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ZAMRZLA AND JEANETTE ZAMRZLA
(collectively "ZAMRZLA'S")

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

Coordinated Proceeding,
Special Title (Rule 1550(b))

ANTELOPE VALLEY
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

**ZAMRZLAS' OBJECTIONS TO AUGUST 1,
2023 HEARING AND ANY SUBSEQUENT
RULING BY THE COURT ON REQUEST TO
DEEM JUNE 9, 2023 ORDER AS A
STATEMENT OF DECISION**

JOHNNY ZAMRZLA, PAMELLA ZAMRZLA, JOHNNY LEE ZAMRZLA, and
JEANETTE ZAMRZLA (collectively "Zamrzlas") object to the court's July 24, 2023 order setting
an August 1, 2023 hearing on the Settling Parties' and Watermasters' Request to Deem the Court's
June 9, 2023 Order as its Statement of Decision and any subsequent ruling on such request. The
trial court lacks jurisdiction to set the hearing and/or rule on the aforementioned request.

**I. The Trial Court Does Not Have Authority To Modify An Order That Has Already
Been Entered**

On June 9, 2023, cross-defendants City of Los Angeles and Los Angeles World Airports

1 served the Zamrzlas with the Notice of Entry of the Court’s Order Denying the Zamrzlas’ Motions
2 to Set Aside or Modify the Judgment. Since an order has been entered, the Settling Parties’ and
3 Watermasters’ request to deem the trial court’s June 9, 2023 Order as a Statement of Decision is
4 procedurally improper. (*See* Cal. Rules of Ct., Rule 3.1590.)

5 “The general rule is that once a judgment has been entered, the trial court loses its
6 unrestricted power to change that judgment. The court does retain power to correct clerical errors
7 in a judgment which has been entered. However, it may not amend such a judgment to substantially
8 modify it or materially alter the rights of the parties under its authority to correct clerical error.”
9 (*Craven v. Crout* (1985) 163 Cal.App.3d 779, 782; *see also APRI Ins. Co. v. Superior Ct.* (1999)
10 76 Cal.App.4th 176, 181.)

11 Moreover, the Settling Parties and Watermaster’s request to deem the June 9, 2023 Order
12 as a statement of decision was procedurally improper in the first place. The trial court did not issue
13 a tentative decision. Indeed, if the Settling Parties and Watermasters thought the June 9, 2023 Order
14 was a tentative decision, they would have not filed and served a Notice of Entry of Order. The June
15 9, 2023 Order is a signed final order. The court does not have authority to set the August 1, 2023
16 hearing and/or rule on the request to deem the June 9, 2023 Order as a statement of decision.

17 **II. The Filing Of The Notice Of Appeal Removed Jurisdiction From The Trial Court**

18 On July 3, 2023, the Zamrzlas filed a timely Notice of Appeal of the Court’s June 9, 2023
19 Order. (Declaration of Nicholas Shepard [“Shepard Decl.”], ¶ 2; Exhibit A.) On July 12, 2023, the
20 Notice of the Filing of the Notice of Appeal was filed. (Shepard Decl., ¶ 3; Exhibit B.) The filing
21 of the Notice of Appeal removed jurisdiction from the trial court to set a hearing and/or issue any
22 ruling on the June 9, 2023 Order that is the subject of the appeal.

23 Generally, the filing of a notice of appeal “divests the trial court of further jurisdiction in
24 the cause.” (*In re Estate of Waters* (1919) 181 Cal. 584, 585; *see generally Varian Medical Systems,*
25 *Inc. v. Delfino* (2005) 35 Cal.4th 180 [explicating Code Civ. Proc., § 916].) Subject to certain
26 exceptions that are not relevant here, “the perfecting of an appeal stays proceedings in the trial court
27 upon the judgment or order appealed from or upon the matters embraced therein or affected thereby,
28 including enforcement of the judgment or order, but the trial court may proceed upon any other

1 matter embraced in the action and not affected by the judgment or order.” (Code Civ. Proc. §
2 916(a).)

3 The subject of the August 1, 2023 hearing is the Settling Parties’ and Watermasters’ Request
4 to Deem the Court’s June 9, 2023 Order as its Statement of Decision. The June 9, 2023 Order is
5 the subject of the Zamrzlas’ appeal. The trial court does not have jurisdiction to set the August 1,
6 2023 hearing and/or issue any ruling on the Settling Parties’ and Watermasters’ request.
7 Accordingly, the Zamrzlas object to the August 1, 2023 hearing and any ruling on the Settling
8 Parties’ and Watermasters’ request.

9 However, assuming arguendo jurisdiction exists, without waiving their objections on the
10 ground that the trial court lacks jurisdiction to hear the Settling Parties’ and Watermasters’ request,
11 the Zamrzlas also object to the hearing proceeding on August 1, 2023 as their primary handling
12 attorney, Nicholas Shepard, is unavailable on such date. Accordingly, should the trial court proceed
13 with hearing this matter, such hearing should be scheduled on another date and time when the
14 Zamrzlas’ attorney is available.

15 Dated: July 26, 2023

MATHENY SEARS LINKERT & JAIME, LLP

17 By: 

18 _____
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20 Attorney for Defendants, JOHNNY
21 ZAMRZLA, PAMELLA ZAMRZLA,
22 JOHNNY LEE ZAMRZLA AND
23 JEANETTE ZAMRZLA (collectively
24 “ZAMRZLA’S”)
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