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Attorneys for Respondent
James A. Kus

ELECTRONICALLY FILED
Superior Court of California,
County of Fresno
By: Lily Vang, Deputy Clerk
08/3/26 12:00 AM

***Exempt from filing fee
Gov. Code, § 6103***

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF FRESNO

PINEDALE COUNTY WATER DISTRICT,

Petitioner,

v.

JAMES A. KUS, Fresno County
Clerk/Registrar of Voters, et al.

Respondents.

Case No. 26CU02177

**Declaration of Rebekah A. Eropkin in
Support of Opposition to Ex Parte
Application**

I, Rebekah A. Eropkin, hereby declare:

1. I am currently employed by the County of Fresno as a Senior Deputy County Counsel in the Office of County Counsel. My office represents James A. Kus, Fresno County Clerk/Registrar of Voters, in this matter.

2. I have personal knowledge of the matters set forth herein, except those matters on information and belief, and I would so testify truthfully.

3. I am an attorney licensed to practice law in California.

4. On July 30, 2026, at 3:19 p.m., I received an e-mail from Matt Acuna, Legal Assistant at Costanzo & Associates, with a letter, dated July 30, 2026, and signed by Neal E. Costanzo. A true and correct copy of the letter is attached as Exhibit A.

1 5. The letter included a copy of a Summons, electronically filed on July 30, 2026
2 with the Fresno County Superior Court; a copy of the Petition for Writ of Mandate, signed on
3 July 27, 2026, by Mr. Costanzo; and a Proof of Service, signed on July 29, 2026, by Mr. Acuna
4 and indicating the Petition for Writ of Mandate was e-mailed on July 29, 2026, to Mr. Kus. A
5 true and correct copy of the Proof of Service, dated July 29, 2026, is attached as Exhibit B.

6 6. I did not receive an e-mail from Mr. Acuna on July 29, 2026. I am informed and
7 believe that Mr. Kus also did not receive an email from Mr. Acuna on July 29, 2026.

8 7. On July 31, 2026, at 2:22 p.m., I received an e-mail from Mr. Acuna with the
9 following attachments: Application for Issuance of Alternative Writ of Mandate, signed on July
10 31, 2026, by Mr. Costanzo; Memorandum of Points and Authorities in Support of Ex Parte
11 Application for Issuance of Alternative Writ of Mandate or Temporary Restraining Order and
12 Order to Show Cause, signed on July 31, 2026, by Mr. Costanzo; Declaration of Notice in
13 Support of Application for Alternative Writ Order to Show Cause and Temporary Restraining
14 Order, signed on July 31, 2026, by Mr. Costanzo; Declaration of Gavin O'Leary, signed on July
15 31, 2026, by Mr. O'Leary; Declaration of Neal E. Costanzo, signed on July 31, 2026, by Mr.
16 Costanzo; and Proof of Service of Summons, signed on July 30, 2026, by Michael G. Slater.

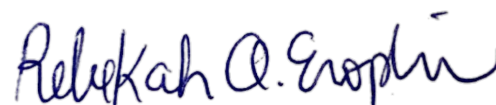
17 8. The Summons indicates that Mr. Kus is "an individual defendant" (item 1). A true
18 and correct copy of the Summons is attached as Exhibit C.

19 9. The Proof of Service of Summons indicates on page 2, item 6 that Mr. Kus was
20 sued "as an individual defendant" (item 6.a.) in his "official capacity" (item 6.d.). A true and
21 correct copy of the Proof of Service of Summons is attached as Exhibit D.

22 10. I am informed and believe that Mr. Kus has not authorized anyone to receive
23 service of process on his behalf when he is sued as an individual.

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

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27 Date: 08/01/2026



Rebekah A. Eropkin

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Exhibit A

July 30, 2026 Letter from Neal E. Costanzo to Rebekah Eropkin

NEAL E. COSTANZO
MICHAEL G. SLATER

LAW OFFICES
COSTANZO & ASSOCIATES
A PROFESSIONAL CORPORATION
575 E. LOCUST AVENUE
SUITE 115
FRESNO, CALIFORNIA 93720-2928
(559) 261-0163

FAX (559) 261-0706

July 30, 2026

Rebekah Eropkin
Senior Deputy County Counsel
County of Fresno
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
reropkin@fresnocountyca.gov

**Re: Pinedale County Water District v. James A. Kus, Fresno County Clerk /
Registrar of Voters**

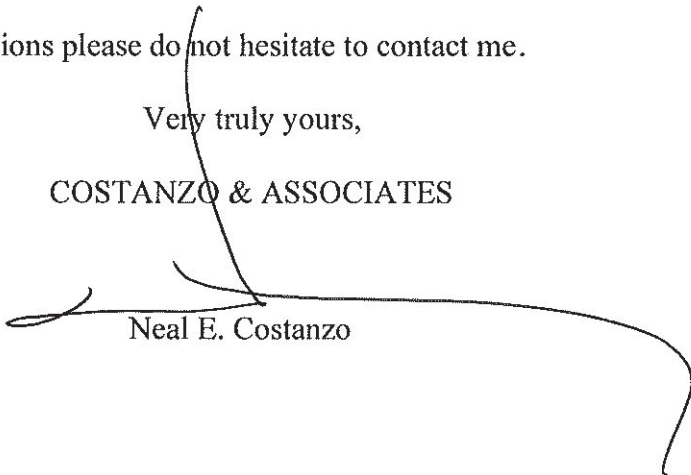
Dear Ms. Eropkin:

