palmdale Water
 District,
 25

 26 AND RELATED ACTIONS
 27
 28

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 met and conferred on the issues designated by the Court and reached agreement as set forth herein.

IT IS HEREBY STIPULATED AND AGREED THAT:

1. **Hearing Date and Venue.** The original August 9, 2022, hearing date on the Motions is vacated and rescheduled to start at 9 a.m. on Tuesday, August 23, 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, 2015, as raised by the Zamrzlas' motions. The Zamrzlas' claims to production rights are deferred to a later hearing.

3. **Deadlines.** Based on an August 23, 2022, hearing date on the Motions:
a. Opposition briefs shall be filed and served by the Settling Parties and Watermaster on or before Friday, August 5, 2022.
b. Reply briefs shall be filed and served by the Zamrzlas on or before Monday,

1 August 15, 2022.

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

6 5. **Discovery.**

7 a. The Parties are permitted to conduct discovery as to any other party, per the
8 Code of Civil Procedure and subject to the terms of this Stipulation.

9 b. Scope of Discovery. Discovery is limited to the scope of the issues to be
10 addressed at the August 23, 2022 hearing, as described above in Section 2.

11 c. Discovery cutoff. Based on an August 23, 2022, hearing date on the Motions
12 and Code of Civil Procedure, the discovery cutoff will be on Monday, July 25, 2022.

13 d. Depositions. The Parties agree to review and to provide signed deposition
14 transcripts within 10 days from receipt. Depositions of the Zamrzlas will take place in Sacramento,
15 California, unless otherwise agreed by the Parties.

16 e. Written discovery. The Parties agree to shorten the time for written discovery
17 responses to 20 days from service of discovery requests.

18 f. Disputes. If there are any discovery disputes that the Parties cannot settle
19 among themselves, the Parties will ask the Court's clerk to schedule a teleconference with the Court
20 to resolve the dispute informally.

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

24 6. **Experts.** Electronic exchange of expert disclosures shall be made by 5:00 p.m. on
25 Monday, June 20, 2022. Electronic exchange of rebuttal experts shall be made by 5:00 p.m. on
26 Monday, July 11, 2022. Any expert testimony or document shall be limited to the issues set for the
27 August 23, 2022, hearing, as described in Section 2, above. Expert disclosures will be made
28 according to the California Code of Civil Procedure. Expert depositions can be conducted on 7 days

1 electronic notice. Expert deposition transcript review and signature must be completed within 10
2 days of receipt.

3 7. **Court Reporter.** The Parties will provide for a court reporter for the hearing, and
4 will equally share the cost among the Settling Parties (1/3), Watermaster (1/3) and the Zamrzlas
5 (1/3). If any additional party decides to separately oppose the Zamrzlas' Motions, the cost will be
6 further divided equally among the Parties and any additional party.

7
8 DATED: May 13, 2022

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

9
10
11 By: _____ For




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

12
13
14 DATED: May 13, 2022

LEBEAU THELEN LLP

15
16
17 By: _____ For



Robert G. Kuhs
Attorneys for GRIMMWAY ENTERPRISES

18
19 DATED: May 13, 2022

LAGERLOF, LLP

20
21
22 By: _____ For

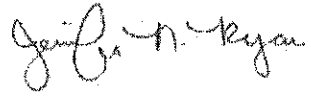


Thomas S. Bunn
Attorneys for PALMDALE WATER DISTRICT

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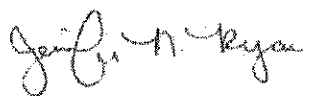
DATED: May 13, 2022

ELLISON, SCHEIDER, HARRIS & DONLAN LLP

By:  For
Christopher M. Sanders
Attorneys for COUNTY SANITATION
DISTRICTS OF LOS ANGELES COUNTY NOS.
14 AND 20

