

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>JEFFREY V. DUNN SBN 131926; STEFANIE D. HEDLUND SBN 239787</b> Best Best & Krieger, LLP - Irvine 5 Park Plaza, #1500 Irvine, CA 92614 TELEPHONE NO.: (949) 263-2600      FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>CROSS-COMPLAINANTS</b>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Room 109 CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District, Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: Los Angeles County Waterworks District No. 40, et al. DEFENDANT/RESPONDENT: Diamond Farming Company, et al.	
<b>REQUEST FOR (Application)</b> <input checked="" type="checkbox"/> <b>Entry of Default</b> <input type="checkbox"/> <b>Clerk's Judgment</b> <input type="checkbox"/> <b>Court Judgment</b>	CASE NUMBER: <b>4408</b>

1. TO THE CLERK: On the complaint or cross-complaint filed
- a. on (date): August 21, 2008
  - b. by (name): Los Angeles County Waterworks District No. 40, et al.
  - c.  Enter default of defendant (names): See Exhibit "A" attached hereto.
  - d.  I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):  
*(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)*
  - e.  Enter clerk's judgment
    - (1)  for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)  
 Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The *Prejudgment Claim of Right to Possession* was served in compliance with Code of Civil Procedure section 415.46.
    - (2)  under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
    - (3)  for default previously entered on (date):

2. **Judgment to be entered.**

	<u>Amount</u>		<u>Credits acknowledged</u>		<u>Balance</u>
a. Demand of complaint.....	\$	\$		\$	0.00
b. Statement of damages *					
(1) Special .....	\$	\$		\$	0.00
(2) General .....	\$	\$		\$	0.00
c. Interest .....	\$	\$		\$	0.00
d. Costs (see reverse) .....	\$	0.00 \$		\$	0.00
e. Attorney fees .....	\$	\$		\$	0.00
f. <b>TOTALS</b> .....	\$	0.00 \$		0.00 \$	0.00

g. **Daily damages** were demanded in complaint at the rate of: \$ \_\_\_\_\_ per day beginning (date): \_\_\_\_\_  
 (\* *Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.*)

3.  (Check if filed in an unlawful detainer case) **Legal document assistant or unlawful detainer assistant** information is on the reverse (complete item 4).

Date: 12/9/2010

Stefanie D. Hedlund  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

<b>FOR COURT USE ONLY</b>	(1) <input type="checkbox"/> Default entered as requested on (date): (2) <input type="checkbox"/> Default NOT entered as requested (state reason):	Clerk, by _____, Deputy
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PLAINTIFF/PETITIONER: Los Angeles County Waterworks District No. 40, et al.	CASE NUMBER: 4408
DEFENDANT/RESPONDENT: Diamond Farming Company, et al.	

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant  did  did **not** for compensation give advice or assistance with this form.  
*(If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state):*

- a. Assistant's name:
- b. Street address, city, and zip code:
- c. Telephone no.:
- d. County of registration:
- e. Registration no.:
- f. Expires on (date):

5.  **Declaration under Code of Civil Procedure Section 585.5** (required for entry of default under Code Civ. Proc., § 585(a)).  
 This action

- a.  is  is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act),
- b.  is  is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
- c.  is  is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

- a.  **not mailed** to the following defendants, whose addresses are **unknown** to plaintiff or plaintiff's attorney (names):  
 Please see attached Proof Of Electronic Service and Attachment to Proof Of Electronic Service
- b.  **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:  
 (1) Mailed on (date): \_\_\_\_\_ (2) To (specify names and addresses shown on the envelopes): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.  
 Date: 12/9 /2010

Stefanie D. Hedlund \_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶  \_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- a. Clerk's filing fees ..... \$
- b. Process server's fees ..... \$
- c. Other (specify): \_\_\_\_\_ \$
- d. \_\_\_\_\_ \$
- e. **TOTAL** ..... \$ 0.00
- f.  Costs and disbursements are waived.
- g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date: 12/9 /2010

