

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
2 A Professional Law Corporation  
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11  
12 Attorneys for Defendants JOHNNY ZAMRZLA,  
13 PAMELLA ZAMRZLA, JOHNNY LEE  
14 ZAMRZLA AND JEANETTE ZAMRZLA  
15 (collectively "ZAMRZLAS")

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

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

Judicial Council Coordination  
Proceeding No.: 4408

20 ANTELOPE VALLEY  
21 GROUNDWATER CASES.

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

**PREVAILING PARTIES ZAMRZLAS'  
PROPOSED ORDER AND RELATED  
RESPONSES PURSUANT TO CALIFORNIA  
RULES OF COURT 3.1312; DECLARATION  
OF WESLEY A. MILIBAND IN SUPPORT  
THEREOF; [PROPOSED] ORDER  
SUBMITTED CONCURRENTLY  
HEREWITH**

Date: November 17, 2023  
Time: 9:00 a.m., Court Call

22 Pursuant to the Court's direction at the conclusion of the hearings on November 17, 2023,  
23 legal counsel for Johnny Zamrzla, Johnny Lee Zamrzla, and Jeanette Zamrzla (collectively  
24 "Zamrzlas") circulated a Proposed Order to Watermaster's counsel and other participating counsel.  
25

26 Counsel are at an impasse as to the form and substance for the Court's Order. Pursuant to  
27 California Rule of Court 3.1312, the current dispute for the November 17 Order centers around  
28 whether the Court's rulings apply to Administrative Assessments in the Judgment.

1 The Zamrzlas contend that: (1) the Court exercised its equitable powers to grant the  
2 Zamrzlas’ Motion for Stay of the Proceedings Relating to Them until the Pending Appeal is  
3 Resolved; (2) the Motion explicitly was to any further proceedings relating to the Zamrzlas (*see*  
4 Motion for Stay at page 2, lines 6-19); (3) the Court explicitly GRANTED the Motion, without  
5 qualification or “carve outs” of the Judgment; (4) the Court continued the Watermaster’s Renewed  
6 Motion to a date to be determined following resolution of the Zamrzlas’ pending appeal; and (5)  
7 any discussion about administrative assessments that came at the end of the hearing on the  
8 Watermaster’s Renewed Motion was commentary involving whether administrative assessments  
9 were part of the Watermaster’s Renewed Motion.


10 Counsel Robert Kuhs and/or Watermaster Counsel contend that the Court’s granting of the  
11 Zamrzlas’ motion for the stay only applied to the issues raised in the Watermaster’s motion.

12 We disagree for the reasons set forth above, and in addition, such a “carve out” as attempting  
13 to be created in this improper fashion not only is contrary to the Court’s clear, concise rulings, but  
14 logically runs afoul of those rulings given the stay on replenishment assessments carries the same  
15 rationale for a stay on administrative assessments, *and*, Watermaster counsel himself has repeatedly  
16 stated in writing and verbally on November 17 that Watermaster will not seek enforcement of  
17 assessments pending resolution of the Zamrzlas’ appeal.

18 For full disclosure to the Court, the complete email “thread” of counsel’s dialogue for the  
19 November 17 Order is filed concurrently herewith as Exhibit A to the Declaration of Wesley A.  
20 Miliband, which contains the various versions of the Proposed Order.

21  
22 Dated: December 1, 2023

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

23  
24 By:   
25 \_\_\_\_\_  
26 Wesley A. Miliband  
27 Mae G. Alberto  
28 Attorneys for Defendants JOHNNY ZAMRZLA,  
PAMELLA ZAMRZLA, JOHNNY LEE  
ZAMRZLA AND JEANETTE ZAMRZLA  
(collectively “ZAMRZLAS”)

**Declaration of Wesley A. Miliband**

I Wesley A. Miliband, declare as follows:

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

2. Attached hereto as **Exhibit A** is a true and correct copy of the email exchanges between myself and other counsel of record regarding the form and substance for a Proposed Order. The versions of the Proposed Order are included in Exhibit A as they were attached to emails between counsel.

3. My office arranged for a court reporter for the November 17 hearings, and I am informed that the reporter’s office confirmed a reporter would be present to record the proceedings and had all of the necessary information for Court Call attendance. That however did not occur, so a transcript to my knowledge does not exist for the November 17 hearings.

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

Executed on this 1st day of December 2023, at Sacramento, California.