DATED: May 13, 2022

PRICE, POSTEL & PARMA LLP

By:  For
Craig Parton
Attorneys for ANTELOPE VALLEY
WATERMASTER

DATED: May ____, 2022

MATHIENY SEARS LINKERT & JAIME, LLP

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

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DATED: May __, 2022

ELLISON, SCHNEIDER, HARRIS & DONLAN LLP

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Christopher M. Sanders
Attorneys for COUNTY SANITATION
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14 AND 20


DATED: May __, 2022

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By: _____
Craig Parton
Attorneys for ANTELOPE VALLEY
WATERMASTER

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MATHIENY SEARS LINKERT & JAIME, LLP

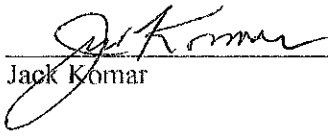
By:  _____
Nicholas R. Shepard
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JEANETTE ZAMRZLA

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~~PROPOSED~~ ORDER

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

DATED: May 14, 2022



Jack Komar

Exhibit C

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10 Attorneys for CITY OF LOS ANGELES and
LOS ANGELES WORLD AIRPORTS
11 Attorneys for City of Los Angeles and Los
Angeles World Airports
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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF LOS ANGELES**

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Judicial Council Coordination
Proceeding No. 4408

**STIPULATION REGARDING
ZAMRZLAS' HEARING, DISCOVERY
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The Hon. Jack Komar, Dept. 17
Santa Clara Case No. 105 CV 049053

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No. BC 325201
Kern County Superior Court Case
No. S-1500-CV-254348

1 **STIPULATION**

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

7 **RECITALS**

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

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

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

17 D. On June 20, 2022, the Parties agreed to continue the dates for discovery, briefing and
18 the hearing as set forth below.

19 **IT IS HEREBY STIPULATED AND AGREED THAT:**

20 1. **Hearing date and venue.** The August 23, 2022, hearing date on the Motions is vacated
21 and rescheduled to start at 9 a.m. on Tuesday, October 25, 2022. The hearing is estimated to last two
22 days and will take place in Department 17 of the Santa Clara County Superior Court located at 161
23 North First Street, San Jose, California 95113.

24 2. **Scope.** The scope of issues for discovery and to be tried at the hearing will be limited
25 to whether the Zamrzlas are bound by the Judgment and Physical Solution entered on December 28,
26 2015, as raised by the Zamrzlas’ motions. The Zamrzlas’ claims to production rights are deferred to a
27 later hearing.

28 3. **Deadlines.** Based on an October 25, 2022, hearing date on the Motions:

1 a. Opposition briefs shall be filed and served by the Settling Parties and
2 Watermaster on or before Friday, October 7, 2022.

3 b. Reply briefs shall be filed and served by the Zamrzlas on or before Monday,
4 October 17, 2022.

5 4. **Briefing and Page Limits.** The Settling Parties may file one opposition of 30 pages or
6 less. The Zamrzlas may file one reply to the Settling Parties' opposition of 20 pages or less. The
7 Watermaster may file separate briefing responding to the Zamrzlas' claims within statutory page
8 limits. The Zamrzlas may file a reply to the Watermaster's oppositions within statutory page limits.

9 5. **Discovery.**

10 a. The Parties are permitted to conduct discovery as to any other party, per the
11 Code of Civil Procedure and subject to the terms of this Stipulation.

12 b. Scope of Discovery. Discovery is limited to the scope of the issues to be
13 addressed at the October 25, 2022 hearing, as described above in Section 2.

14 c. Discovery cutoff. Based on an October 25, 2022, hearing date on the Motions
15 and Code of Civil Procedure, the discovery cutoff will be on Monday, September 26, 2022.

16 d. Depositions. The Parties agree to review and to provide signed deposition
17 transcripts within 10 days from receipt. Depositions of the Zamrzlas will take place in Bakersfield,
18 California, unless otherwise agreed by the Parties. The depositions of the Zamrzlas will take place
19 between August 17-19, 2022, and will continue day to day until completed.

20 e. Written discovery. The Parties agree to shorten the time for written discovery
21 responses to 20 days from service of discovery requests.