Stefanie D. Hedlund \_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶  \_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

8.  **Declaration of nonmilitary status** (required for a judgment). No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date: 12/ /2010

Stefanie D. Hedlund \_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶  \_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

## EXHIBIT "A"

Enter default of defendant (names):

JOYCE P. WHITESIDE, TRUSTEE, ROE 400	DANIEL BRONSTON LEROY, ROE 512
ABC DIAMONDS INC., ROE 403	DOUGLAS R. MCAVOY AND AMY M. MCAVOY TRUST, ROE 520
LESLIE C. BLENKHORN, ROE 411	ROBERTA MERRY FAMILY TRUST, ROE 521
CHERILYN M. BLENKHORN, ROE 412	HANS PETER MEYER, ROE 522
MARK F. BRAMLETT, ROE 414	IPBI KIM MEYER, ROE 523
YONG SEE CHO, ROE 428	FRED PIWENITZKY, ROE 537
DORA LAND, ROE 441	SACHIKO PIWENITZKY, ROE 538
CAROL A. DURST, TRUSTEE, ROE 443	PLEDGE INVESTMENT LLC, ROE 539
GILL FAMILY TRUST 1999, ROE 469	LULU EDNA POLLOCK, ROE 540
GLEASON TRUST, ROE 470	POPINJAY CORP. N V, ROE 541
H & N DEVELOPMENT CO., INC., ROE 476	DONALD L. PURVIANCE, ROE 542
EMMA LOU JOHNSON, ROE 504	EDGAR REINOSO, ROE 547
ANNETTE F. KAM, ROE 505	



SUMMONS ON FIRST AMENDED CROSS-COMPLAINT  
(CITACION JUDICIAL)  
Case Number (Numero del Caso): Judicial Council Coordination Proceeding No. 4408

RECORDING/FILING REQUESTED BY AND MAIL TO:  
Best Best & Krieger LLP  
5 Park Plaza, Suite 1500  
Irvine, CA 92614

PROOF OF PUBLICATION  
(California Code of Civil Procedure 2010, 2015.5)

STATE OF CALIFORNIA  
County of Los Angeles


I am a citizen of the United States and a resident of aforesaid County. I am over the age of eighteen years, and not a party to or interested in the above-matter. I am the Principal Clerk of the printer of the LOS ANGELES TIMES, a newspaper of general circulation, printed and published DAILY in the City of Los Angeles, County of Los Angeles and which newspaper was adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, San Francisco, under the date of April 28, 1952, Case Number 591. The notice, a true and correct copy of which is annexed to each regular and entire issue of said newspaper published on the following dates, to wit:

