

BEST BEST & KRIEGER LLP
18101 Von Karman Ave, Suite 1000
Irvine, CA 92612

FAX NO. (Optional): (949) 260-0972

ATTORNEY FOR (Name): Cross-Complainant Los Angeles Co Waterworks Dist. 40

STREET ADDRESS: 111 North Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Stanley Mosk Courthouse

PLAINTIFF/PETITIONER: Los Angeles County Waterworks District No 40, et al.

DEFENDANT/RESPONDENT: Diamond Farming Company, et al.

REQUEST FOR ☒ **Entry of Default** ☐ **Clerk's Judgment**
(Application) ☐ **Court Judgment**

CASE NUMBER:

JCCP No. 4408-CLASS ACTION
Santa Clara Case No. 1-05-CV-049053

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)*: Rosamond Land Trust, Roe 548
- 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)*:

Amount

Credits acknowledged

Balance

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. TOTALS	\$	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: September 18, 2015

Wendy Y. Wang

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(1) ☐ Default entered as requested on (date):

(2) ☐ Default NOT entered as requested (state reason):

**FOR COURT
USE ONLY**

Clerk, by _____, Deputy

REQUEST FOR ENTRY OF DEFAULT

(Application to Enter Default)

PLAINTIFF/PETITIONER: Los Angeles County Waterworks District No. 40, et al	CASE NUMBER: JCCP No. 4408-CLASS ACTION Santa Clara Case No. 1-05-CV-049053
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: _____ c. Telephone no.: _____
b. Street address, city, and zip code: _____ 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):
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): September 18, 2015 (2) To (specify names and addresses shown on the envelopes):
Rosamond Land Trust
2004 Entrada Paraiso
San Clemente, CA 92672

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: September 18, 2015

Rosanna R. Perez

(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:

(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: September 18, 2015

Wendy Y. Wang

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

ORIGINAL

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, title, telephone, and address) ERIC L. BARNER 130988 Best Best & Krueger (PFC) 8 PARK PLAZA, SUITE 1000 IRVINE CA TELEPHONE (HL): FAX NO. (Optional) E-MAIL ADDRESS (Optional)		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT NOV 18 2007 JOHN A. CLARKE, CLERK <i>V. S. S. S.</i> BY VICTOR E. SINO-CRUZ, DEPUTY
ATTORNEY FOR (Plaintiff) LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street, Room 100 MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles California 90012 COUNCIL NAME:		
PLAINTIFF/PETITIONER: LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40		CASE NUMBER: BC338201
DEFENDANT/RESPONDENT: DIAMOND FARMING COMPANY, ET. AL		Ref. No. or File No. 28348.00001
PROOF OF SERVICE OF SUMMONS		

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

Dept 1

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
AMENDED SUMMONS; FIRST AMENDED CROSS-COMPLAINT OF PUBLIC WATER SUPPLIERS FOR DECLARATORY AND INJUNCTIVE RELIEF AND ADJUDICATION OF WATER RIGHTS; MODEL ANSWER TO COMPLAINT AND ALL CROSS-COMPLAINTS; AMENDMENT TO COMPLAINT (NAMING DOES 231-684).
- Party served (specify name of party as shown on documents served):
ROSA MOND LAND TRUST
 - ☒ 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 whom substituted service was made) (specify name and relationship to the party named in Item 3a):
DON GASCONHIE TRUSTEE, A white male approx. 45-55 years of age 5'8"-5'10" in height weighing 180-200 lbs with brown hair
- Address where the party was served: **2004 ENTRADA PARAISO SAN CLEMENTE, CA 92672**
- I served the party (check proper box)
 - ☒ 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): **Jun 24 2007**, (2) at (time): **9:58:00 PM**
 - ☐ 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): _____
 - ☐ (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.
 - ☐ (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.
 - ☐ (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.
 - ☐ 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.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.



PLAINTIFF/PETITIONER: LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 49	CASE NUMBER: BC328201
DEFENDANT/RESPONDANT: DIAMOND FARMING COMPANY, ET. AL	

- c. ☐ by mail and acknowledgement 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 Acknowledgement 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): ROSAMOND LAND TRUST

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: F. Perdomo
- b. Address: 16891 Chivo Center Drive #10, Rancho Conejo, CA 91730
- c. Telephone number: 909-919-2438
- d. The fee for service was: \$ 100.00

e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 2628
- (iii) County: Los Angeles

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

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

Date: Oct 30 2007

F. Perdomo

(Print name of person who served papers on summons)

(Print name)



PROOF OF SERVICE

I, Rosanna R. Pérez, declare:

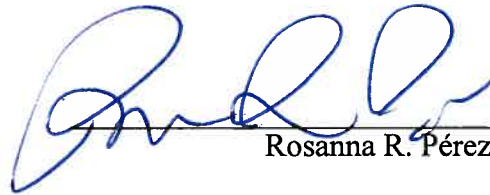
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On September 18, 2015, I served the following document(s):

REQUEST FOR ENTRY OF DEFAULT – ROSAMOND LAND TRUST, ROE 548



by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 18, 2015, at Los Angeles, California.



Rosanna R. Pérez

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