  
\_\_\_\_\_  
Wesley A. Miliband

# **EXHIBIT A**

---

**From:** Robert Kuhs <rkuhs@lebeauthelen.com>  
**Sent:** Friday, December 1, 2023 8:18 AM  
**To:** Wesley A. Miliband; Craig A. Parton; 'Ryan, Jenifer'; Melissa A. Phillips; Robinson, Eric; Powell, Stanley; tombunn@lagerlof.com; ps@eslawfirm.com; Whitman, Terri; Betsy Wright; Cameron Goodman; awells@toddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; Ramirez, Sherry; Timothy E. Metzinger  
**Cc:** Mae G. Alberto; Ashlie T. Kennedy; Betsy Wright  
**Subject:** [EXTERNAL] RE: Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]

**[EXTERNAL MESSAGE]**

---

Wes, the J. Komar was pretty clear that the discretionary stay only applied to the issues raised in the Watermaster's motion, i.e. collection of RWA for the period claimed in the motion. The Court expressly stated that his ruling did not apply to any other aspect of the Judgement.

**Robert G. Kuhs, Esq.**

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CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege and/or the attorney-work product privilege as to this communication or otherwise. If you have received this communication in error, please contact Robert Kuhs at (661) 325-8962.

---

**From:** Wesley A. Miliband  
**Sent:** Friday, December 1, 2023 5:54 AM  
**To:** Craig A. Parton; 'Robert Kuhs'; 'Ryan, Jenifer'; Melissa A. Phillips; Robinson, Eric; Powell, Stanley; tombunn@lagerlof.com; ps@eslawfirm.com; Whitman, Terri; Betsy Wright; Cameron Goodman; awells@toddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; Ramirez, Sherry; Timothy E. Metzinger  
**Cc:** Mae G. Alberto; Ashlie T. Kennedy; Betsy Wright  
**Subject:** Re: Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]

Craig, it appears you're misunderstanding the dialogue between Robert and me. Given that we cannot agree on a Proposed Order, we are following the Rule of Court and my intent below in saying I will present the email thread is to include the attachments to those emails (ie, your version of a Proposed Order). I directed my staff yesterday in that regard as we prepare papers to file and serve. My response to Robert says we disagree, the basis for it, and that we'll comply with the Rule of Court accordingly, which is to say what you want in the Order will be presented to Judge Komar.

Wes

Wes Miliband  
(916) 920-6979  
(949) 232-9731

---

**From:** Craig A. Parton <Cparton@ppplaw.com>  
**Sent:** Thursday, November 30, 2023 3:46 PM  
**To:** Wesley A. Miliband; 'Robert Kuhs'; 'Ryan, Jenifer'; Melissa A. Phillips; Robinson, Eric; Powell, Stanley; tombunn@lagerlof.com; ps@eslawfirm.com; Whitman, Terri; Betsy Wright; Betsy Wright; Cameron Goodman; awells@toddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; Ramirez, Sherry; Timothy E. Metzinger  
**Cc:** Mae G. Alberto; Ashlie T. Kennedy; Betsy Wright  
**Subject:** [EXTERNAL] RE: Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]

**[EXTERNAL MESSAGE]**

---

Mr. Miliband: In light of your failure to affirm that you will submit our proposed order for alternative consideration, we will be submitting it directly to the Court.....Craig Parton



**PRICE, POSTEL & PARMA LLP**

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Website: <http://ppplaw.com>

This message, including any attachments, is for the sole use of the intended recipient. It may contain material that is confidential or privileged. Any review or distribution by anyone other than the intended recipient, without the express permission of that person, is unauthorized and strictly prohibited. If you have received this message but you are not either the intended recipient or authorized to receive it for that person, please advise the sender and delete this message and any attachments without copying or forwarding.

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**From:** Wesley A. Miliband  
**Sent:** Thursday, November 30, 2023 2:14 PM  
**To:** 'Robert Kuhs'; Craig A. Parton; 'Ryan, Jenifer'; Melissa A. Phillips; Robinson, Eric; Powell, Stanley; tombunn@lagerlof.com; ps@eslawfirm.com; Whitman, Terri; Betsy Wright; Betsy Wright; Cameron Goodman; awells@toddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; Ramirez, Sherry; Timothy E. Metzinger  
**Cc:** Mae G. Alberto; Ashlie T. Kennedy; Betsy Wright  
**Subject:** RE: Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]

Good afternoon Counsel,

We will not be incorporating Mr. Parton's edits for the reasons initially given. Specifically, the Court granted the motion for stay without any condition or carve out of issues. The motion was clear that it applies to the Judgment and all proceedings regarding the Zamrzlas. The only comment by the Court regarding Administrative Assessments was in response to Robert Kuhs raising those at the end of the Watermaster's renewed motion hearing, with Judge Komar confirming with Craig Parton that the Watermaster's motion/renewed motion did not seek to recover Administrative Assessments. To try now to preserve the ability to pursue Administrative Assessments by extrapolating that limited discussion is to undo the Court's ruling granting the motion for stay on the entire Judgment (which includes Administrative Assessments), which is completely unacceptable, without merit, and if pushed even further, appears to be clear harassment intended for the Zamrzlas.

