

1 Law Offices of
2 **MATHENY SEARS LINKERT & JAIME, LLP**
3 NICHOLAS R. SHEPARD, ESQ. (SBN 300629)
4 3638 American River Drive
5 Sacramento, California 95864
6 Telephone: (916) 978-3434
7 Facsimile: (916) 978-3430
8 nshepard@mathenysears.com

9 Attorneys for Defendants, JOHNNY ZAMRZLA,
10 PAMELLA ZAMRZLA, JOHNNY LEE
11 ZAMRZLA AND JEANETTE ZAMRZLA
12 (collectively “ZAMRZLA’S”)

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

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

17 ANTELOPE VALLEY
18 GROUNDWATER CASES.

Judicial Council Coordination
Proceeding No.: 4408

LASC Case No. BC325201

Santa Clara Sup. Court Case No.: 1-05-CV-049053
Assigned to Hon. Jack Komar, Judge of the Santa
Clara County Superior Court

**DECLARATION OF NICHOLAS R.
SHEPARD IN SUPPORT OF ZAMRZLAS’
OBJECTIONS TO AUGUST 1, 2023
HEARING AND ANY RULING ON THE
REQUEST TO DEEM THE JUNE 9, 2023
ORDER AS A STATEMENT OF DECISION**

19 I, Nicholas R. Shepard, declare as follows:

20
21
22
23 1. I am an attorney at law, duly licensed to practice before all the Courts in the State
24 of California. I am a partner at Matheny Sears Linkert & Jaime, LLP, 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

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

Executed on this 26th day of July 2023, at Sacramento, California.



NICHOLAS R. SHEPARD

EXHIBIT A

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

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

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

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

\$100 paid
No \$775 rcvd

2. For cross-appeals only:

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

Date: June 23, 2023

Mae G. Alberto

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

EXHIBIT B

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

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

SEE ATTACHED SERVICE LIST

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

CERTIFICATE OF MAILING

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

DAVID W SLAYTON Executive Officer/Clerk of Court

DATE: 07/12/23

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

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

COURT OF APPEAL, SECOND APPELLATE DISTRICT

Plaintiff(s) LA COUNTY WATERWORKS DISTRICT

vs

DIAMOND FARMING COMPANY ET

Defendant(s)

CASE NUMBER: BC325201

Notice of Appeal date: 07/03/23

REQUEST FOR MEDIATION

(Return only if all parties agree to Mediation)

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

WESLEY A. MILIBAND, MAE G. ALBERTO

To: ATKINSON, ANDELSON, LOYA, RUUD & ROMO

2151 RIVER PLAZA DRIVE, SUITE 300

SACRAMENTO, CA 95833

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

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

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

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

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

Attorney Signature

Date: _____

Attorney Type or Print Name

Name of Party Represented

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

or

via U.S. mail to:

Court of Appeal, Second Appellate District
300 S. Spring Street, 2nd Floor, N. Tower
Los Angeles, CA 90013

Attn. Mediation

SERVICE LIST

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

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

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

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

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

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