22 f. Disputes. If there are any discovery disputes that the Parties cannot settle
23 among themselves, the Parties will ask the Court's clerk to schedule a teleconference with the Court to
24 resolve the dispute informally.

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

28 6. **Experts.** Electronic exchange of expert disclosures shall be made by 5:00 p.m. on

1 Friday, August 19, 2022. Electronic exchange of rebuttal experts shall be made by 5:00 p.m. on
2 Friday, September 9, 2022. Any expert testimony or document shall be limited to the issues set for the
3 October 25, 2022, hearing, as described in Section 2, above. Expert disclosures will be made
4 according to the California Code of Civil Procedure. Expert depositions can be conducted on 7 days
5 electronic notice. Expert deposition transcript review and signature must be completed within 10 days
6 of receipt.

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

11
12 DATED: June 22, 2022

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

13
14
15 By: 

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

16
17
18 DATED: June 22, 2022

LEBEAU THELEN LLP

19
20
21 By: 

for
Robert G. Kuhs
Attorneys for GRIMMWAY ENTERPRISES

22
23 DATED: June 22, 2022

LAGERLOF, LLP

24
25
26 By: 

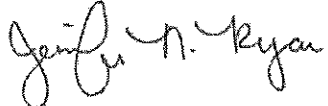
for
Thomas S. Bunn
Attorneys for PALMDALE WATER DISTRICT

1 DATED: June 22, 2022

ELLISON, SCHNEIDER, HARRIS & DONLAN LLP

2

3

By:  for

4

Christopher M. Sanders
Attorneys for COUNTY SANITATION
DISTRICTS OF LOS ANGELES COUNTY NOS.
14 AND 20

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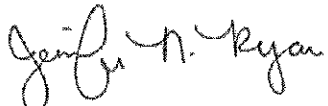
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7 DATED: June 22, 2022

PRICE, POSTEL & PARMA LLP

8

9

By:  for

10

Craig Parton
Attorneys for ANTELOPE VALLEY
WATERMASTER

11

12

13 DATED: June __, 2022

MATHENY SEARS LINKERT & JAIME, LLP

14

15

By: _____

16

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

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DATED: June __, 2022

LAGERLOF, LLP

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

DATED: June __, 2022

ELLISON, SCHNEIDER, HARRIS & DONLAN LLP

By: _____
Christopher M. Sanders
Attorneys for COUNTY SANITATION
DISTRICTS OF LOS ANGELES COUNTY NOS.
14 AND 20

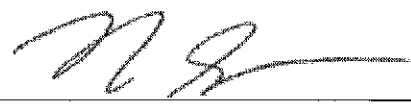
DATED: June __, 2022

PRICE, POSTEL & PARMA LLP

By: _____
Craig Parton
Attorneys for ANTELOPE VALLEY
WATERMASTER

DATED: June 21, 2022

MATHENY SEARS LINKERT & JAIME, LLP

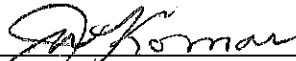
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Attorneys for JOHNNY ZAMRZLA, PAMELLA
ZAMRZLA, JOHNNY LEE ZAMRZLA AND
JEANETTE ZAMRZLA

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[PROPOSED] ORDER

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

DATED: June 29, 2022



Jack Komar

3 **PROOF OF SERVICE**

4 **STATE OF CALIFORNIA, COUNTY OF SACRAMENTO**

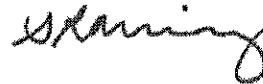
5 At the time of service, I was over 18 years of age and not a party to this action. I am
6 employed in the County of Sacramento, State of California. My business address is 1331 Garden
7 Hwy, 2nd Floor, Sacramento, CA 95833.

8 On June 22, 2022, I served true copies of the following document(s) described as
9 **STIPULATION REGARDING ZAMRZLAS' HEARING, DISCOVERY AND BRIEFING**
10 **SCHEDULE; [PROPOSED] ORDER** on the interested parties in this action as follows:

11 **BY ELECTRONIC TRANSMISSION:** By submitting an electronic version of the
12 document(s) to the parties, through the user interface at 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 22, 2022, at Sacramento, California.