On their behalf, I am explicitly reserving any and all rights should the opposing parties continue to disregard what were clear rulings on the motions before the Court.

Pursuant to California Rule of Court 3.1312, I am preparing to file and serve the proposed order along with a summary and this email thread.

Regards,  
Wes

Wes Miliband  
(916) 920-6979  
(949) 232-9731



---

**From:** Robert Kuhs <rkuhs@lebeauthelen.com>  
**Sent:** Thursday, November 30, 2023 10:57 AM  
**To:** Craig A. Parton; Wesley A. Miliband; 'Ryan, Jenifer'; Melissa A. Phillips; Robinson, Eric; Powell, Stanley; tombunn@lagerlof.com; ps@eslawfirm.com; Whitman, Terri; Betsy Wright; Betsy Wright; Cameron Goodman; awells@toddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; Ramirez, Sherry; Timothy E. Metzinger  
**Cc:** Mae G. Alberto; Ashlie T. Kennedy; Betsy Wright  
**Subject:** [EXTERNAL] RE: Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]

**[EXTERNAL MESSAGE]**

---

Wes: Please confirm whether you will incorporate Mr. Parton's comments into the proposed Order.

Thank you.

**Robert G. Kuhs, Esq.**

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---

**From:** Craig A. Parton <Cparton@ppplaw.com>  
**Sent:** Tuesday, November 28, 2023 4:49 PM  
**To:** Wesley A. Miliband; 'Ryan, Jenifer'; Melissa A. Phillips; rkuhs@lebeauthelen.com; Robinson, Eric; Powell, Stanley; tombunn@lagerlof.com; ps@eslawfirm.com; Whitman, Terri; Betsy Wright; Betsy Wright; Cameron Goodman; awells@toddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; Ramirez, Sherry; Timothy E. Metzinger  
**Cc:** Mae G. Alberto; Ashlie T. Kennedy; Betsy Wright  
**Subject:** [EXTERNAL] RE: Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]  
**Attachments:** Proposed Order After Hearing - Motion for Stay(42820060.2) - Watermaster Edits (redline).11-28-23.docx; Proposed Order After Hearing on 11-17-23- Motion for Stay (42820060.2) - Watermaster Edits (Clean).11-28-23.docx

**[EXTERNAL MESSAGE]**

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Mr. Miliband: We do not agree with your comments about the scope of Judge Komar's order. Because further "redlining upon redlining" is liable at this point to create more confusion than clarity, I am attaching a "redlined" version but now with only some minimal redlining that reflects what Judge Komar stated in his Minute Order resulting from our November 17<sup>th</sup> hearing on the two motions. Note the footer has also been redlined.

Also attached is a final "clean" version that accepts the redlining noted above....This final clean version is what we expect to be transmitted to the Court at the time you transmit your version of the Order....Thank you for your cooperation....Craig Parton, General Counsel to the Antelope Valley Watermaster



PRICE, POSTEL & PARMA LLP

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Website: <http://ppplaw.com>

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4 201 South Lake Avenue, Suite 300  
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5 Telephone: (626) 583-8600  
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6

7 Attorneys for Defendants JOHNNY ZAMRZLA,  
PAMELLA ZAMRZLA, JOHNNY LEE  
8 ZAMRZLA AND JEANETTE ZAMRZLA  
(collectively "ZAMRZLAS")

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11  
12 **ANTELOPE VALLEY GROUNDWATER  
CASES**

13 Included Consolidated Actions:

14 Los Angeles County Waterworks District No.  
15 40 v. Diamond Farming Co.  
Superior Court of California  
16 County of Los Angeles, Case No. BC 325 201

17 Los Angeles County Waterworks District No.  
18 40 v. Diamond Farming Co.  
Superior Court of California County of Kern,  
19 Case No. S-1500-CV-254-348

20 Wm. Bolthouse Farms, Inc. v. City of Lancaster  
Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water Dist.  
21 Superior Court of California, County of  
Riverside, consolidated actions, Case Nos.  
22 RIC 353 840, RIC 344 436, RIC 344 668

23 Rebecca Lee Willis v. Los Angeles County  
Waterworks District No. 40  
24 Superior Court of California, County of Los  
Angeles, Case No. BC 364 553

25 Richard A. Wood v. Los Angeles County  
26 Waterworks District No. 40  
Superior Court of California, County of Los  
27 Angeles, Case No. BC 391 869