WEDNESDAY; APRIL 7, 2010; WEDNESDAY; APRIL 14, 2010;  
WEDNESDAY; APRIL 21, 2010; WEDNESDAY; APRIL 28, 2010

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

Dated at Los Angeles, California,

This 24th day of November 2010

  
Signature

Angelina de Cordova

NOTICE TO CROSS-DEFENDANT:  
(AVISO AL DEMANDADO):  
ABC Williams Enterprises LP, ACEH Capital, LLC, Jacqueline Ackermann, Cenon Advincula, Oliva M. Advincula, Mashallah Alshur, Antonio U. Agustines, Aitrust Singapore Private Limited, Marwan M. Aldais, Allen Alevy, Allen Alevy and Alevy Family Trust, Garging J. Archer, Georgine J. Archer as Trustee for the Georgine J. Archer Trust, A V Materials, Inc., Guss A. Barke, Jr., Peter C. Barke, Hedefonso S. Bayani, Nilda V. Bayani, Big West Corp, Randall V. Blayney, Melody S. Bloom, Boithouse Properties, Inc., David L. Bowers, Ronald E. Bowers, Leroy Daniel Bronston, Marilyn Burgess, Laverne C. Burroughs, Laverne C. Burroughs, Trustee of the Burroughs Family Irrevocable Trust Dated August 1, 1995, Bruce Burrows, John and B. Calandri 2001 Trust, California Portland Cement Company, Calmat Land Co., Melinda E. Cameron, Castle Butte Dev Corp, Catellus Development Corporation, Bong S. Chang, Jeanne Y. Chang, Moon S. Chung, Jacob Chetrit, Frank S. Chiodo, Lee S. Chiou, M S Chung, City of Los Angeles, Carol K. Claypool, Clifford N. Claypool, W. F. Clunen, Jr., W. F. Clunen, Jr. as Trustee for the P C Rev Inter Vivos Trust, Consolidated Rock Products Co., County Sanitation District No. 14 of Los Angeles County, County Sanitation District No. 20 of Los Angeles County, Ruth A. Cumming, Ruth A. Cumming as Trustee of the Cumming Family Trust, Catharine M. Davis, Milton S. Davis, Del-Sur Ranch, LLC Diamond Farming Company, Sarkis Djanibekyan, Hong Dong, Yink K Dong, Dorothy Dreier, George E. Dreier, Morteza M. Foroughi, Morteza M. Foroughi as Trustee of the Foroughi Family Trust, Lewis Fredrichsen, Lewis Fredrichsen as Trustee of the Friedrichsen Family Trust, Joan A. Funk, Eugene Gabrych, Marion Gabrych, Aurora P. Gabuya, Rodrige L. Gabuya, GGF LLC, Genus LP, Betty Gluckstein, Joseph H. Gluckstein, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Goode and Godde Trust, Maria B. Gorrindo, Maria B. Gorrindo as Trustee for the M. Gorrindo Trust, Wendell G. Hanks, Andreas Hauke, Marilyn Hauke, Healy Enterprises, Inc., Walter E. Helmick, Donna L. Higelmir, Michael N. Higelmir, Davis, L. and Diana D. Hines Family Trust, Hoospack Dev Inc., Chi S. Huang, Suchu F. Huang, John Hui, Hypericum Interests LLC, Daryush Iraninezhad, Minoo Iraninezhad, Esfandiar Kadivar, Esfandiar Kadivar as Trustee of the Kadivar Family Trust, A. Dalei Keng, David Keng as Trustee for the Kugon Trust, Lucio D. Kahl, Keng Lin Kang, Herbert Katz, Herbert Katz as Trustee for the Katz Family Trust, Marianne Katz, Lilian S. Kaufman, Lilian S. Kaufman as Trustee for the Kaufman Family Trust, Kazuko Yoshimatsu, Barbara L. Keys, Barbara L. Keys as Trustee of the Barbara L. Keys Family Trust, Billy H. Kim, Ily King, Ily King as Trustee of the Ily King Family Trust, Kootenai Properties, Inc., Kutu Investment Co., Callen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda B. Kyle, Fares A. Lahoud, Eyn Lai, Paul Lai, Ying Wah Lam, Land Business Corporation, Richard E. Landfield, Richard E. Landfield as Trustee of the Richard E. Landfield Trust, Lawrence