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Sherry Ramirez

Exhibit D

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

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

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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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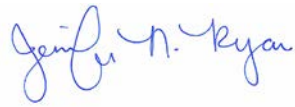
1 DATED: October 7, 2022

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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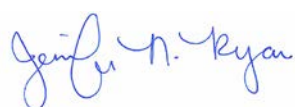
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DATED: October 7, 2022

LEBEAU THELEN LLP

8

9

By: 
for
Robert G. Kuhs
Attorneys for GRIMMWAY ENTERPRISES

10

11


12

DATED: October 7, 2022

LAGERLOF, LLP

13

14

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

15

16


17

DATED: October 7, 2022

ELLISON, SCHNEIDER, HARRIS & DONLAN LLP

18

19

By: 
for
Christopher M. Sanders
Attorneys for COUNTY SANITATION
DISTRICTS OF LOS ANGELES COUNTY NOS.
14 AND 20

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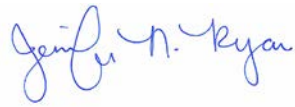
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DATED: October 7, 2022

PRICE, POSTEL & PARMA LLP

24

25

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

Exhibit E

1 ERIC N. ROBINSON, State Bar No. 191781
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BRIAN C. OSTLER, General Counsel, Los Angeles World Airports
10 NARGIS CHOUDHRY, Deputy City Attorney, Los Angeles World Airports
Attorneys for Defendant CITY OF LOS ANGELES and
LOS ANGELES WORLD AIRPORTS
11
12 Attorneys for City of Los Angeles and Los
Angeles World Airports

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **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.
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22 Wm Bolthouse Farms, Inc. v. City of
Lancaster
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24 Diamond Farming Co. v. City of Lancaster
25 Diamond Farming Co. v. Palmdale Water
District,

26 AND RELATED ACTIONS
27
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Judicial Council Coordination
Proceeding No. 4408
LEAD CASE: LASC Case No. BC 325201
**STIPULATION REGARDING SCOPE OF
HEARING ON ZAMRZLA MOTIONS;
[~~PROPOSED~~] ORDER**
The Hon. Jack Komar, Dept. 17
Santa Clara Case No. 105 CV 049053
Riverside County Superior Court
Case No. RIC 344436
Case No. RIC 344668
Case No. RIC 353840
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 ("Watermaster"), and Johnny Zamrzla, Pamela 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. At the December 13, 2022 hearing on the motions by the Zamrzlas to modify or set aside the Judgment (collectively, the "Zamrzla Motions") and the Watermaster's motion for declaratory and injunctive relief against the Zamrzlas (the "Watermaster Motion", and collectively with the Zamrzla Motions, the "Motions"), the Court directed the Parties to meet and confer to set a date for a two-day evidentiary hearing on the Motions.

B. The Parties have agreed to set the hearing on the Motions for March 15-16, 2023 (the "Hearing"), to limit the scope of the Hearing, and to establish the manner and order of presentation of evidence at the Hearing, as set forth below.

IT IS HEREBY STIPULATED AND AGREED THAT:

1. **Hearing Date and Venue.** The Hearing on the Motions shall **occur on March 15, and 16, 2023, commencing at 9 a.m. in Department 17** of the Santa Clara County Superior Court located at 161 North First Street, San Jose, California 95113. As of the date of this stipulation, the Hearing will be conducted remotely via Zoom or Microsoft Teams, as a result of staffing shortage at the courthouse. If in-person appearances become available prior to the Hearing, then the Parties shall be allowed to present testimony in person.