28 Little Rock Sand and Gravel, Inc. v. Granite

Judicial Council Coordination  
Proceeding No.: 4408

Lead Case: 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

**[PROPOSED] ORDER AFTER  
HEARINGS NOVEMBER 17, 2023**

**Hearings on: (1) Motion by Zamrzlas  
Motion for Stay of Proceedings Relating  
to Them Until the Pending Appeal is  
Resolved, and (2) Watermaster's  
Renewed Motion for Injunctive and  
Monetary Relief against the Zamrzlas**

Judge: Honorable Jack Komar  
Date: November 17, 2023, 9:00 AM  
Dept.: Via Courtcall

1 Construction Company  
2 Superior Court of California  
3 County of Los Angeles, Case No. MC026932  
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5  
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8 This matter came on before the Honorable Jack Komar, sitting by assignment, for a hearing  
9 on November 17, 2023 pursuant to the October 24, 2023 Minute Order. Appearances are as shown  
10 in the court record with the Court and appearing parties and counsel present via Courtcall.

11 After consideration of the papers filed and oppositions thereto, and argument of counsel, the  
12 Court declined to find that an automatic stay applied. However, the Court exercised its discretion to  
13 grant the Zamrzlas' Motion to stay the Watermaster's Renewed Motion as to the recovery of  
14 Replacement Water Assessments to a date after the Court of Appeal issues its ruling in the pending  
15 ~~resolution of the~~ appeal filed by the Zamrzlas. The Court expressed no opinion on whether to stay  
16 any other aspect of the Judgment, including Administrative Assessments. Therefore, the Court  
17 makes the following order:

18 The Zamrzlas' Motion for Stay is GRANTED and the Watermaster's Renewed Motion is  
19 continued to a ~~later~~ date after the Court of Appeal issues its ruling in the pending appeal filed by the  
20 ~~Zamrzlas to be determined pending resolution of the Zamrzlas' pending appeal.~~ The Court's Order  
21 makes no determination as to the Zamrzlas' responsibility for, or the Watermaster's entitlement to,  
22 Administrative Assessments.

23 IT IS SO ORDERED.

24 Dated: \_\_\_\_\_

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27 Honorable Jack Komar  
28 Judge of the Superior Court

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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 30, 2023, I served the following document(s) described as **[PROPOSED] ORDER GRANTING 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 November 30, 2023, at Pasadena, California.

---

Ashlie T. Kennedy

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
A Professional Law Corporation  
2 Wesley A. Miliband State Bar No. 241283  
Wes.Miliband@aalrr.com  
3 Mae G. Alberto State Bar No. 228067  
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5 Telephone: (626) 583-8600  
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7 Attorneys for Defendants JOHNNY ZAMRZLA,  
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8 ZAMRZLA AND JEANETTE ZAMRZLA  
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

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17 Los Angeles County Waterworks District No.  
18 40 v. Diamond Farming Co.  
Superior Court of California County of Kern,  
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19 Wm. Bolthouse Farms, Inc. v. City of Lancaster  
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21 Superior Court of California, County of  
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22 RIC 353 840, RIC 344 436, RIC 344 668

23 Rebecca Lee Willis v. Los Angeles County  
Waterworks District No. 40  
24 Superior Court of California, County of Los  
Angeles, Case No. BC 364 553

25 Richard A. Wood v. Los Angeles County  
26 Waterworks District No. 40  
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27 Angeles, Case No. BC 391 869

28 Little Rock Sand and Gravel, Inc. v. Granite

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**[PROPOSED] ORDER AFTER  
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Monetary Relief against the Zamrzlas**

Judge: Honorable Jack Komar  
Date: November 17, 2023, 9:00 AM  
Dept.: Via Courtcall

1 Construction Company  
2 Superior Court of California  
3 County of Los Angeles, Case No. MC026932  
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14 Replacement Water Assessments to a date after the Court of Appeal issues its ruling in the pending  
15 appeal filed by the Zamrzlas. The Court expressed no opinion on whether to stay any other aspect  
16 of the Judgment, including Administrative Assessments. Therefore, the Court makes the following  
17 order:

18 The Zamrzlas' Motion for Stay is GRANTED and the Watermaster's Renewed Motion is  
19 continued to a date after the Court of Appeal issues its ruling in the pending appeal filed by the  
20 Zamrzlas. The Court's Order makes no determination as to the Zamrzlas' responsibility for, or the  
21 Watermaster's entitlement to, Administrative Assessments.

22 IT IS SO ORDERED.

23  
24 Dated: \_\_\_\_\_

25 \_\_\_\_\_  
26 Honorable Jack Komar  
27 Judge of the Superior Court  
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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 30, 2023, I served the following document(s) described as **[PROPOSED] ORDER GRANTING 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 November 30, 2023, at Pasadena, California.