Charles Trust, William Lewis, Mary Lewis, Pei Chi Lin, Man C. Lo Shlung, Ru Lo, Lyman C. Miles, Lyman C. Miles as Trustee for the Miles Family Trust, Malloy Family Partners LP, Mission Bell Ranch Development, Barry S. Munz, Kathleen M. Munz, Perry Munz, M.R. Nasir, Souad R. Nasir, Eugene B. Nebeker, Simin C. Neman, Henry Ngo, Frank T. Nguyen, Juanita R. Nichols, Oliver Nichols, Oliver Nichols as Trustee of the Nichols Family Trust, Owl Properties, Inc., Palmdale Hills Property LLC, Norman L. Paulsen, Marilyn J. Prewoznik, Marilyn J. Prewoznik as Trustee of the Marilyn J. Prewoznik Trust, Elias Qarmout, Victoria Rahimi, R and M Runch, Inc., Patricia A. Recht, Veronika Reinelt, Reinelt Rosenlocher, Corp, PSP, Patricia J. Riggins, Patricia J. Riggins as Trustee of the Riggins Family Trust, Edgar C. Ritter, Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Roman Catholic Archbishop of Los Angeles, Romo Lake Los Angeles Partnership, Rosemount Equities LLC Series, Royal Investors Group, Royal Western Properties LLC, Oscar Rutnick, Robert S. Rudnick, Santa Monica Mountains Conservancy, Marygrace H. Santoro, Marygrace H. Santoro as Trustee for the Marygrace H. Santoro Rev Trust, San Viti Enterprises, Inc., Daniel Saparado, Helen Stathatos, Savas Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Seven Star United LLC, Mark H. Shafron, Robert L. Shafron, Kamram S. Shakib, Donna L. Simpson, Gareth L. Simpson, Gareth L. Simpson as Trustee of the Simpson Family Trust, Sourcing Vista Properties, Inc., State of California, George C. Stevens, Jr., George C. Stevens, Jr. as Trustee of the George C. Stevens, Jr. Trust, George L. Stimson, Jr., George L. Stimson, Jr. as Trustee of the George L. Stimson, Jr. Trust, Tejon Ranch, Mark E. Thompson A P C Profit Sharing Plan, Tierra Bonita Ranch Company, Tiong D. Tiu, Beverly J. Tobias, Beverly J. Tobias as Trustee of the Tobias Family Trust, Jung N. Tom, Wilma D. Trueblood, Wilma D. Trueblood as Trustee of the Trueblood Family Trust, Unison Investment Co., LLC, Delmar D. Van Dam, Gertrude J. Van Dam, Keith E. Wales, B C Wheeler LLC, William Boithouse Farms, Inc., Alex Wodchis, Elizabeth Wong, Mary Wong, Mike M. Wu, Mike M. Wu as Trustee of the Wu Family Trust, State of California 50th District and Agricultural Association, and U.S. Borax, Inc. and Roes 1 through 100,000, ABC Diamonds (Roe 403); Aldais, Marwan M. (Doe 6); Alesso, John S. Jr. (Roe 589); Alesso Lawrence V & Mardean TR (Roe 404); Alnd, Farhad (Roe 276); Alnd, Hersell (Roe 279); Appleby, Thomas (Roe 687); Balice, Maria (Roe 716); Banducci Enterprises (Roe 408); Basrock Woodcreek Gardens (Roe 731); Becker, James (Roe 738); Benner, Victoria (Roe 745); Benz, Nancy (Roe 748); Bermundo, Amante (Roe 752); Bigornia, Sylvia (Roe 756); Balderrama, Adriana (Roe 2226); Blenkhorn, Leslie C. (Roe 411); Blenkhorn, Cheryl M. (Roe 412); Bovee, Vicki (Roe 777); Bramlett, Mark F. (Roe 414); Daniel, Bronston Leroy (Roe 512); Burrows, Bruce (Doe 18); Carmil, Bar Or (Roe 2274); Carranza, Rosendo (Roe 844); Cates, Louise S TR (Roe 252); Cornicky, Edward (Roe 870); Chang, Joanna (Doe 27); Chor, Theodore His-En and Wen-Hui C. As Co-Trustees of the Chor Family Trust Established October 27, 1989 (Roe 254); Chetrit, Jacob (Doe 23); Chh Yong See (Roe 428); Choi, Kenneth (Roe 891); Christensen, Maxine (Roe 897); Cole, C.C. Thelma (Doe 