2. **Scope of Hearing.**

a. The Hearing will address whether the Zamrzlas are bound by the Judgment and Physical Solution entered on December 28, 2015, including, without limitation, whether the Zamrzlas had notice of the adjudication, whether they are members of the Small Pumper Class, and whether the Zamrzlas are entitled to equitable relief.

b. Issues relating to the quantity of water the Zamrzlas may be allowed to

1 produce, if any, pursuant to California water law, the Judgement and other such relevant legal
2 authority, and the monetary, injunctive and declaratory relief to which the Watermaster may be
3 entitled, if any, pursuant to the Watermaster Motion are reserved for a later date pending the outcome
4 of the Hearing.

5 3. **Briefing.** The Parties may, at their discretion, submit trial briefs ahead of the Hearing
6 in accordance with the Code of Civil Procedure and local rules of court.

7 4. **Exchange of Witness List and Trial Exhibits.**

8 a. The Parties shall exchange a list of all witnesses and trial exhibits that each
9 Party intends to call or introduce in its case in chief by Wednesday, February 22, 2023.

10 b. The Parties shall exchange a list of all rebuttal witnesses and exhibits by
11 Wednesday, March 1, 2023.

12 c. The Parties are not required to disclose impeachment witnesses and exhibits
13 in advance of the Hearing.

14 d. The Parties agree that declarations in support of and in opposition to the
15 Parties' Motions are admissible in lieu of live testimony.

16 5. **Experts.** None of the Parties disclosed retained experts or disclosed expert reports.
17 Accordingly, absent order of the Court, no expert reports will be submitted and no retained experts
18 will testify. The Zamrzlas identified Rick Koch of Southern California Edison as a non-retained
19 expert whose testimony will be limited to the statements contained in his declaration.

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

24 7. **Remote Hearing Logistics.** The Parties will meet and confer by Wednesday, March
25 1, 2023, to determine remote hearing logistics.

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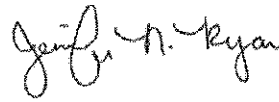
1 DATED: February 13, 2023

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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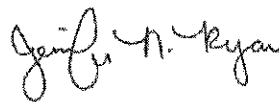
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DATED: February 13, 2023

LEBEAU THELEN LLP

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By:  for
Robert G. Kuhs
Attorneys for GRIMMWAY ENTERPRISES

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DATED: February 13, 2023

LAGERLOF, LLP

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

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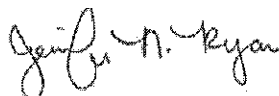
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DATED: February 13, 2023

ELLISON, SCHNEIDER, HARRIS & DONLAN LLP

18

19

By:  for
Christopher M. Sanders
Attorneys for COUNTY SANITATION
DISTRICTS OF LOS ANGELES COUNTY NOS.
14 AND 20

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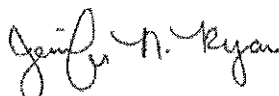
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DATED: February 13, 2023

PRICE, POSTEL & PARMA LLP

24

25

By:  for
Craig Parton
Attorneys for ANTELOPE VALLEY
WATERMASTER

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27

28

1 DATED: February 13, 2023

MATHENY SEARS LINKERT & JAIME, LLP

2

3

By: 

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

4

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6

7 DATED: February 13, 2023

ATKINSON, ANDELSON, LOYA RUUD & ROMO

8

9

By: 

Wesley A. Miliband
Attorneys for JOHNNY ZAMRZLA, PAMELLA
ZAMRZLA, JOHNNY LEE ZAMRZLA AND
JEANETTE ZAMRZLA

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~~PROPOSED~~ ORDER

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

DATED: February 17 2023



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 February 13, 2023, I served true copies of the following document(s) described as **STIPULATION REGARDING SCOPE OF HEARING ON ZAMRZLA MOTIONS; [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 February 13, 2023, at Sacramento, California.



Sherry Ramirez

Exhibit F

1 talk about in this case. I think there's some things
2 that are undisputed, if I am correct in my recollection.
3 One of those is that the moving parties here have for
4 many years pumped far in excess of the limitations that
5 would place them in the small pumping class. That
6 doesn't seem to be disputed. And I know that the actual
7 amount may be disputed, but there's certainly no
8 question that they pumped more than 25 acre-feet a year
9 which was the limitation.