---

Ashlie T. Kennedy



---

**From:** Wesley A. Miliband  
**Sent:** Monday, November 27, 2023 5:02 PM  
**To:** 'Ryan, Jenifer'; Craig A. Parton; Melissa A. Phillips; rkuhs@lebeauthelen.com; Robinson, Eric; Powell, Stanley; tombunn@lagerlof.com; ps@eslawfirm.com; Whitman, Terri; Betsy Wright; Betsy Wright; Cameron Goodman; awells@todddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; Ramirez, Sherry; Timothy E. Metzinger  
**Cc:** Mae G. Alberto; Ashlie T. Kennedy  
**Subject:** RE: Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]  
**Attachments:** Proposed Order After Hearing - Motion for Stay(42820060.2) - Watermaser Edits\_MILIBAND EDITS NOV 27 2023 (redline).docx

Good afternoon Counsel,

Attached for your review please find a track-change version modifying the version circulated by Mr. Parton. I've included a track-change comment explaining why I struck some of the proposed language.

Thank you.

Regards,  
Wes

Wes Miliband  
(916) 920-6979  
(949) 232-9731

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
 A Professional Law Corporation  
 2 Wesley A. Miliband State Bar No. 241283  
 Wes.Miliband@aalrr.com  
 3 Mae G. Alberto State Bar No. 228067  
 Mae.Alberto@aalrr.com  
 4 201 South Lake Avenue, Suite 300  
 Pasadena, California 91101-4869  
 5 Telephone: (626) 583-8600  
 Fax: (626) 583-8610

6 Attorneys for Defendants JOHNNY ZAMRZLA,  
 7 PAMELLA ZAMRZLA, JOHNNY LEE  
 ZAMRZLA AND JEANETTE ZAMRZLA  
 8 (collectively "ZAMRZLAS")

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11  
 12 **ANTELOPE VALLEY GROUNDWATER  
 CASES**

13 Included Consolidated Actions:

14 Los Angeles County Waterworks District No.  
 15 40 v. Diamond Farming Co.  
 Superior Court of California  
 16 County of Los Angeles, Case No. BC 325 201

17 Los Angeles County Waterworks District No.  
 18 40 v. Diamond Farming Co.  
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23 Rebecca Lee Willis v. Los Angeles County  
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 24 Superior Court of California, County of Los  
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25 Richard A. Wood v. Los Angeles County  
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27 Little Rock Sand and Gravel, Inc. v. Granite  
 28

Judicial Council Coordination  
 Proceeding No.: 4408

Lead Case: 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

**[PROPOSED] ORDER AFTER  
 HEARINGS NOVEMBER 17, 2023**

**Hearings on: (1) Motion by Zamrzlas  
 Motion for Stay of Proceedings Relating  
 to Them Until the Pending Appeal is  
 Resolved, and (2) Watermaster's  
 Renewed Motion for Injunctive and  
 Monetary Relief against the Zamrzlas**

Judge: Honorable Jack Komar  
 Date: November 17, 2023, 9:00 AM  
 Dept.: Via Courtcall

1 Construction Company  
2 Superior Court of California  
3 County of Los Angeles, Case No. MC026932  
4  
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6  
7

8 This matter came on before the Honorable Jack Komar, sitting by assignment, for a hearing  
9 on November 17, 2023 pursuant to the October 24, 2023 Minute Order. Appearances are as shown  
10 in the court record with the Court and appearing parties and counsel present via Courtcall.

11 After consideration of the papers filed and oppositions thereto, and argument of counsel, the  
12 Court ~~finds good cause to exercise its discretion for granting the Zamrzlas' motion, with further~~  
13 ~~findings that the mere lapse of time, coupled with the Watermaster's renewed motion seeking relief~~  
14 ~~for issues pending on appeal by the Zamrzlas, does not persuade the Court to grant the~~  
15 ~~Watermaster's renewed motion~~ declined to find that an automatic stay applied. However, the Court  
16 exercised its discretion to grant the Zamrzlas' Motion to Stay Of The Proceedings Relating To  
17 Them Until The Pending is Resolved. The Court then continued the Watermaster's Renewed Motion  
18 to a later date to be determined pending resolution of the Zamrzlas' pending appeal. ~~stay the~~  
19 Watermaster's Renewed Motion as to the recovery of Replacement Water Assessments pending  
20 resolution of the appeal filed by the Zamrzlas. The Court expressed no opinion on whether to stay  
21 any other aspect of the Judgment including Administrative Assessments. Therefore, the Court  
22 makes the following order:

23 The Zamrzlas' Motion for Stay is GRANTED and the Watermaster's Renewed Motion is  
24 ~~placed off calendar~~ continued to a later date to be determined pending resolution of the Zamrzlas'  
25 pending appeal. The Court's Order makes no determination as to the Zamrzlas' responsibility for  
26 or the Watermaster's entitlement to, Administrative Assessments.

