

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ): Wayne K. Lemieux (SBN. 43501) LEMIEUX & O'NEILL 2393 Townsgate Road, Suite 201 Westlake Village, CA 91361 TELEPHONE NO.: (805) 495-4770 FAX NO.: (805) 495-2787 ATTORNEY FOR ( <i>Name</i> ): Little Baldy Mutual Water Company, et al.	FOR COURT USE ONLY
NAME OF COURT: Los Angeles County Superior Court STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central	
CASE NAME: In Re Antelope Valley Groundwater	CASE NUMBER: Jud. Council Coord. No. 4408.
<b>DECLARATION IN SUPPORT OF ATTORNEY'S          MOTION TO BE RELIEVED AS COUNSEL—CIVIL</b>	HEARING DATE: DEPT.: 1 TIME: BEFORE HON.: Judge Komar DATE ACTION FILED: 11/29/04 TRIAL DATE:

1. **Attorney and Represented Party.** Attorney (*name*): Wayne K. Lemieux is presently counsel of record for (*name of party*): Little Baldy Mutual Water Company in the above-captioned action or proceeding.
2. **Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons (*describe*):
  - a. After five telephone calls, eight letters and five emails, Little Baldy Mutual Water Company ("Little Baldy") has not confirmed whether or not it desires continued representation by this firm. Our office is amenable to executing a substitution of attorney form, but Little Baldy has not returned a signed substitution of attorney form to our office.
  - b. The failure of Little Baldy to communicate with us has rendered it unreasonably difficult to represent Little Baldy in this matter.
  - c. Upon request by the court, we will submit a more detailed declaration in camera under seal. We request this motion be heard in camera if feasible.

Continued on Attachment 2.

3. **Service**
  - a. Attorney has
    - (1)  personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
    - (2)  served the client by mail at the client's last known address with copies of the motion papers served with this declaration.
  - b. If the client has been served by mail at the client's last known address, attorney has
    - (1)  confirmed within the past 30 days that the address is current
      - (a)  by mail, return receipt requested.
      - (b)  by telephone.
      - (c)  by conversation.
      - (d)  by other means (*specify*):

(Continued on reverse)

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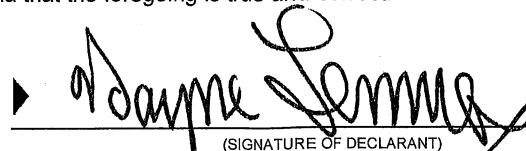
3. b. (2)  been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:
- (a)  mailing the motion papers to the client's last known address, return receipt requested.
  - (b)  calling the client's last known telephone number or numbers.
  - (c)  contacting persons familiar with the client (*specify*):
  - (d)  conducting a search (*describe*):
  - (e)  other (*specify*):
- c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record (*explain*):
4. The next hearing scheduled in this action or proceeding
- a.  is not yet set.
  - b.  is set as follows (*specify the date, time, and place*):  
 March 8, 2010, 9:00 a.m. in Department 1 of Los Angeles Superior Court
  - c.  concerns (*describe the subject matter of the hearing*):
- Continued on Attachment 4.
5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case (*for each, describe the date, time, place, and subject matter*):
- Continued on Attachment 5.
6. Trial in this action or proceeding
- a.  is not yet set.
  - b.  is set as follows (*specify the date, time, and place*):
7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following (*explain*):

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

Date: 3/4/10

Wayne K. Lemieux, Esq.

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF DECLARANT)

8. Number of pages attached: \_\_\_\_\_