10 MR. PARTON: Your Honor, Craig Parton for the
11 Watermaster. It is controverted whether the Zamrzlas
12 pumped --

13 THE COURT: I'm sorry?

14 MR. PARTON: It is controverted issue whether
15 the Zamrzlas pumped more than 25 acre-feet every year
16 since their ownership of the property and back to 1946.

17 THE COURT: Okay.

18 MR. PARTON: So that just -- I just wanted
19 your Honor to know we do dispute that.

20 THE COURT: I understand that.

21 And the amount that's pumped each year is a
22 variable; is that correct?

23 MR. PARTON: It is variable, yes, absolutely.

24 THE COURT: Okay. At some point, you have
25 made a demand on them, which is not at issue here today,
26 for compensation for replacement water assessments; is
27 that correct?

28 MR. PARTON: That's absolutely correct, your

1 Honor.

2 THE COURT: And that -- that demand for
3 compensation has changed a little bit from time to time;
4 is that right?

5 MR. PARTON: Yes.

6 THE COURT: And there was a specific demand
7 for some payment in 2018; is that correct?

8 MR. PARTON: Correct.

9 THE COURT: What was the amount of water that
10 was pumped by --

11 MR. PARTON: I believe it was about
12 650 acre-feet that we invoiced the Zamrzlas for. That
13 was based on a misunderstanding from their counsel about
14 whether that was actual water pumped or what they wanted
15 to pump in the future.

16 THE COURT: Yeah.

17 MR. PARTON: But the original invoice was
18 about \$270,000. And we have since that time worked with
19 the Zamrzlas, and you can see from our motion for
20 monetary relief that the amount at issue has been
21 substantially reduced. And that's -- that's been the
22 situation since at least the time of filing of our
23 motion to enforce the judgment back in April of last
24 year.

25 THE COURT: Okay. And of course we're not
26 going to hear that today.

27 MR. PARTON: Yes, that's right.

28 THE COURT: But, Mr. Parton, I note that your

Exhibit G



PRICE, POSTEL & PARMA LLP

Counsellors at Law

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Santa Barbara, CA 93101-2190

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Arthur R. Gaudi
Cameron Goodman
Christopher E. Haskell
James H. Hurley, Jr.
Eric P. Hvolbøll
Mark S. Manion
Steven K. McGuire

Our File Number:
23641-1

November 28, 2022

VIA E-MAIL ONLY

Honorable Jack Komar
c/o Rowena Walker
Complex Civil Case Coordinator
Superior Court of California
County of Santa Clara
191 N. 1st Street, Departments 1 and 3
San Jose, CA 95113

RWalker@scscourt.org

Re: Scope and Timing of Hearings on Watermaster and Zamrzla Motions

Dear Judge Komar:

This letter is submitted jointly by the attorneys of record for the City of Los Angeles (Los Angeles World Airports), Grimmway Enterprises, Palmdale Water District, and County Sanitation Districts of Los Angeles County Nos. 14 and 20 (collectively, "Settling Parties"), the Antelope Valley Watermaster ("Watermaster"), and Johnny Zamrzla, Pamella Zamrzla, Johnny Lee Zamrzla and Jeanette Zamrzla ("Zamrzlas"), collectively referred to herein as the "Parties."

The following three Motions are currently set for hearing on December 13-14, 2022, starting at 9:00 a.m. in a location TBD:

(1) Motion by Johnny Zamrzla and Pamella Zamrzla to Set Aside or Modify Judgment ("J&P Motion");

Hon. Jack Komar

Re: Scope and Timing of Hearings on Watermaster and Zamrzla Motions

November 28, 2022

Page 2

(2) Motion by Johnny Lee and Jeannette Zamrzla to Set Aside or Modify Judgment (collectively with the J&P Motion, the “Zamrzla Motions”); and

(3) Motion by the Watermaster for Monetary, Declaratory and Injunctive Relief Against the Zamrzlas (“Watermaster Motion”).