27 ~~IT IS SO ORDERED.~~

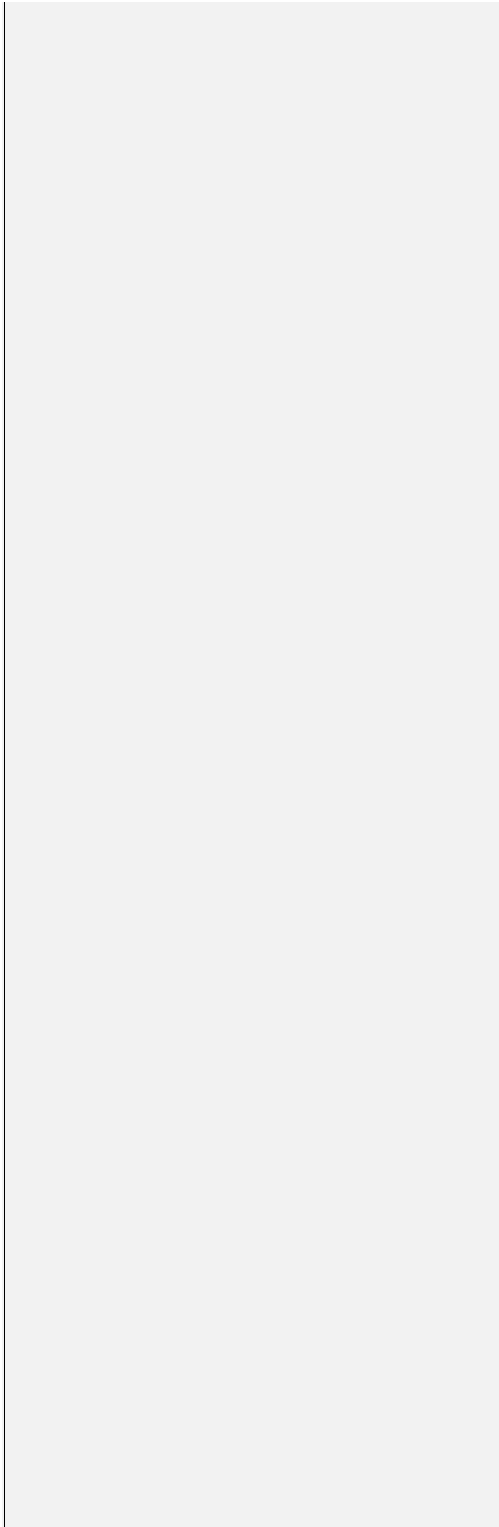
Commented [A1]: This is not accurate. The Court granted the motion for stay without any condition or carve out of issues. And the motion was clear that it applies to all proceedings regarding the Zamrzlas. The only comment by the Court regarding the Administrative Assessments was in response to Robert Kuhs raising those as his concern, and Judge Komar confirming with Craig Parton that the Watermaster's motion/renewed motion did not seek to recover Administrative Assessments.

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IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Jack Komar  
Judge of the Superior Court



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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 30, 2023, I served the following document(s) described as **[PROPOSED] ORDER GRANTING 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 November 30, 2023, at Pasadena, California.

\_\_\_\_\_  
Ashlie T. Kennedy

<b>Summary report:</b> <b>Litera Compare for Word 11.5.0.74 Document comparison done on</b> <b>11/21/2023 2:37:04 PM</b>	
<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
<b>Original filename:</b> Proposed Order After Hearing - Motion for Stay(42820060.2) (1).docx	
<b>Modified filename:</b> Proposed Order After Hearing - Motion for Stay(42820060.2) - Watermaster Edits (clean).docx	
<b>Changes:</b>	
Add	4
Delete	3
Move From	0
Move To	0
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>7</b>

---

**From:** Ryan, Jenifer <jryan@kmtg.com>  
**Sent:** Monday, November 27, 2023 3:01 PM  
**To:** Craig A. Parton; Melissa A. Phillips; rkuhs@lebeauthelen.com; Robinson, Eric; Powell, Stanley; tombunn@lagerlof.com; ps@eslawfirm.com; Whitman, Terri; Betsy Wright; Betsy Wright; Cameron Goodman; awells@toddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; Ramirez, Sherry; Timothy E. Metzinger  
**Cc:** Wesley A. Miliband; Mae G. Alberto; Ashlie T. Kennedy  
**Subject:** [EXTERNAL] RE: Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]

**[EXTERNAL MESSAGE]**

---

Good afternoon, Ms. Phillips and Mr. Miliband.

