

DOUGLAS T. SLOAN (SBN 194996)
County Counsel
PETER WALL (SBN 258677)
Chief Deputy County Counsel
KYLE R. ROBERSON (SBN 285735)
Senior Deputy County Counsel
REBEKAH A. EROPKIN (SBN 276416)
Senior Deputy County Counsel
OFFICE OF THE FRESNO COUNTY COUNSEL
2220 Tulare Street, Suite 500
Fresno, California 93721-2128

Telephone: (559) 600-3479
Email: pwall@fresnocountyca.gov

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 Victoria Najera in Support
of Opposition to Ex Parte Application**

Action Filed: July 29, 2026

Hearing Date: August 3, 2026

Time: 8:30 a.m.

Department: 97E

Judge: Hon. Virna Santos

I, Victoria Najera, hereby declare:

1. I am currently employed by the County of Fresno as an Elections Program Manager in the Fresno County Clerk/Registrar of Voters' Department, Elections Division. I have held this position since September 29, 2025. Prior to September 29, 2025, I was employed by the Fresno County Clerk/Registrar of Voters' Department, Elections Division, as Program Coordinator for eight years, and held a variety of positions before then, including extra-help employee, Office Assistant III, and Program Technician I and II. Overall, I have been employed by the Fresno County Clerk/Registrar of Voters' Department, Elections Division, for over 20 years.

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

3 3. The purpose of this declaration is to explain the events of July 30, 2026, when
4 documents were left at the public front counter of the County Clerk/Registrar of Voters'
5 Department, Elections Office, located at 2221 Kern Street, Fresno, California 93721.

6 4. On July 30, 2026 at approximately 3:30 p.m. I was working in my office, which is
7 located behind the public front counter of the County Clerk/Registrar of Voters' Department,
8 Elections Office. Kayla Lee, an Office Assistant who was working at the public front counter,
9 notified me that a man was there to deliver documents to Mr. Kus.

10 5. When I approached the public front counter, I saw that documents were lying on
11 the counter facing me. From where I was standing behind the counter, I could see the word
12 "Summons" printed on the top of the documents, but I did not see Mr. Kus's name on the
13 documents.

14 6. I informed the man that the documents could not be delivered or filed at our
15 office. The man asked if the Respondent worked at our office, and I responded that he did. The
16 man said words to the effect of, "These are for him."

17 7. I explained to the man that the documents could not be left with our office
18 because they were not documents that are filed with or accepted by the County Clerk/Registrar
19 of Voters' Department, Elections Office.

20 8. Over the course of my employment with the County Clerk/Registrar of Voters'
21 Department, Elections Office, I have been trained and instructed that documents titled
22 "Summons" should be delivered to the Clerk of the Board of Supervisors' Office, located at the
23 Hall of Records, 2281 Tulare Street, Room 301, Fresno, California 93721 because there is
24 commonly confusion about which "Clerk" in the County of Fresno (i.e., the County Clerk or the
25 Clerk of the Board of Supervisors) is authorized to accept notices of legal action.

26 9. The man asked if Mr. Kus was in the office, and I told him that he was present,
27 but unavailable because his office door was closed. I understand that when Mr. Kus closes his
28 office door, he is not to be disturbed.

1 10. The man again stated that the documents were for Mr. Kus, and I repeated that
2 the documents were not filed with our office and that we could not accept them.

3 11. The man then asked where he should file the documents. I told him that I was not
4 sure, but that he could check with the Clerk of the Board of Supervisors' Office. I again stated
5 that the documents were not filed with or accepted by our office.

6 12. The man asked for my name, and I provided him with my first and last name. He
7 asked me to spell my last name, and I did so.

8 13. Despite my repeated statements that our office could not accept the documents,
9 the man left them on the public front counter and walked out of the County Clerk/Registrar of
10 Voters' Department, Elections Office.

11 14. The man did not hand me the documents and I did not take them from him, agree
12 to accept them, sign for them, or tell him that I was authorized to accept service on behalf of
13 Mr. Kus.

14 I declare under the penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct. Executed this 31st day of July 2026, in Fresno, California.

16
17 Date: _____

7/31/2026


Victoria Najera

1 **Proof of Service**

2 *Pinedale County Water District v. Kus, et al.*
3 Fresno County Superior Court Case No. 26CU02177

4 I, Peter Wall, declare:

5 I am a resident of the State of California, over the age of 18, and not a party to the
6 action titled above. I am employed by the Office of the Fresno County Counsel, 2220 Tulare
7 Street, Fifth Floor, Fresno, California, 93721.

8 My email address is pwall@fresnocountyca.gov.

9 On August 1, 2026, I electronically served the following document:

10 **Declaration of Victoria Najera in Support of Opposition to Ex Parte Application**

11 I served the document identified above by transmitting via email on the date stated
12 above before 5:00 p.m. Pacific Time as follows:

13 Neal E. Costanzo
14 Costanzo & Associates, A Professional Corporation
15 575 East Locust Avenue, Suite 115
16 Fresno, California 93720-2928
17 neal@costanzolaw.com
18 assistant@costanzolaw.com

19 I declare under penalty of perjury under the laws of the State of California that
20 everything stated above is true and correct.

21 Date: August 1, 2026

22 
23 _____
24 Peter Wall