The undersigned have met and conferred as to the scope of evidence and oral argument necessary for the Court to consider the above-referenced Motions, and desire to limit the scope and timing of the hearings on the Motions as follows:

Zamrzla Motions

The Parties have agreed that the hearing on the Zamrzla Motions will be solely a law and motion hearing, without the presentation of any live testimony. In light of this, the hearing can be completed on December 13, 2022, and there is no need for the Court to reserve a December 14, 2022 hearing date. The Zamrzlas intend to appear in person and request an in-person hearing. Some of the Parties may appear at the hearing via Zoom and request to do so. The Parties request that the Court confirm the date, time and physical location of the hearing via minute order so that necessary arrangements can be made for travel, lodging, court reporter, etc.

Watermaster Motion

The Zamrzlas’ attorney who will be handling the Watermaster Motion, Wesley A. Miliband, is unavailable on December 13 and 14, 2022. In light of this, the Parties have agreed to continue the hearing on the Watermaster Motion to a mutually-acceptable date in January or February 2023, upon confirmation of the Court’s availability. The Parties will meet and confer regarding whether the hearing on the Watermaster Motion will include additional briefing and evidence. If so, the timing, nature and scope of additional briefing and/or evidence by any of the Parties will be determined after the conclusion of the hearing on the Zamrzla Motions by stipulation of the Parties and approval from the Court, or if a stipulation cannot be reached, then by hearing before the Court.

We appreciate the Court’s consideration of these requests, and welcome the opportunity to discuss via phone if necessary to finalize these changes.

(Signatures on following pages)

Hon. Jack Komar

Re: Scope and Timing of Hearings on Watermaster and Zamrzla Motions

November 28, 2022

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DATED: November 28, 2022

KRONICK, MOSKOVITZ, TIEDEMANN &
GIRARD
A Professional Corporation

By: Jenifer Ryan /bw
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Jenifer N. Ryan
Attorneys for CITY OF LOS ANGELES and
LOS ANGELES WORLD AIRPORTS

DATED: November 28, 2022

LEBEAU THELEN LLP

By: Robert G. Kuhs /bw
Robert G. Kuhs
Attorneys for GRIMMWAY ENTERPRISES

DATED: November 28, 2022

LAGERLOF, LLP

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

DATED: November 28, 2022

ELLISON, SCHNEIDER, HARRIS & DONLAN LLP

By: Christopher M. Sanders /bw
Christopher M. Sanders
Attorneys for COUNTY SANITATION
DISTRICTS OF LOS ANGELES COUNTY
NOS. 14 AND 20

Hon. Jack Komar

Re: Scope and Timing of Hearings on Watermaster and Zamrzla Motions

November 28, 2022

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DATED: November 28, 2022

PRICE, POSTEL & PARMA LLP

By: 

Craig Parton

Attorneys for ANTELOPE VALLEY
WATERMASTER

DATED: November 28, 2022

MATHENY SEARS LINKERT & JAIME, LLP

By: 

Nicholas R. Shepard

Attorneys for JOHNNY ZAMRZLA, PAMELLA
ZAMRZLA, JOHNNY LEE ZAMRZLA AND
JEANETTE ZAMRZLA

DATED: November 28, 2022

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

By: 

Wesley A. Miliband

Attorneys for JOHNNY ZAMRZLA, PAMELLA
ZAMRZLA, JOHNNY LEE ZAMRZLA AND
JEANETTE ZAMRZLA

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PROOF OF SERVICE

(CODE CIV. PROC. § 1013A(3))

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

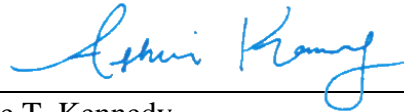
I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 201 South Lake Avenue, Suite 300, Pasadena, California 91101-4869.

On November 3, 2023, I served the following document(s) described as **DECLARATION OF WESLEY MILIBAND IN SUPPORT OF 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 November 3, 2023, at Pasadena, California.



Ashlie T. Kennedy