Robert Kuhs and I have reviewed the Watermaster's comments and support those modifications to the proposed order.

Sincerely,  
Jenifer



**Jenifer Ryan** | Attorney  
Kronick Moskowitz Tiedemann & Girard | [kmtg.com](http://kmtg.com)  
916.321.4500

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---

**From:** Craig A. Parton <Cparton@ppplaw.com>  
**Sent:** Wednesday, November 22, 2023 4:46 PM  
**To:** Melissa A. Phillips; rkuhs@lebeauthelen.com; erobinson@kmtg.com; spowell@kmtg.com; jryan@kmtg.com; tombunn@lagerlof.com; ps@eslawfirm.com; twhitman@kmtg.com; Betsy Wright; Betsy Wright; Cameron Goodman; awells@toddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; sramirez@kmtg.com; Timothy E. Metzinger; jgee@kmtg.com  
**Cc:** Wesley A. Miliband; Mae G. Alberto; Ashlie T. Kennedy  
**Subject:** [EXTERNAL] RE: Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]  
**Attachments:** Proposed Order After Hearing - Motion for Stay(42820060.2) - Watermaster Edits (clean).docx; Proposed Order After Hearing - Motion for Stay(42820060.2) - Watermase Edits (redline).docx

**[EXTERNAL MESSAGE]**

---

Ms. Phillips and Mr. Miliband: Pursuant to California Rule of Court 3.1312(a), please consider this to be the Antelope Valley Watermaster's notice that it does not approve of your proposed Order circulated yesterday, November 21, 2023. We believe our proposed order is more complete and a more accurate capturing of the Court's statements at the hearing on November 17th. Attached are the Watermaster's redlined and clean versions of a Proposed Order after hearing for your consideration and possible adoption.

Thank you in advance for your professional cooperation in complying with CRC 3.1312(b) should alternate versions be required to be submitted to the Court for consideration. Craig Parton, General Counsel to the Antelope Valley Watermaster



**PRICE, POSTEL & PARMA LLP**

Craig A. Parton  
Price Postel & Parma LLP  
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Santa Barbara, CA 93101  
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T: 805.882-9822 (Direct)  
F: 805.965.3978  
E: [cap@ppplaw.com](mailto:cap@ppplaw.com)  
Website: <http://ppplaw.com>

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

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**[PROPOSED] ORDER AFTER  
HEARINGS NOVEMBER 17, 2023**

**Hearings on: (1) Motion by Zamrzlas  
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to Them Until the Pending Appeal is  
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Monetary Relief against the Zamrzlas**

Judge: Honorable Jack Komar  
Date: November 17, 2023, 9:00 AM  
Dept.: Via Courtcall

1 Construction Company  
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19 Court's Order makes no determination as to the Zamrzlas' responsibility for, or the Watermaster's  
20 entitlement to, Administrative Assessments.

21 IT IS SO ORDERED.

22  
23 Dated: \_\_\_\_\_

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25 Honorable Jack Komar  
26 Judge of the Superior Court

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**PROOF OF SERVICE**

(CODE CIV. PROC. § 1013A(3))

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Executed on November 30, 2023, at Pasadena, California.

---

Ashlie T. Kennedy

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A Professional Law Corporation  
2 Wesley A. Miliband State Bar No. 241283  
Wes.Miliband@aalrr.com  
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7 Attorneys for Defendants JOHNNY ZAMRZLA,  
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8 ZAMRZLA AND JEANETTE ZAMRZLA  
(collectively "ZAMRZLAS")

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

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24 ~~IT IS SO ORDERED.~~  
25  
26  
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ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
201 SOUTH LAKE AVENUE, SUITE 300  
PASADENA, CALIFORNIA 91101-4869  
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IT IS SO ORDERED.

Dated:

\_\_\_\_\_  
Honorable Jack Komar  
Judge of the Superior Court

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**PROOF OF SERVICE**

(CODE CIV. PROC. § 1013A(3))

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Executed on November 30, 2023, at Pasadena, California.

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Ashlie T. Kennedy

**Summary report:  
 Litera Compare for Word 11.5.0.74 Document comparison done on  
 11/21/2023 2:37:04 PM**

<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
<b>Original filename:</b> Proposed Order After Hearing - Motion for Stay(42820060.2) (1).docx	
<b>Modified filename:</b> Proposed Order After Hearing - Motion for Stay(42820060.2) - Watermaster Edits (clean).docx	
<b>Changes:</b>	
<u>Add</u>	4
<del>Delete</del>	3
<del>Move From</del>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<del>Table Delete</del>	0
<u>Table moves to</u>	0
<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>7</b>