Attached is the Petition for Writ of Mandate filed in the above case and the summons issued by the clerk. We will have this document served on the Registrar of Voters today. We reserved a Ex Parte Hearing date on an application for issuance of a alternative writ, or alternatively, temporary restraining order / preliminary injunction for August 3, 2026, at 8:30 a.m. in Dept. 97 E of the Fresno County Superior Court. We will send you and Mr. Kus the papers supporting the Ex Parte Application by tomorrow afternoon.

If you have any questions please do not hesitate to contact me.

Very truly yours,

COSTANZO & ASSOCIATES



Neal E. Costanzo

NEC/jj
Enclosures
c/c James Kus;
Jason Franklin

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Exhibit B

July 29, 2026 Proof of Service

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Matt Acuna, the undersigned, declare that:

On July 29, 2026, I served the foregoing documents described below via:

☒ Electronic Mail: My electronic mail address is: assistant@costanzolaw.com

on all parties to this action as addressed below:

Case No:

V.

Date: July 29, 2026

Matt Acuna

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Exhibit C

Summons

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California,
County of Fresno

By: April Hoffman, Deputy Clerk

07/30/2026

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

James A. Kus, Fresno County Clerk and Registrar of Voters, and DOES 1-10

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

PINEDALE COUNTY WATER DISTRICT, a California County Water District (Water Code § 30000 et seq)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Fresno County Superior Court 1130 O St, Fresno, CA 93720-220

CASE NUMBER:
(Número del Caso):
26CU02177

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Neal E. Costanzo, 575 E. Locust Ave, Suite 115, Fresno, CA 93720, 559-261-0163

DATE: 07/30/2026 Clerk, by A. Hoffman, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

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Exhibit D

Proof of Service of Summons

Declaration of Rebekah A. Eropkin

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Neal E. Costanzo, SBN: 122352, 575 E. Locust Ave, Suite 115, Fresno, CA 93720		FOR COURT USE ONLY
TELEPHONE NO.: (559) 261-0163 FAX NO. (Optional): E-MAIL ADDRESS (Optional): neal@costanzolaw.com ATTORNEY FOR (Name): PINEDALE COUNTY WATER DISTRICT		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 O St, Fresno, CA 93720-220 MAILING ADDRESS: 1130 O St, Fresno, CA 93720-220 CITY AND ZIP CODE: Fresno, CA 93720-220 BRANCH NAME: CIVIL		
PLAINTIFF/PETITIONER: PINEDALE COUNTY WATER DISTRICT DEFENDANT/RESPONDENT: James A. Kus, Fresno County Clerk and Registrar of Voters		CASE NUMBER: 26CU02177
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):
James A. Kus, Fresno County Clerk and Registrar of Voters
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Victoria Najera, Fresno County Elections Office
4. Address where the party was served:
Fresno County Elections Office 2221 Kern St. Fresno, CA 93721
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 7/30/2026 (2) at (time): 3:36 p.m.
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: PINEDALE COUNTY WATER DISTRICT	CASE NUMBER:
DEFENDANT/RESPONDENT: James A. Kus, Fresno County Clerk and Registrar of Voters	26CU02177

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| ☐ 416.10 (corporation) | ☐ 415.95 (business organization, form unknown) |
| ☐ 416.20 (defunct corporation) | ☐ 416.60 (minor) |
| ☐ 416.30 (joint stock company/association) | ☐ 416.70 (ward or conservatee) |
| ☐ 416.40 (association or partnership) | ☐ 416.90 (authorized person) |
| ☐ 416.50 (public entity) | ☐ 415.46 (occupant) |
| | ☒ other: official capacity |

7. Person who served papers

- a. Name: Michael G. Slater
- b. Address: 575 E. Locust Ave Suite 115, Fresno, CA 93720
- c. Telephone number: (559) 261-0163
- d. The fee for service was: \$0.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

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

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: July 30, 2026

Michael G. Slater

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

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I, Peter Wall, declare:

My email address is pwall@fresnocountyca.gov.

Declaration of Rebekah A. Eropkin in Support of Opposition to Ex Parte Application

Neal E. Costanzo
Costanzo & Associates, A Professional Corporation
575 East Locust Avenue, Suite 115
Fresno, California 93720-2928
neal@costanzolaw.com
assistant@costanzolaw.com

Date: August 1, 2026

Robert Wall