35); Cole, J. (Doe 36); Cordova, William (Roe 431); Capital Pacific Homes (or CPH Tehachapi 280 LLC) (Roe 250); Dacles, Simplicio (Roe 946); Davis Sibbs Inc. (Roe 946); Deng, Long (Roe 269); Dixon, Adelaide (Roe 992); Donis, Esteban (Roe 994); Donis, Rosalina (Roe 996); Dora Land (Roe 441); Douglas, Michael (Roe 999); Douglas, Katherine (Roe 1000); Dreier, George E. (Doe 50); Dunn, James (Roe 1011); Durst, Carol A. Tr. (Roe 443); Eastley, George M (Roe 447); Elhayek, Mohammed Naji (Roe 274); Empert, Rosario (Roe 1037); EPIC (Roe 893); Smith Development Co. (Roe 604); Fang, Ling Ling (Roe 1432); Felts, Denise (Roe 1061); Fogler Ronald D & Irene P TR (Roe 463); Fuller, Russell (Roe 1091); Funk, Joan A (Doe 16); George I Stimson Jr Trust (Doe 183); Gil Family Trust 1989 (Roe 469); Glubrecht, James H. and Mary L. TRS (Roe 281); Gleason Trust (Roe 1120); Gleesser, Paul (Roe 1120); Gluckstein, Morris (Doe 60); Gluckstein, Rose (Doe 61); Godshall, Harry C. TR (Roe 282); Gorrindo, J. (Doe 86); Green, Hilda (Roe 1145); Green Grove Mutual Water Company Inc. (Doe 202); Giffitt, Leonard (Roe 1152); Groff, Gerald (Roe 1154); H & N Development Co Inc. (Roe 476); Hauko, Marilyn (Doe 72); Hauke, Andreas (Doe 71); Hester, David J. TR (Roe 286); Hilton, Rita (Roe 288); Hirsch, Clement L Jr TR (Roe 289); Holzman, Fela (Roe 489); Holzman, Jerome I (Roe 490); Holzman, HJ (Roe 491); Hooper, Martha (Roe 1232); Hopkins, David W. (Roe 292); Hsu, Ja Bin Co. TR (Roe 295); Huang, Chi Shious (Roe 371); Hunter, James A. (Roe 299); Hwang, Amy (Roe 1256); Iraninezhad, Daryush (Doe 82); Iraninezhad, Minoo (Doe 83); Jablonski, Helena (Roe 1272); Johnson, Henry (Roe 1291); Johnson, Donald (Roe 2231); Johnson Emma Lou (Roe 504); Jones, Thomas TR (Roe 304); Kadivar, Esfandiar (Doe 84); Kadivar Family Trust (Doe 85); Kam, Annette F. (Roe 505); Kaneaster, Charlotte (Roe 1306); Ku, David (Roe 1359); Ku, Sou (Roe 1360); Kuter Investment Co (Doe 26); Lai, Eva (Doe 27); Lai, Paul (Doe 28); Lake, Twyla (Roe 610); Lawrence, Charles (Roe 106); Leshin, Sol (Roe 614); Lewis, Mary Ann (Roe 513); Li, David H. (Roe 232); Lin, Michael (Roe 325); Loi, Thanh (Roe 1444); Lola R. Johnson Trust (Roe 1445); Lombardo Family Rev Liv Trust (Roe 1446); Loving, Robert (Roe 1445)

# PROOF OF PUBLICATION

The BAKERSFIELD CALIFORNIAN  
P.O. BOX 440  
BAKERSFIELD, CA 93302

*Law Offices of Best, Best, & Krieger LLP  
ATTN: Dan Roberts*

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STATE OF CALIFORNIA  
COUNTY OF KERN

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT:

4/26/10

5/3/10

5/10/10

5/17/10

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

*Kirsten Blackburn*  
\_\_\_\_\_

DATED AT BAKERSFIELD CALIFORNIA

*May 17, 2010*  
\_\_\_\_\_

Solicitor I.D.: 0  
First Text: Summons Citation Judicial  
Ad Number: 11653845



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**PROOF OF SERVICE**

I, Marie Milovanovich, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 400 Capitol Mall, Suite 1650, Sacramento, California 95814. On December 9, 2010, I served the within document(s):

REQUEST FOR ENTRY OF DEFAULT

- by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.  
  
See attached Proof of Publication
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on December 9, 2010, at Sacramento, California.

  
\_\_\_\_\_  
Marie Milovanovich