---

**From:** Melissa A. Phillips  
**Sent:** Tuesday, November 21, 2023 11:35 AM  
**To:** cap@ppplaw.com; rkuhs@lebeauthelen.com; erobinson@kmtg.com; spowell@kmtg.com; jryan@kmtg.com; tombunn@lagerlof.com; ps@eslawfirm.com; twhitman@kmtg.com; bwright@ppplaw.com; bw@ppplaw.com; cg@ppplaw.com; awells@toddgroundwater.com; dschmidt@lagerlof.com; cms@eslawfirm.com; sramirez@kmtg.com; tem@ppplaw.com; jgee@kmtg.com  
**Cc:** Wesley A. Miliband; Mae G. Alberto; Ashlie T. Kennedy  
**Subject:** Antelope Valley Groundwater Cases (JCCP 4408) - Proposed Order After November 17 Hearings [AALRR-CERRITOS.018171.00011]  
**Attachments:** Proposed Order After Hearing - Motion for Stay(42820060.2).docx

Counsel,

Per Judge Komar's directive, attached please find the proposed order in the above-referenced matter. Please let me know if you have any trouble with the attachment.

Thank you.

**Melissa A. Phillips** | Legal Secretary  
Atkinson, Andelson, Loya, Ruud & Romo  
2151 River Plaza Drive, Suite 300, Sacramento, California 95833  
Direct (916) 920-6953 • Main (916) 923-1200 • Fax (916) 923-1222  
[melissa.phillips@aalrr.com](mailto:melissa.phillips@aalrr.com) | [website](#) | [subscribe](#)



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26 40 v. Diamond Farming Co.  
27 Superior Court of California County of Kern,  
28 Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of Lancaster  
Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water Dist.  
Superior Court of California, County of  
Riverside, consolidated actions, Case Nos.  
RIC 353 840, RIC 344 436, RIC 344 668

Rebecca Lee Willis v. Los Angeles County  
Waterworks District No. 40  
Superior Court of California, County of Los  
Angeles, Case No. BC 364 553

Richard A. Wood v. Los Angeles County  
Waterworks District No. 40  
Superior Court of California, County of Los  
Angeles, Case No. BC 391 869

Little Rock Sand and Gravel, Inc. v. Granite

Judicial Council Coordination  
Proceeding No.: 4408

Lead Case: 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

**[PROPOSED] ORDER AFTER  
HEARINGS NOVEMBER 17, 2023**

**Hearings on: (1) Motion by Zamrzlas  
Motion for Stay of Proceedings Relating  
to Them Until the Pending Appeal is  
Resolved, and (2) Watermaster's  
Renewed Motion for Injunctive and  
Monetary Relief against the Zamrzlas**

Judge: Honorable Jack Komar  
Date: November 17, 2023, 9:00 AM  
Dept.: Via Courtcall

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Construction Company  
Superior Court of California  
County of Los Angeles, Case No. MC026932

This matter came on before the Honorable Jack Komar, sitting by assignment, for a hearing on November 17, 2023 pursuant to the October 24, 2023 Minute Order. Appearances are as shown in the court record with the Court and appearing parties and counsel present via Courtcall.

After consideration of the papers filed and oppositions thereto, and argument of counsel, the Court finds good cause to exercise its discretion for granting the Zamrzlas' motion, with further findings that the mere lapse of time, coupled with the Watermaster's renewed motion seeking relief for issues pending on appeal by the Zamrzlas, does not persuade the Court to grant the Watermaster's renewed motion. Therefore, the Court makes the following order:

The Zamrzlas' Motion for Stay is GRANTED and the Watermaster's Renewed Motion is placed off-calendar pending resolution of the Zamrzlas' pending appeal.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Jack Komar  
Judge of the Superior Court

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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 30, 2023, I served the following document(s) described as **[PROPOSED] ORDER GRANTING 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 November 30, 2023, at Pasadena, California.

---

Ashlie T. Kennedy

ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
2151 RIVER PLAZA DRIVE, SUITE 300  
SACRAMENTO, CALIFORNIA 95833-4130  
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**PROOF OF SERVICE**

(CODE CIV. PROC. § 1013A(3))

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

I am employed in the County of Sacramento, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 2151 River Plaza Drive, Suite 300, Sacramento, California 95833-4130.

On December 1, 2023, I served the following document(s) described as **PREVAILING PARTIES ZAMRZLAS' PROPOSED ORDER AND RELATED RESPONSES PURSUANT TO CALIFORNIA RULES OF COURT 3.1312; DECLARATION OF WESLEY A. MILIBAND IN SUPPORT THEREOF; [PROPOSED] ORDER SUBMITTED CONCURRENTLY HEREWITH** 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 December 1, 2023, at Sacramento, California.

  
\_\_\_\_\_  
Melissa A. Phillips